

International frameworks to combat organ trafficking and organ transplant tourism

International frameworks

- 4.1 The development of international legal frameworks and other, non-binding standards has had a significant role in advancing global responses to organ trafficking and transplant tourism.¹ Responses to organ trafficking are now codified in a range of international legal frameworks and cooperative processes and have supported the adoption of domestic legislation against the organ trade in most international jurisdictions.² International bodies have been supported by a network of transnational organisations representing the medical community, such as the Transplantation Society and the International Society of Nephrology.³

Palermo Protocol

- 4.2 Australia is a Party to the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations*

1 A search of the Department of Foreign Affairs and Trade website's Australian Treaty Database shows that Australia has ratified seven Council of Europe treaty instruments, of which six remain in force. www.info.dfat.gov.au/treaties

2 F Amazhazion, 'Epistemic communities, human rights, and the global diffusion of legislation against the organ trade', *Social Sciences*, vol. 5, no. 4, 2016, p. 69.

3 F Amazhazion, 'Epistemic communities, human rights, and the global diffusion of legislation against the organ trade', *Social Sciences*, vol. 5, no. 4, 2016, p. 69.

Convention against Transnational Organized Crime (the Palermo Protocol). The Palermo Protocol addresses organ trafficking in the context of human trafficking, where the object of the crime is the trafficked person, rather than the organ itself. Parties to the Palermo Protocol are obligated, inter alia, to enact measures to proscribe, as a criminal offence, conduct constituting trafficking in persons.⁴

4.3 For the purposes of the construction of that offence in Party domestic legislation, the Palermo Protocol sets out three key elements of the definition of conduct constituting the trafficking in persons:

- the action – the recruitment, transportation, transfer, harbouring or receipt of persons;
- the means by which the action is carried out – the use of the threat of force or coercion, abduction, fraud, deception, abuse of power or of a position of vulnerability, or the giving or receiving of payments or benefits to achieve the consent of a person having control over another person; and
- the purpose of the action – exploitation, which includes, inter alia, the removal of organs.⁵

4.4 The United Nations' legislative implementation guidance indicates:

... trafficking consists of a combination of three basic elements, each of which must be taken from a list set out in the definition...
The obligation is to criminalize trafficking as a combination of constituent elements and not the elements themselves.⁶

4.5 Parties are also obligated to proscribe, as a criminal offence, participating as an accomplice in, or organising or directing a person to commit, the offence of trafficking in persons.⁷ The Palermo Protocol also provides for measures relating to the protection and status of victims of trafficking and international cooperation on the prevention and prosecution of trafficking in persons.⁸

4 *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime* (the Palermo Protocol), opened for signature 12 December 2000, 2237 UNTS 319 (entered into force 25 December 2003), art. 5(1).

5 *Palermo Protocol*, art. 3(a).

6 United Nations Office on Drugs and Crime, *Legislative guide for the implementation of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organised Crime*, 2004, paras. 32-33.

7 *Palermo Protocol*, art. 5(2).

8 *Palermo Protocol*, arts. 6-13.

Council of Europe Convention against Trafficking in Human Organs

Impetus for the Convention

4.6 The Council of Europe Convention against Trafficking in Human Organs (the Convention) was opened for signature in March 2015, following a 2009 joint study by the United Nations and the Council of Europe into trafficking in organs, tissues and cells. The study identified a gap in the coverage of the Palermo Protocol, which addresses organ trafficking in the context of trafficking in persons for the purposes of organ removal only, observing:

Trafficking in organs ... differs from trafficking in human beings for organ removal in one of the constituent elements of the crime – the object of the criminal offence. In the former case, the object of the crime is the organs, tissues and cells, while in the latter case it is the trafficked person.⁹

4.7 The study noted that these two terms are:

...frequently mixed up in public debate and in the legal and scientific community. This leads to confusion and consequently hinders effective efforts to combat both phenomena and also to provide comprehensive victim protection and assistance.¹⁰

4.8 The study noted that the three elements of the definition of human trafficking (the proscribed action, means, and purpose), as set out in the Palermo Protocol may not always be present in trafficking in organs.¹¹ The study concluded that a new international instrument was needed to combat trafficking in organs and that this instrument should clearly proscribe the trafficking of organs as opposed to trafficking in persons for the purposes of organ removal.¹² The Council of Europe Convention was established to address this need.¹³

Key elements of the Council of Europe Convention

9 Council of Europe and the United Nations, *Study on trafficking in organs, tissues and cells and trafficking in human beings*, 2009, p. 93.

10 Council of Europe and the United Nations, *Study on trafficking in organs, tissues and cells and trafficking in human beings*, 2009, p. 93.

11 Council of Europe and the United Nations, *Study on trafficking in organs, tissues and cells and trafficking in human beings*, 2009, p. 93.

12 United Nations, 'International pact needed to prevent organ trafficking, UN-backed study says', 13 October 2009, available: <https://news.un.org/en/story/2009/10/317102-international-pact-needed-prevent-organ-trafficking-un-backed-study-says>, accessed 18 July 2018

13 Directorate-General for External Policies, 'Trafficking in human organs', *European Parliament*, July 2015, p. 56.

- 4.9 The Convention requires Parties to enact domestic legislation that criminalises trafficking in human organs.¹⁴ For this purpose, the Convention provides a definition of trafficking in human organs, which covers the intentional removal of organs from living or deceased donors where:
- the removal is performed without the free, informed and specific consent of the donor (or in the case of the deceased donor, without authorisation under domestic law); or
 - the donor or a third party has been offered or has received a financial gain or comparable advantage in exchange for the removal of the organ.¹⁵
- 4.10 The Convention requires the criminalisation of aggravated offences, including where:
- the offence caused death of or serious damage to the health of the victim;
 - the commission of the offence occurs through a person abusing a position;
 - the commission of an offence occurs in the framework of a criminal organisation;
 - the commission of an offence occurs by a person who has previously been convicted of an offence under the Convention; or
 - the commission of an offence occurs against a child or a particularly vulnerable person.¹⁶
- 4.11 The Convention requires the criminalisation of various ancillary and inchoate¹⁷ offences relating to trafficking in human organs as defined above, including:
- the solicitation and recruitment of organ donors and recipients, where carried out for financial gain by the person soliciting or recruiting;
 - the promising, offering or giving any undue advantage to healthcare professionals or public officials to facilitate an organ removal or the solicitation of such an undue advantage;
 - the preparation, preservation, storage, transportation, transfer, receipt, import or export of illicitly removed human organs; and

14 *Council of Europe Convention against Trafficking in Human Organs*, open for signature 25 March 2015, CETS 216 (entered into force 1 March 2018), art. 13

15 *Council of Europe Convention*, arts. 2(2), 4(1), 5, 8, and 9.

16 *Council of Europe Convention*, art. 13.

17 Inchoate offences are offences that are committed in preparation for other criminal offences (ie – conspiracy before committing the act).

- the intentional aiding or abetting an attempt to commit any of the criminal offences established in accordance with the Convention.¹⁸
- 4.12 The Convention requires State parties to apply extraterritorial jurisdiction over the above offences, so that their application extends to:
- the conduct of a person who is a national or habitual resident of the State, irrespective of whether the person is inside or outside the State's territory when he or she engages in the conduct; and
 - offences committed against a person who is a national or habitual resident of the State, irrespective of whether the person is inside or outside the State's territory when the offence is committed.¹⁹
- 4.13 Significantly however, article 10(3) of the Convention clarifies that any Party may, upon either signature or ratification, declare that it reserves the right not to apply the extraterritorial provisions above.²⁰
- 4.14 The Convention requires the implementation of various investigative and enforcement measures in relation to the above offences, including international cooperation.²¹ The Convention also requires the implementation of protection measures for victims, including access to information, recovery support, a legal right to compensation, legal assistance, legal standing in criminal proceedings, and witness protection measures.²²

Current status of the Convention

- 4.15 Accession to the Convention requires two steps; the first being non-binding signature and the second being binding ratification. Since the Convention opened for signature in March 2015, twenty three nations have signed the Convention. To date, Albania, the Czech Republic, Malta, Norway, and Moldova have ratified the convention.²³ Dr Marta López-Fraga, Secretary of the Council of Europe's European Committee on Organ Transplantation, indicated to the Sub-Committee that a number of countries who have signed the Convention are progressing the requisite amendments to domestic legislation in support of potential ratification.²⁴

18 *Council of Europe Convention*, arts. 7-9.

19 *Council of Europe Convention*, art. 10.

20 *Council of Europe Convention*, art 10(3).

21 *Council of Europe Convention*, arts. 15-17.

22 *Council of Europe Convention*, arts. 18-20.

23 Council of Europe, 'Chart of signatures and ratifications of Treaty 216 – Council of Europe Convention against Trafficking in Human Organs', updated 16 July 2018, available: <https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/216/signatures> accessed 17 July 2018.

24 Dr López-Fraga, Scientific Officer, European Directorate for the Quality of Medicines and Healthcare, Council of Europe, *Committee Hansard*, Canberra, 8 June 2018, p. 58.

- 4.16 Mr Oscar Alarcón Jiménez, Co-Secretary of the Council of Europe's European Committee on Crime Problems, emphasised to the Sub-Committee the universality of the Convention.²⁵ Accession to the Council of Europe Convention is open for signature and ratification is not limited to only Council of Europe member or observer countries.²⁶

Declaration of Istanbul on Organ Trafficking and Transplant Tourism

- 4.17 The International Summit on Transplant Tourism and Organ Trafficking was convened by The Transplantation Society and International Society of Nephrology in Istanbul, Turkey, between 30 April and 2 May 2008. A statement signed by participants, the Declaration of Istanbul, is a set of principles and proposals towards the prevention of organ trafficking and transplant tourism.²⁷
- 4.18 The Declaration of Istanbul argues that organ trafficking and transplant tourism violate the principles of equity, justice and respect for human dignity and should be prohibited.²⁸ The Declaration of Istanbul provides guidance as to the standardisation, transparency and accountability of organ matching and transplantation systems, as well as to the ethical reimbursement of costs associated with organ donation to avoid transplant commercialism.²⁹ The Declaration of Istanbul was endorsed by the Australian Government's National Health and Medical Research Council in 2011.³⁰

Statement of the Pontifical Academy of Sciences Summit on Organ Trafficking and Transplant Tourism

- 4.19 On 7 and 8 February 2017, the Pontifical Academy of Sciences hosted a summit on organ trafficking and transplant tourism at the Vatican. 77 representatives of the international transplantation community were signatory to a statement. The statement makes the following key recommendations to governments:

25 Mr Alarcón Jiménez, Co-Secretary of the European Committee on Crime Problems, Council of Europe, *Committee Hansard*, Canberra, 8 June 2018, p. 59.

26 Council of Europe, 'Details of Treaty No.216: Council of Europe Convention against Trafficking in Human Organs', available: <https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/216/> accessed 17 July 2018.

27 Declaration of Istanbul Custodian Group, *Submission 14*, p. 1.

28 *The Declaration of Istanbul on Organ Trafficking and Transplant Tourism* (The Declaration of Istanbul), 'Definitions', p. 2. 'Principles', p. 3.

29 The Declaration of Istanbul, 'Proposals', pp. 4-5.

30 Australian Government Health Portfolio, *Answer to Estimates Questions on Notice – SQ16-000601*, Supplementary Budget Estimates 2016-2017, 19 October 2016.

- condemn organ trafficking and human trafficking for organ removal, including the use of organs from executed prisoners;
- establish legal frameworks to prevent and prosecute transplant-related crimes, regardless of the location where the crimes may have been committed, by, for example, becoming a Party to the *Council of Europe Convention against Organ Trafficking*;
- establish national registries of all organ transplants performed within their jurisdiction as well as all transplants involving their citizens and residents performed in another jurisdiction, and the sharing of data internationally; and
- develop legal frameworks for healthcare and other professionals to communicate information about suspected cases of transplant-related crimes, as well as for the investigation of transplant-crimes committed within their jurisdiction or committed by their citizens or residents in another jurisdiction.³¹

United Nations Office on Drugs and Crime's Assessment Toolkit

4.20 In 2015, the United Nations Office on Drugs and Crime released an *Assessment Toolkit for Trafficking in Persons for the Purpose of Organ Removal* (the Assessment Toolkit). The Assessment Toolkit includes a series of recommendations that seek to draw together core standards, guidelines and regulatory approaches developed by the international community.

- 4.21 Key recommendations made by the Assessment Toolkit include:
- addressing both organ trafficking demand- and supply-side issues;
 - awareness raising and training about the risk factors of persons vulnerable to organ trafficking and the health risks associated with transplant tourism;
 - the development of domestic legislation which carries extraterritorial application and ensures victims are not held liable;
 - identifying potentially illegal transplant activities before organ removal occurs, through donor screening and counselling procedures, consent documentation, and record-keeping;
 - discouraging health insurance companies from reimbursing the costs of transplants abroad if the source of the organ cannot be identified
 - providing support services to victims; and

31 Pontifical Academy of Sciences, 'Statement of the Pontifical Academy of Sciences Summit on Organ Trafficking and Transplant Tourism', available: www.casinapioiv.va/content/accademia/en/events/2017/organ_trafficking/statement.html accessed 16 July 2018.

- putting in place information and intelligence sharing arrangements with other jurisdictions.³²

Desirability and practicability of accession to the Council of Europe Convention

4.22 The Sub-Committee's terms of reference included consideration of accession to the Council of Europe Convention (the Convention). Noting that Convention provides for the opportunity to make a reservation with regard to the requirement to establish extraterritorial jurisdiction,³³ these matters are dealt with separately in Chapter 5.

Trafficking in organs and trafficking in persons for organ removal

4.23 Existing Commonwealth legislation is a product of Australia's obligations to the Palermo Protocol.³⁴ The Palermo Protocol addresses organ trafficking in the context of human trafficking, thus the Criminal Code proscribes offences as trafficking in persons for the purposes of organ removal, rather than trafficking in organs themselves per se.³⁵

4.24 Parties to the Palermo Protocol, including Australia, are obligated to criminalise trafficking in persons as defined by the three basic elements of the offence:

- the action – the recruitment, transportation, transfer, harbouring or receipt of persons;
- the means by which the action is carried out – the use of the threat of force or coercion, abduction, fraud, deception, abuse of power or of a position of vulnerability, or the giving or receiving of payments or benefits to achieve the consent of a person having control over another person; and
- the purpose of the action – exploitation, which includes, inter alia, the removal of organs.³⁶

32 United Nations Office on Drugs and Crime (UNODC), *Assessment toolkit: trafficking in persons for the purpose of organ removal*, UNODC, Vienna, 2015, Chapter 4 – Good practice responses and recommendations.

33 *Council of Europe Convention against Trafficking in Human Organs*, open for signature 25 March 2015, CETS 216 (entered into force 1 March 2018), art 10(3).

34 Australian Government, *Submission 1*, p. 5.

35 *Palermo Protocol*, art. 5(1).

36 *Palermo Protocol*, art. 10(3).

4.25 The legislative implementation guidance to the Palermo Protocol states that the three element definition of trafficking in persons is to be included in domestic law:

As defined, trafficking consists of a combination of three basic elements, each of which must be taken from a list set out in the definition... The obligation is to criminalize trafficking as a combination of constituent elements and not the elements themselves.³⁷

4.26 ‘Trafficking in organs’ and ‘trafficking persons for the purpose of the removal of organs’ are separate but related activities, with the latter a subset of the former.³⁸ Organ trafficking may occur independently of the definition of ‘trafficking in persons’ provided by the Palermo Protocol; the three elements of the definition provided may not always be present.³⁹ The relatively restrictive definition may not capture the conduct of persons who are not involved in the recruitment, transportation or transference of the person, but may be integral to the criminal endeavour.⁴⁰

Desirability of accession

4.27 Submissions to this inquiry expressed strong support for accession to the Council of Europe Convention. This consensus is supplemented by the general support for the Convention among transplant professionals. Such support is apparent in the recent recommendations made by the Statement of the Pontifical Academy of Sciences Summit on Organ Trafficking and Transplant Tourism⁴¹ and the Declaration of Istanbul Custodian Group.⁴²

37 United Nations Office on Drugs and Crime, *Legislative guide for the implementation of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organised Crime*, paras. 32-33.

38 Council of Europe and the United Nations, *Study on trafficking in organs, tissues and cells and trafficking in human beings*, 2009, p. 93.

39 Council of Europe and the United Nations, *Study on trafficking in organs, tissues and cells and trafficking in human beings*, 2009, pp. 93-98.

40 M López-Fraga, et al., ‘A needed Convention against trafficking in human organs’, *Lancet*, vol. 383, 2014, p. 2188.

41 Recommendation 4: That governments establish a legal framework that provides an explicit basis for the prevention and prosecution of transplant-related crimes, and protects the victims, regardless of the location where the crimes may have been committed, for example by becoming a Party to the Council of Europe Convention against Organ Trafficking. Pontifical Academy of Sciences. *Statement of the Pontifical Academy of Sciences Summit on Organ Trafficking and Transplant Tourism*. Available: www.casinapioiv.va/content/accademia/en/events/2017/organ_trafficking/statement.html accessed 16 July 2018.

42 Declaration of Istanbul Custodian Group, *Submission 14*.

The Royal Australasian College of Physicians also supports accession to the Convention.⁴³

- 4.28 Dr Maria Soledad Antoni, who gave evidence in her private capacity as a practising public health specialist in the Philippines and an Ph.D candidate from Griffith University, highlighted the distinction between trafficking in organs and trafficking in persons for organ removal as separate issues, and argues both should be adequately addressed in Australian law.⁴⁴ The Law Council of Australia recommended accession, arguing that a clear distinction between these two activities is required to better prevent and prosecute such acts.⁴⁵ Ms Felicity Heffernan of Australian Catholic Religious Against Trafficking in Humans considered accession to be “essential,” on the basis that the Convention criminalises organ trafficking independent of human trafficking.⁴⁶ Ms Heffernan notes that, in terms of exploitation for organ removal, “not everyone is trafficked.”⁴⁷
- 4.29 The Declaration of Istanbul Custodian Group also highlighted the comprehensive and encompassing definition of organ trafficking provided for by the Convention.⁴⁸ The Custodian Group noted that jurisdictions may current face difficulties prosecuting those individuals who contribute to and benefit from organ trafficking and transplant tourism, if the person is not directly involved in the brokering of a commercial organ transaction.⁴⁹
- 4.30 Australian Lawyers for Human Rights argued that accession would provide greater legal effect to existing Australian human rights policy and the international legal instruments to which Australia is already a Party.⁵⁰ Australian Catholic Religious Against Trafficking in Humans supported accession and noted the success of Australian ratification of other Council of Europe instruments in the past.⁵¹ The Asian Pacific Society of Nephrology recommended accession and observed that it would represent a significant normative statement by Australia in the Asia-Pacific region.⁵²

43 Royal Australasian College of Physicians, *Submission 169*, p. 1.

44 Dr Maria Soledad Antonio, *Submission 10*, p. 3.

45 Law Council of Australia, *Submission 61*, p. 17.

46 Felicity Heffernan, Australian Catholic Religious Against Trafficking in Humans (Western Australia), *Submission 4*, p. 5.

47 Felicity Heffernan, Australian Catholic Religious Against Trafficking in Humans (Western Australia), *Submission 4*, p. 5.

48 Declaration of Istanbul Custodian Group, *Submission 14*, p. 2.

49 Declaration of Istanbul Custodian Group, *Submission 14*, p. 2.

50 Australian Lawyers for Human Rights, *Submission 9*.

51 Australian Catholic Religious Against Trafficking in Humans, *Submission 8*, p. 11.

52 The Asian Pacific Society of Nephrology, *Submission 6*, p. 2.

4.31 The Catholic Archdiocese of Sydney recommended accession to the Convention and highlighted its value as a framework to support information-sharing with international partners to combat criminal activity.⁵³ This sentiment was echoed by the Law Council of Australia who noted:

...the Convention recognises the importance of and promotes close international cooperation to combat the global threat posed by trafficking in human organs. By acceding to the Convention, Australia can benefit from international engagement regarding this issue.⁵⁴

4.32 Anti-Slavery Australia stopped short of recommending Australia accede, rather recommending that Australia monitor the progress of the Convention and consider what approach might best suit the Australian context.⁵⁵

Practicability of accession

4.33 The Sub-Committee identified no firm impediments to accession to the Convention, though notes the requisite legislative reform would require the collaboration of the Commonwealth and the States and Territories.

4.34 The explanatory memorandum to the Council of Europe Convention notes that obligations made under the Convention are subservient to constitutional rules or other fundamental principles provided for in Party jurisdictions.⁵⁶

4.35 The Australian Government response, provided by the Department of Home Affairs, to questions posed by the Sub-Committee around the practicality of accession to the Convention noted that the Government would have to be invited by the Council of Europe's Committee of Ministers in order to become a party to the Convention as Australia is not a member state of the European Union or a non-member state with observer status.⁵⁷ But, it is not aware of any potential challenges relating to adopting the dual obligations of both the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*,

53 Catholic Archdiocese of Sydney, *Submission 42*, p. 3.

54 Law Council of Australia, *Submission 61*, p. 17.

55 Anti-Slavery Australia, *Submission 11*, p. 4.

56 Council of Europe, *Explanatory Report to the Council of Europe Convention against Trafficking in Human Organs*, 2015, para. 28.

57 Department of Home Affairs, Answer to Questions on Notice (QoN), *Submission 166*, p. 1.

*supplementing the United Nations Convention against Transnational Organized Crime and the Convention.*⁵⁸

- 4.36 The Government also noted that the Commonwealth *Crimes Act 1914* has a number of mechanisms through which offenders' circumstances are able to be taken into account at sentencing and that any introduction of a new offence would take into account "the seriousness of the conduct proposed to be criminalised and the consistency of the proposed maximum penalty with other commensurate offences."⁵⁹ The government confirmed that all slavery-like offences in Division 270 and trafficking in persons offences in Division 271 of the *Criminal Code Act 1995* have extended geographical jurisdiction; and that any consideration to apply extended jurisdiction would take into account a range of factors including the seriousness of the offence and the practical considerations around enforceability.⁶⁰
- 4.37 The Law Council of Australia observed that Australia's existing approach, whereby intent is considered as an aggravating factor, rather than a critical element of the offence, would be compatible with the Convention:

The explanatory report to the Council of Europe Convention notes that the interpretation of the word 'intentionally' is left to domestic law, but the requirement for intentional conduct relates to all the elements of the offence. It also notes, however, that this does not mean that States parties would not be allowed to go beyond this minimum requirement by also criminalising non-intentional acts.⁶¹

Sub-Committee view

- 4.38 Existing legislative approaches are limited by the narrow definition of the object of the crime with regard to the physical movement of the victim. These approaches are no longer sufficient to address transnational organ trafficking. The Sub-Committee agrees with the findings of the joint United Nations and Council of Europe study which concluded that adoption of a new international instrument is required to address trafficking in human organs, rather than trafficking in persons for the purposes of organ removal alone.
- 4.39 The Sub-Committee notes the prohibition against the use of organs for commercial purposes, at present, is largely uniform in State and Territory

58 Department of Home Affairs, Answer (QoN), *Submission 166*, p. 1.

59 Department of Home Affairs, Answer (QoN), *Submission 166*, p. 2.

60 Department of Home Affairs, Answer (QoN), *Submission 166*, p. 2.

61 Law Council of Australia, *Submission 61*, p. 16; citing Council of Europe, *Explanatory Report to the Council of Europe Convention against Trafficking in Human Organs*, 2015, para. 28.

law, though considers that both the existing Australian legislative and policy approaches could do more to address the transnational problem.

- 4.40 The Convention is an important framework to combat the transnational organised crime entities involved in this trade, which induces the involvement of Australians in the subjugation of victims across multiple international jurisdictions. Australia has an obligation to demonstrate leadership as a notable organ-importing jurisdiction, and now has the opportunity to do so through accession to the Convention. The Sub-Committee endorses the Convention and recommends the Australian Government commences engagement with the States and Territories and other key stakeholders to progress signature and ratification.

Recommendation 6

The Sub-Committee recommends that the Australian Government sign and ratify the Council of Europe Convention against Trafficking in Human Organs, and works with the States and Territories to make the requisite amendments to Commonwealth and State and Territory legislation and ensure non-legislative obligations are met.

