

Report 125

Treaties tabled on 7 and 28 February 2012

Resolution MEPC.193(61): (Revised MARPOL Annex III: Regulations for the Prevention of Pollution by Harmful Substances Carried by Sea in Packaged Form) Adopted at London on 1 October 2010

Amendments to Appendices I and II to the Convention on the Conservation of Migratory Species of Wild Animals (Bonn, 23 June 1979) done at Bergen on 25 November 2011

Agreement between Australia and the European Union Amending the Agreement on Mutual Recognition in relation to Conformity Assessment (MRA), Certificates and Markings between the European Community and Australia done at Brussels on 23 February 2012

Convention providing a Uniform Law on the Form of an International Will done at Washington D.C. on 26 October 1973

Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment done at New York on 18 December 2002

Amendments to the Agreement Establishing the European Bank for Reconstruction and Development, adopted at London on 30 September 2011

Amendment, adopted at Lima on 27 April 2012, to Annex 1 of the Agreement on the Conservation of Albatrosses and Petrels (ACAP) of 19 June 2001

© Commonwealth of Australia 2012

ISBN 978-0-642-79749-0 (Printed version)

ISBN 978-0-642-79750-6 (HTML version)

This work is licensed under the Creative Commons Attribution-NonCommercial-NoDerivs 3.0 Australia License.



The details of this licence are available on the Creative Commons website:
<http://creativecommons.org/licenses/by-nc-nd/3.0/au/>.



Contents

- Membership of the Committeevi
- Resolution of Appointment viii
- List of recommendationsix

- 1 Introduction**
 - Purpose of the report..... 1
 - Conduct of the Committee’s review 3

- 2 Resolution MEPC.193(61): (Revised MARPOL Annex III: Regulations for the Prevention of Pollution by Harmful Substances Carried by Sea in Packaged Form) Adopted at London on 1 October 2010**
 - Introduction** 5
 - Background..... 5
 - Overview and national interest summary 6
 - Reasons for Australia to take the proposed treaty action..... 7
 - Obligations 7
 - Implementation..... 8
 - Costs..... 8
 - Conclusion** 8

3	Amendments to Appendices I and II to the Convention on the Conservation of Migratory Species of Wild Animals (Bonn, 23 June 1979) done at Bergen on 25 November 2011	
	Background	11
	Operation of the Convention.....	12
	The Convention and Australia	13
	Conclusion	15
4	Agreement between Australia and the European Union Amending the Agreement on Mutual Recognition in relation to Conformity Assessment (MRA), Certificates and Markings between the European Community and Australia done at Brussels on 23 February 2012	
	Introduction	17
	Background.....	17
	Overview and national interest summary	18
	Reasons for Australia to take the proposed treaty action.....	19
	Obligations	20
	Implementation.....	23
	Costs.....	24
	Alternative processes for goods assessment.....	25
	Conclusion	27
5	Convention providing a Uniform Law on the Form of an International Will done at Washington D.C. on 26 October 1973	
	Introduction	29
	Background.....	29
	Overview and national interest summary	30
	Reasons for Australia to take the proposed treaty action.....	30
	Obligations	31
	Implementation.....	33
	Costs.....	34
	Conclusion	35

6 Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment done at New York on 18 December 2002

Introduction	37
Background	37
National interest summary	38
Reasons for Australia to take the proposed treaty action	39
Obligations	40
Implementation	44
Costs	49
JSCOT's previous deliberations and recommendation	50
Conclusion	51

7 Amendments to the Agreement Establishing the European Bank for Reconstruction and Development, adopted at London on 30 September 2011

Introduction	53
Background	54
Reason for and effect of amendments	55
Overview and national interest summary	56
Reasons for Australia to take the proposed treaty action	57
Obligations	58
Implementation	59
Costs	59
Conclusion	60

8 Amendment, adopted at Lima on 27 April 2012, to Annex 1 of the Agreement on the Conservation of Albatrosses and Petrels (ACAP) of 19 June 2001

Introduction	63
Minor treaty action	63

Appendix A – Submissions

Appendix B – Witnesses



Membership of the Committee

Chair Mr Kelvin Thomson MP

Deputy Chair Senator Simon Birmingham

Members Ms Sharon Bird MP
(until 14/3/12)

Senator David Fawcett

Mr Jamie Briggs MP

Senator Scott Ludlam

Mr Laurie Ferguson
(from 14/3/12)

Senator the Hon Lisa Singh

Mr John Forrest MP

Senator Matthew Thistlethwaite

Ms Sharon Grierson MP

Senator Anne Urquhart

Mr Harry Jenkins MP
(from 7/2/12)

Senator Dean Smith
(from 9/5/12)

Ms Kirsten Livermore MP

Ms Melissa Parke MP

Ms Michelle Rowland MP
(until 7/2/12)

The Hon Dr Sharman Stone MP

Committee Secretariat

Secretary	James Catchpole David Monk <i>(from 26/3/12 - until 11/5/12)</i>
Inquiry Secretary	Kevin Bodel
Senior Researcher	Dr Andrew Gaczol
Administrative Officers	Heidi Lushtinetz Michaela Whyte



Resolution of Appointment

The Resolution of Appointment of the Joint Standing Committee on Treaties allows it to inquire into and report on:

- a) matters arising from treaties and related National Interest Analyses and proposed treaty actions and related Explanatory Statements presented or deemed to be presented to the Parliament;
- b) any question relating to a treaty or other international instrument, whether or not negotiated to completion, referred to the committee by:
 - (i) either House of the Parliament, or
 - (ii) a Minister; and
- c) such other matters as may be referred to the committee by the Minister for Foreign Affairs and on such conditions as the Minister may prescribe.



List of recommendations

- 2 Resolution MEPC.193(61): (Revised MARPOL Annex III: Regulations for the Prevention of Pollution by Harmful Substances Carried by Sea in Packaged Form) Adopted at London on 1 October 2010**

Recommendation 1

The Committee supports the *Resolution MEPC.193(61): (Revised MARPOL Annex III: Regulations for the Prevention of Pollution by Harmful Substances Carried by Sea in Packaged Form) Adopted at London on 1 October 2010* and recommends that binding treaty action be taken.

- 3 Amendments to Appendices I and II to the Convention on the Conservation of Migratory Species of Wild Animals (Bonn, 23 June 1979) done at Bergen on 25 November 2011**

Recommendation 2

The Committee supports the Amendments to Appendices I and II to the *Convention on the Conservation of Migratory Species of Wild Animals (Bonn, 23 June 1979)* done at Bergen on 25 November 2011 and recommends that binding treaty action be taken.

4 Agreement between Australia and the European Union Amending the Agreement on Mutual Recognition in relation to Conformity Assessment (MRA), Certificates and Markings between the European Community and Australia done at Brussels on 23 February 2012

Recommendation 3

The Committee supports the *Agreement between Australia and the European Union Amending the Agreement on Mutual Recognition in relation to Conformity Assessment (MRA), Certificates and Markings between the European Community and Australia done at Brussels on 23 February 2012* and recommends that binding treaty action be taken.

5 Convention providing a Uniform Law on the Form of an International Will done at Washington D.C. on 26 October 1973

Recommendation 4

The Committee supports the *Convention providing a Uniform Law on the Form of an International Will done at Washington D.C. on 26 October 1973* and recommends that binding treaty action be taken.

6 Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment done at New York on 18 December 2002

Recommendation 5

That the Australian Government work with the states and territories to implement a national preventive mechanism fully compliant with the *Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment done at New York on 18 December 2002* as quickly as possible on ratification of the Optional Protocol and the exercise of Article 24 of that Protocol.

Recommendation 6

The Committee supports the *Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment done at New York on 18 December 2002* and recommends that binding treaty action be taken.

7 Amendments to the Agreement Establishing the European Bank for Reconstruction and Development, adopted at London on 30 September 2011

Recommendation 7

The Committee supports the *Amendments to the Agreement Establishing the European Bank for Reconstruction and Development, adopted at London on 30 September 2011* and recommends that binding treaty action be taken.

