The Parliament of the Commonwealth of Australia Joint Standing Committee on Treaties

# Report 146

### Treaty tabled on 30 September 2014

Treaty between Australia and the Kingdom of the Netherlands on the presence of Australian personnel in the Netherlands for the purpose of responding to the downing of Malaysia Airlines Flight MH17

2014 Amendment to Annex I of the International Convention Against Doping in Sport of 19 October 2005

2014 Amendment to Annex II of the International Convention Against Doping in Sport of 19 October 2005

February 2015 Canberra © Commonwealth of Australia 2015

ISBN 978-1-74366-241-0 (Printed version)

ISBN 978-1-74366-242-7 (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: <u>http://creativecommons.org/licenses/by-nc-nd/3.0/au/</u>.

# Contents

Mer	mbership of the Committee	Vi
Res	solution of Appointment	viii
List	of abbreviations	ix
1	Introduction	1
1		
	Purpose of the report	1
2	Treaty between Australia and the Kingdom of the Netherlands on the presence of Australian personnel in the Netherlands for the purpose of responding to the downing of Malaysia Airlines Flight MH17	3
	Introduction	3
	Background	4
	Urgent treaty provisions	5
	The Treaty	5
	Obligations	5
	Implementation	7
	Costs	8
	Conclusion	8
3	Minor treaty actions	11
	Introduction	11
	Amendments to the International Convention against Doping in Sport	11
	Annex I amendment	12
	Annex II amendment	13

Appendix A - Submission	15
	47
Appendix B - Witness	

### Foreword

The Committee echoes the sentiments of the Parliament of Australia in expressing their condolences to the families and loved ones of the victims of the downing of Malaysia Airlines flight MH17 and pays tribute to the dedicated Australian personnel who continue to work so hard to bring the victims' remains home and investigate the cause of the incident.

The Committee acknowledges the tragic and difficult circumstances under which Australian personnel have been deployed to the Netherlands in response to the downing of Malaysia Airlines flight MH17.

The Committee understands that prompt action was required to allow the deployment of Australian personnel to take place without delay and ensure that the legal framework was in place to enable this sensitive and important work to be undertaken. The Committee supports the Treaty and is satisfied that, in this case, there was justification to invoke the National Interest Exemption which allows binding treaty action to be taken before a treaty has been considered and reported on by the Committee.

Wyatt Roy MP Chair

### **Membership of the Committee**

Chair Mr Wyatt Roy MP

Deputy Chair The Hon Kelvin Thomson MP

Members Mr Andrew Broad MP

Dr Dennis Jensen MP
Mr Ken O'Dowd MP
The Hon Melissa Parke MP
The Hon Dr Sharman Stone MP
Mr Tim Watts MP
Mr Brett Whiteley MP

Senator Chris Back Senator David Fawcett Senator Sue Lines Senator the Hon Joe Ludwig Senator James McGrath Senator Glenn Sterle Senator Peter Whish-Wilson

### **Committee Secretariat**

Secretary	Stuart Woodley	
Inquiry Secretary	Dr Narelle McGlusky	
Senior Researchers	Kevin Bodel	
	Zoe Smith	
Researcher	Belynda Zolotto	
Administrative Officers	Cathy Rouland	

### **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

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 abbreviations

- JSCOT Joint Standing Committee on Treaties
- NIA National Interest Analysis
- NIE National Interest Exemption
- RIS Regulation Impact Statement
- TUE Therapeutic Use Exemption