

## Minor Treaty Actions

### Introduction

- 3.1 Minor treaty actions are generally technical amendments to existing treaties which do not impact significantly on the national interest.
- 3.2 Minor treaty actions are presented to the Committee with a one-page explanatory statement and are listed on the Committee's website. The Committee has the discretion to formally inquire into these treaty actions or indicate its acceptance of them without a formal inquiry and report.

### Minor treaty action

- 3.3 There are two minor treaty actions reviewed in this chapter. The Committee determined not to hold a formal inquiry into these treaty actions, and agreed that binding treaty action may be taken.

### 2015 Amendment to Annex G of the Australia-New Zealand Closer Economic Relations Agreement (ANZCERTA) to effect the HS2012 transposition

- 3.4 The proposed amendment to ANZCERTA [1983] ATS 2 (as amended) to effect the HS2012 transposition is technical in nature and concerns ANZCERTA rules of origin (ROO) under Annex G. The practical, legal and financial effect of the amendment would be negligible due to its technical nature.
- 3.5 The Harmonized Commodity Description and Coding System (Harmonised System or HS) is a structured nomenclature that assigns a 6-digit code to every good. The World Customs Organization (WCO)

updates the HS regularly, usually every five years, to keep it relevant to the needs of the international community. The HS2012 came into effect on 1 January 2012.

- 3.6 ROO are used to determine the eligibility of goods to access tariff commitments made by Australia and New Zealand in ANZCERTA. The proposed amendment would update the Product Specific ROO in Annex G of ANZCERTA consistent with the current nomenclature and numbering of tariff lines.
- 3.7 The Explanatory Statement states that it has taken longer than anticipated for Australia to finalise with New Zealand a transposition of Annex G to ANZCERTA into HS2012 form but does not provide a reason for the delay. The final text of the treaty action was negotiated between the Parties in October 2013 and confirmed as the final accurate transposition on 23 June 2014. It was provided to JSCOT in April 2015.
- 3.8 Australia is taking this treaty action to ensure that the tariff line numbers which identify goods in Annex G of ANZCERTA accurately reflect HS2012, and are consistent with proposed parallel amendments to Australian Customs regulations.
- 3.9 The proposed amendment will be implemented in Australian domestic law via an amendment to the Customs (New Zealand Rules of Origin) Regulations 2006 (regulations) to reflect HS2012.
- 3.10 Following consideration of a request from the Minister for Trade and Investment, the Committee resolved on 25 August 2014 that all amendments to free trade agreements implementing regular changes to the HS be referred as category three treaty actions.

### **Amendment to Annex 1 of the Agreement on the Conservation of Albatrosses and Petrels**

- 3.11 The proposed amendment to the Agreement on the Conservation of Albatrosses and Petrels adds a trans-equatorial petrel species, the Pink-footed Shearwater (*Ardenna creatopus*, syn. *Puffinus creatopus*) to Annex 1 of the Agreement. Annex 1 lists all the species to which the Agreement applies, including conservation measures as adopted by the Meeting of the Parties.
- 3.12 The practical, financial and legal effect of the proposed amendment for Australia is negligible. The range of the Pink-footed Shearwater does not overlap with fisheries within Australian territory, or any part of Australia's jurisdiction. The inclusion of this species in Annex 1 of the Agreement is not expected to require any significant change to Australia's

negotiating position in regional fisheries management organisations to which it is a Party, nor any change to the practices of Australian fishers.

- 3.13 The proposed amendment to Annex 1 will automatically come into force on 6 August 2015.

Mr Wyatt Roy MP

Chair

13 August 2015