

Australia's Denunciation of the Convention Relating to International Exhibitions and Protocol of Signature

Introduction

2.1 The proposed treaty action will denounce Australia's ratification of the *Convention relating to International Exhibitions and Protocol of Signature* (the Convention). The Convention was concluded on 22 November 1928, signed by Australia in 1935, and entered into force for Australia on 27 October 1973.

Background

- 2.2 According to the National Interest Analysis (NIA), the purpose of the Convention is to provide a formal basis for the process of holding international exhibitions.¹
- 2.3 International conventions, known as 'World Expos', have generally been held every five years, with the most recent occurring in Shanghai 2010, and one currently being held in Milan. In addition to these World Expos, smaller 'International Specialised Expos' are generally held in the intervening years, for example in Zaragoza in 2008 and Brisbane in 1988.²
- 2.4 The Convention establishes the International Exhibitions Bureau (BIE), regulates the frequency at which international exhibitions occur, and defines the rights and responsibilities of participants.³

1 National Interest Analysis [2015] ATNIA 12, *Australia's denunciation of the Convention relating to International Exhibitions, and Protocol of Signature, done in Paris on 22 November 1928* [1928] ATS 39 (hereafter referred to as 'NIA'), para 4.

2 NIA, paras 5 and 7.

3 NIA, para 4.

Overview and national interest summary

- 2.5 Membership of the BIE entitles Australia to vote on which country will host an exhibition.⁴ As summarised by a Department of Foreign Affairs and Trade (DFAT) representative, 'essentially membership provides the opportunity to contribute to a decision-making process on the selection of future hosts'.⁵
- 2.6 The NIA points out that Australia has not hosted a World Expo, despite being one of 167 member countries, which comes at an annual cost of \$25,000 in membership fees.⁶
- 2.7 While denouncing the Convention would result in Australia withdrawing from the BIE and losing membership rights, it would not prevent Australia from participating in World Expos, as non-member countries are able to attend BIE-convened exhibitions.
- 2.8 The Convention also allows for non-members to host an exhibition. However, the NIA notes that in practice this is extremely unlikely, as member states are unlikely to vote for a non-member state.⁷
- 2.9 The NIA states that should Australia wish to host an exhibition in future, it would be relatively easy to re-join the Bureau under Article 35 of the Convention. The Committee heard that this involves a simple process undertaken through the BIE and the reinstatement of membership fees.⁸

Reasons for Australia to take the proposed treaty action

- 2.10 The NIA suggests that denunciation of the Convention and resultant actions reflect the broader policy position of assessing Australia's participation in exhibitions on a case-by-case basis, including the conduct of a cost-benefit analysis. As outlined by a DFAT representative:
- ...withdrawal from the convention removes the onus or the presumption on Australia to participate and puts Australia in the position of assessing each expo on its merits.⁹
- 2.11 Given the high cost of participating in exhibitions, Australian Government policy is to participate only where a strong economic link exists with the

4 NIA, para 9.

5 Mr Robert Tranter, First Assistant Secretary, Public Diplomacy and Communications Division, Department of Foreign Affairs and Trade (DFAT), *Committee Hansard*, 14 September 2015, p. 1.

6 NIA, paras 7 and 8.

7 NIA, paras 9 and 10.

8 Mr Tranter, DFAT, *Committee Hansard*, 14 September 2015, p. 1.

9 Mr Tranter, DFAT, *Committee Hansard*, 14 September 2015, p. 1.

host country, when compelling business benefits are possible and when a majority of the financial support is provided by the private sector.¹⁰

- 2.12 DFAT representatives told the committee that denunciation from the Convention would not reflect badly on Australia; other countries, including the United Kingdom, United States, and Canada, are not currently members of the BIE¹¹ and 'there is a pattern by states of being judicious in participation'.¹²

Obligations

- 2.13 Denunciation of the Convention will not result in any new obligations. Under Article 37 of the Convention, Australia's current obligations will continue until one year after notification is given and the denunciation takes effect.¹³

Implementation

- 2.14 The NIA notes that no changes to legislation will be required to denounce the Convention, despite the fact that it is referred to in Regulation 2.2 of the *Patents Regulations 1991*.¹⁴

Costs

- 2.15 Denunciation of the Convention will result in a saving of \$25,000 per year, which Australia currently pays in annual membership fees for the Bureau.
- 2.16 Denunciation also removes the presumption of attendance at international exhibitions, which comes at significant cost. For example, the Australian Government spent \$73 million on participation at the 2010 Shanghai exhibition and \$37.5 million for the 2005 Aichi exhibition.¹⁵

10 NIA, para 13.

11 NIA, para 14.

12 Mr Tranter, DFAT, *Committee Hansard*, 14 September 2015, p. 2.

13 NIA, para 15.

14 NIA, para 4.

15 Mr Tranter, DFAT, *Committee Hansard*, 14 September 2015, p. 1.

Conclusion

- 2.17 The Committee supports Australia's denunciation of the *Convention relating to International Exhibitions and Protocol of Signature* and recommends that binding treaty action be taken.

Recommendation 1

- 2.18 **The Committee supports Australia's denunciation of the *Convention relating to International Exhibitions and Protocol of Signature* and recommends that binding treaty action be taken.**