



Senator the Hon Marise Payne
Minister for Foreign Affairs
Minister for Women

MS19-000668

Mr Dave Sharma MP
Chair
Joint Standing Committee on Treaties
Parliament House
CANBERRA ACT 2600

Dear Mr Sharma

Congratulations on your appointment as Chair of the Joint Standing Committee on Treaties (JSCOT). I wish you every success in the role.

I enclose a list of treaty actions tabled in the final months of the 45th Parliament. Consideration of these treaty actions by the previous JSCOT lapsed on the dissolution of the House of Representatives on 11 April 2019. I hereby refer these treaty actions to the newly appointed JSCOT for consideration.

In terms of the priorities for Australia, I would appreciate the incoming committee giving priority attention to the *Indonesia-Australia Comprehensive Economic Partnership Agreement (IA-CEPA)* and the *Free Trade Agreement between Australia and Hong Kong, China* and associated *Investment Agreement between the Government of Australia and the Government of the Hong Kong Special Administrative Region of the People's Republic of China (A-HKFTA)*.

Swift ratification of IA-CEPA by Australia would provide a strong signal to the Indonesian Government of our expectation that it would also ratify IA-CEPA expeditiously. IA-CEPA is a high-quality, comprehensive agreement that will create a framework for Australia and Indonesia to unlock the vast potential of the bilateral economic partnership. IA-CEPA will increase the flow of trade and investment, creating more opportunities for Australian businesses as well as enhancing economic development within Indonesia.

Given Hong Kong has already completed its domestic processes and is ready to ratify the A-HKFTA, swift completion of our own domestic processes will signal our commitment to A-HKFTA and allow it to enter into force in a timely fashion. The A-HKFTA will strengthen Australia's relationship with one of our most significant trading partners. Prompt ratification will provide increased certainty for Australian service providers and investors, and guarantee that Hong Kong will not apply tariffs to Australian goods exports in the future.

I therefore request JSCOT to prioritise its consideration of the IA-CEPA and A-HKFTA and complete its inquiries by 9 October 2019 to enable Australia to move swiftly to ratify these important agreements. I note that IA-CEPA was tabled in the Senate on 21 March 2019 and the House of Representatives on 2 April 2019, and that the A-HKFTA was tabled in both Houses of Parliament on 2 April 2019. This prompt tabling has already provided stakeholders with significant time to review these treaties, over and above the time the JSCOT review process itself will provide for stakeholder review.

I also wish to advise you that the Government exercised the National Interest Exemption to take urgent binding treaty action in relation to three treaties that had been the subject of lapsed inquiries by the previous JSCOT:

- (i) *Treaty between Australia and the Kingdom of the Netherlands on the Ongoing Presence of Australian Personnel in the Netherlands for the Purpose of Responding to the Downing of Malaysia Airlines Flight MH17 (the Ongoing MH17 Treaty);*
- (ii) *Agreement on Trade in Wine between the Government of Australia and the Government of the United Kingdom of Great Britain and Northern Ireland (the Agreement on Trade in Wine); and*
- (iii) *Agreement on Mutual Recognition in Relation to Conformity Assessment, Certificates and Markings between the Government of Australia and the Government of the United Kingdom of Great Britain and Northern Ireland (the Agreement on Mutual Recognition).*

The Ongoing MH17 Treaty entered into force on 28 June 2019. The Government exercised the National Interest Exemption to ensure the Ongoing MH17 Treaty, containing the legal protections provided to AFP personnel deployed to the Netherlands assisting in the investigation, entered into force before the treaty previously containing those protections expired on 30 June 2019.

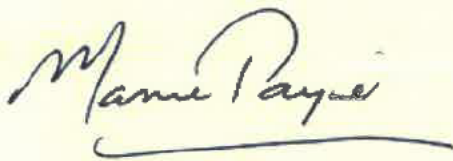
The Agreement on Trade in Wine and the Agreement on Mutual Recognition were negotiated with the United Kingdom (UK) to ensure continuity of legal arrangements between Australia and the UK under Australia-European Union treaties, post-Brexit. Given the ongoing uncertainty about the exact date of the UK's formal departure from the European Union (EU), the Government exercised the National Interest Exemption to ensure that if needed, the agreements could enter into force ahead of the UK's possible departure date of 12 April 2019. While the EU subsequently agreed to extend the UK's Brexit deadline to 31 October 2019, Australia provided the UK with advice confirming completion of our domestic procedures necessary for entry into force in preparation for a possible departure date of 12 April 2019. The UK will provide Australia with their equivalent notification at a time when the UK's exact departure date is confirmed.

The Government looks forward to receiving JSCOT's reports regarding the Ongoing MH17 Treaty, the Agreement on Trade in Wine and the Agreement on Mutual Recognition.

Finally, I note that the previous JSCOT held hearings into a number of treaty actions (as indicated in the attached list). I am advised that these hearings and submissions received may provide suitable information for the incoming committee to complete reports on these matters.

The Department of Foreign Affairs and Trade and I look forward to working with you and the incoming committee on these and future treaty matters. I have copied this letter to the Prime Minister, the Deputy Prime Minister and Minister for Infrastructure, Transport and Regional Development, the Minister for Agriculture, the Minister for Energy and Emissions Reduction, the Minister for Industry, Science and Technology, and the Minister for Trade, Tourism and Investment.

Yours sincerely

A handwritten signature in dark ink, reading "Marise Payne". The signature is written in a cursive style with a long horizontal flourish underneath the name.

29 JUL 2019

MARISE PAYNE

Cc: Prime Minister, the Hon Scott Morrison MP
Deputy Prime Minister and Minister for Infrastructure, Transport and Regional
Development, the Hon Michael McCormack MP
Minister for Agriculture, Senator the Hon Bridget McKenzie
Minister for Energy and Emissions Reduction, the Hon Angus Taylor MP
Minister for Industry, Science and Technology, the Hon Karen Andrews MP
Minister for Trade, Tourism and Investment, Senator the Hon Simon Birmingham

Encl: Lapsed inquiries into treaty actions from the 45th Parliament

Lapsed inquiries into treaty actions from the 45th Parliament

	Treaty	Hearing by previous JSCOT
1	<p>[2019] ATNIA 2 [2019] ATNIF 2 <i>Agreement between the Government of Australia and the Government of Hungary concerning Oil Stock Contracts (Canberra, 30 October 2018)</i></p>	Yes
2	<p>[2019] ATNIA 3 [2019] ATNIF 3 <i>Agreement on Mutual Recognition in Relation to Conformity Assessment, Certificates And Markings between the Government of Australia and the Government of the United Kingdom of Great Britain and Northern Ireland (London, 18 January 2019)</i></p>	Yes
3	<p>[2019] ATNIA 4 [2019] ATNIF 4 <i>Agreement between the Government of Australia and the Government of the Kingdom of Thailand relating to Air Services (Bangkok, 3 August 2017)</i></p>	Yes
4	<p>[2019] ATNIA 5 [2019] ATNIF 5 <i>Agreement between the Government of Australia and the Government of the Democratic Republic of Timor-Leste relating to Air Services (Dili, 26 May 2017)</i></p>	Yes
5	<p>[2019] ATNIA 6 [2019] ATNIF 6 <i>Agreement between the Government of Australia and the Government of the Italian Republic regarding the undertaking of work by cohabiting family members of diplomatic, consular and technical and administrative staff (Canberra, 27 November 2017)</i></p>	Yes
6	<p>[2019] ATNIA 7 [2019] ATNIF 7 <i>Treaty between Australia and the Kingdom of the Netherlands on the Ongoing Presence of Australian Personnel in the Netherlands for the Purpose of Responding to the Downing of Malaysia Airlines Flight MH17 (The Hague, 18 December 2018)</i></p>	Yes

7	<p>[2019] ATNIA 8 [2019] ATNIF 8 <i>Agreement between the Government of Australia and the Government of Papua New Guinea relating to Air Services (Port Moresby, 6 October 2017)</i></p>	Yes
8	<p>[2019] ATNIA 9 [2019] ATNIF 9 <i>Agreement on Trade in Wine between the Government of Australia and the Government of the United Kingdom of Great Britain and Northern Ireland (London, 18 January 2019)</i></p>	Yes
9	<p>[2019] ATNIA 12 [2019] ATNIF 17 <i>Indonesia-Australia Comprehensive Economic Partnership Agreement (Jakarta, 4 March 2019)</i></p>	No
10	<p>[2019] ATNIA 10 [2019] ATNIF 20 <i>Free Trade Agreement between Australia and Hong Kong, China (Sydney, 26 March 2019)</i></p> <p>and</p> <p>[2019] ATNIA 10 [2019] ATNIF 21 <i>Investment Agreement between the Government of Australia and the Government of the Hong Kong Special Administrative Region of The People's Republic of China (Sydney, 26 March 2019)</i></p>	No