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Department of the Premier and Cabinet  
Government of Western Australia

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BY: .....

Julie Bishop MP  
Committee Chairman  
Joint Standing Committee on Treaties  
Parliament House  
CANBERRA ACT 2600

Fax (02) 6277 4827

Dear Ms Bishop

**PROPOSED INTERNATIONAL TREATIES**

I refer to a number of proposed international treaties tabled in Commonwealth Parliament on 18 and 25 June 2002 and forwarded to the Western Australian Government for comment as part of the Joint Standing Committee on Treaties (JSCOT) Inquiry. The treaty actions currently subject to JSCOT review have been circulated for advice to the offices of all Western Australian Ministers.

I now take the opportunity to submit comment to JSCOT in relation to the following treaty actions.

**Agreement establishing the International Organisation of Vine and Wine (OIV)**

The Department of Agriculture, Fisheries and Forestry (AFFA) wrote to the Western Australian Government in February 2002 providing an update on the status of this Agreement and seeking comments from relevant State Government agencies.

Western Australia responded to AFFA in April 2002 supporting ratification of the Agreement as beneficial to the State's wine industry, as it will allow countries like Australia more influence on issues raised at OIV meetings.

Western Australia believes that Australian representation to OIV should endeavour to maintain specific and high industry standards for food safety and quality (in keeping with the ANZFA Food Standards Code), by ensuring compliance of imported products with the FSC.

## **Agreement to promote Compliance with International Conservation and management measures by Fishing vessels of the High Seas**

It is understood that the proposed Agreement will apply to a "flagged" fishing vessel of a Party State and also a "foreign flagged" fishing vessel of another State, whether it be a Party to the Agreement or otherwise, if the "foreign flagged" vessel is under charter to a company of the Party State or working as a joint venturer of the Party State, by virtue that it is "entitled to fly the flag" of the Party State.

If this assumption is correct, it is of considerable importance to ensure that the flag status of a fishing vessel is determined by a Party State before entering into such arrangements with any "foreign flagged" vessels. The NIA only refers to "Australian flagged" vessels and does not deal with the flag status of charter and joint venture vessels. Review of national legislation must take account of these types of vessels to ensure that the Agreement applies appropriately to them.

If the assumption is incorrect, considerable issues will arise with respect to giving effect to the Agreement in its application to a "foreign flagged" fishing vessel under State Party or joint venture. This would be particularly so with regard to dealing with a vessel engaged in activities that are illegal or undermine the effectiveness of international conservation and management measures. National legislation must ensure appropriate controls can be exercised.

### **Timor Sea Treaty**

Western Australia has for some time been interested in developments relating to the Timor Sea Treaty, particularly those concerning the arrangement for exploration and exploitation of its petroleum resources. While the State has no specific comments to make on the treaty at this stage, we would appreciate being kept informed of developments as they arise.

Should closer examination of the proposed treaty actions tabled on 18 and 25 June 2002 result in the identification of any particular concerns for Western Australia, I will draw them to your attention as a matter of urgency. If you have any further queries, your secretariat can contact Ms Shaheen Hughes of this office on (08) 9222 8941 or e-mail [shughes@dpc.wa.gov.au](mailto:shughes@dpc.wa.gov.au).

Thank you for the opportunity to comment on these matters.

Yours sincerely



Lyn Genoni  
**A/DIRECTOR  
FEDERAL, CONSTITUTIONAL AND TERRITORIES AFFAIRS**

17 July 2002