

Report 75

**Treaties tabled on 11 October 2005 (2), 28 February and
28 March 2006 (2)**

Convention on the Marking of Plastic Explosives for the Purpose of Detection

Exchange of Notes constituting a Treaty to amend the Singapore – Australia
Free Trade Agreement (SAFTA)

Protocol of 2003 to the International Convention on the Establishment of an
International Fund for Compensation for Oil Pollution Damage

International Convention on Civil Liability for Bunker Oil Pollution Damage

Agreement establishing the Pacific Islands Forum

Amendments to Annexes VIII and IX of the Basel Convention on the Control of
Transboundary Movements on Hazardous Wastes and their Disposal

Agreement between the Government of Australia and the Government of New
Zealand in relation to Mutual Recognition of Securities Offerings

© Commonwealth of Australia 2006

ISBN 0 642 78810 3 (printed version)

ISBN 0 642 78811 1 (HTML version)



Contents

Membership of the Committee	vi
Resolution of appointment.....	viii
List of abbreviations	ix
List of recommendations	xi
1 Introduction	1
Purpose of the report.....	1
Briefing documents	2
Conduct of the Committee's review	3
2 Convention on the Marking of Plastic Explosives for the Purpose of Detection.....	5
Introduction	5
Background	6
Obligations under the Convention	6
Control of existing stocks of plastic explosives.....	7
Categories of exemptions for unmarked plastic explosives.....	7
International Explosives Technical Commission	8
Dispute resolution	8
Detecting marked and unmarked plastic explosives	8
Costs.....	13
Consultation	16
Implementation.....	17
Entry into force and withdrawal.....	18
Conclusion	18

3	Exchange of Notes constituting a Treaty to amend the Singapore-Australia Free Trade Agreement.....	21
	Introduction	21
	Background	22
	The Amendments	22
	Joint law ventures and formal law alliances	22
	Wholesale bank licences.....	23
	State and Territory reservations	24
	Entry into force.....	25
	Future treaty action.....	25
	Costs and implementation	26
	Consultation	26
	Conclusion and recommendation	27
4	Protocol of 2003 to the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage.....	29
	Introduction	29
	Background	30
	The Protocol	31
	Costs and consultation	32
	Implementation and entry into force	32
	Conclusion and recommendation	33
5	International Convention on Civil Liability for Bunker Oil Pollution Damage	35
	Introduction	35
	Background	35
	The Bunkers Convention.....	36
	Regulation Impact Statement.....	38
	Costs and consultation	38
	Implementation.....	39
	Conclusion and recommendation	39
6	Agreement establishing the Pacific Islands Forum	41
	Introduction	41

Background	42
The Agreement	43
Costs	45
Consultation and entry into force	45
Implementation	46
Conclusion and recommendation	46
7 Amendments to Annexes VIII and IX of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal	47
Introduction	47
Background	47
The Amendments	48
Costs and consultation	49
Conclusion	49
8 Agreement with New Zealand in relation to Mutual Recognition of Securities Offerings	51
Background	51
Purpose of the Agreement	52
Entry into force and withdrawal	54
Consultation	54
Costs	55
Legislation	56
Conclusion and recommendation	56
Appendix A - Submissions	57
Appendix B - Witnesses	59
Monday, 7 November 2005 – Canberra	59
Monday, 27 February 2006 – Canberra	60
Monday, 27 March 2006 - Canberra	60
Monday, 8 May 2006 - Canberra	61



Membership of the Committee

Chair Dr Andrew Southcott MP

Deputy Chair Mr Kim Wilkie MP

Members Hon Dick Adams MP

Senator Andrew Bartlett

Mr Michael Johnson MP

Senator Carol Brown

Mr Michael Keenan MP

Senator Brett Mason

Mrs Margaret May MP

Senator Julian McGauran

Mrs Sophie Mirabella MP

Senator Glenn Sterle

Mr Bernie Ripoll MP

Senator Russell Trood

Hon Bruce Scott MP

Senator Dana Wortley

Committee Secretariat

Secretary	James Rees (from 29/5/2006)
	Gillian Gould (until 28/4/2006)
Acting Secretary	Janet Holmes (from 1/5/2006 until 26/5/2006)
Inquiry Secretary	Stephanie Mikac
Research Officer	Serica Mackay
Administrative Officer	Heidi Lushtinetz



Resolution of appointment

The Resolution of Appointment of the Joint Standing Committee on Treaties allows it to inquire into and report upon:

- a) matters arising from treaties and related National Interest Analyses and proposed treaty actions 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
- c) 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

AET	Applied Explosives Technology
AFP	Australian Federal Police
ASIC	Australian Securities and Investment Commission
Cth	Commonwealth
CSIRO	Commonwealth Scientific and Industrial Research Organisation
Customs	Australian Customs Service
DAFF	Department of Agriculture, Fisheries and Forestry
DFAT	Department of Foreign Affairs and Trade
DMNB	2,3-dimethyl-2,3-dinitrobutane
DSTO	Defence Science and Technology Organisation
FBI	Federal Bureau of Investigation
FLA	Formal Law Alliance
FTA	Free Trade Agreement
ICAO	International Civil Aviation Organization
IOS	Ion Mobility Spectrometer
JLV	Joint Law Venture
MAS	Monetary Authority of Singapore
MOU	Memorandum of Understanding

NIA	National Interest Analysis
NIFS	National Institute of Forensic Science
NMI	National Measurement Institute
PCBs	Polychlorinated biphenyls
PRG	Policy Reference Group
RIS	Regulation Impact Statement
SAFTA	Singapore-Australia Free Trade Agreement
SCOT	Commonwealth-State/Territory Standing Committee on Treaties
SDR	Special Drawing Rights
SIFT-MS	Selected Ion Flow Tube Mass Spectrometry
UN	United Nations
USSFTA	United States-Singapore Free Trade Agreement



List of recommendations

2 Convention on the Marking of Plastic Explosives for the Purpose of Detection

Recommendation 1

The Committee supports the *Convention on the Marking of Plastic Explosives for the Purpose of Detection* (Montreal, 1 March 1991) and recommends that binding treaty action be taken.

3 Exchange of Notes constituting a Treaty to amend the Singapore-Australia Free Trade Agreement

Recommendation 2

The Committee supports the *Exchange of Notes constituting a Treaty between the Government of Australia and the Government of the Republic of Singapore to amend the Singapore-Australia Free Trade Agreement of 17 February 2003* and recommends that binding treaty action be taken

4 Protocol of 2003 to the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage

Recommendation 3

The Committee supports the *Protocol of 2003 to the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1992, done at London on 16 May 2003*, and recommends that binding treaty action be taken.

5 International Convention on Civil Liability for Bunker Oil Pollution Damage

Recommendation 4

The Committee supports the *International Convention on Civil Liability for Bunker Oil Pollution Damage* and recommends that binding treaty action be taken.

6 Agreement establishing the Pacific Islands Forum

Recommendation 5

The Committee supports the *Agreement establishing the Pacific Islands Forum*, done at Port Moresby on 27 October 2005, and recommends that binding treaty action be taken.

8 Agreement with New Zealand in relation to Mutual Recognition of Securities Offerings

Recommendation 6

The Committee supports the *Agreement between the Government of Australia and the Government of New Zealand in relation to Mutual Recognition of Securities Offerings* and recommends that binding treaty action be taken.

