

Government Response to Report No. 39 of the Joint Standing Committee on Treaties.

Agreement on the Privileges and Immunities of the International Tribunal for the Law of the Sea (New York, 23 May 1997)

The Government is pleased that the Committee supported the Agreement and recommended that binding treaty action be taken (2.34). Binding treaty action has been taken with the deposit of an Instrument of Ratification for Australia in May 2001.

The Government offers the following response to the second recommendation (2.49) put forward by the Committee in relation to this Agreement.

Recommendation 2

The Government should amend its treaty development and review procedures to require that all draft legislation proposing to give domestic effect to international obligations arising from treaty actions be referred to the Joint Standing Committee on Treaties for consideration at the same time as the Committee reviews related National Interest Analyses.

The Government does not consider that it is feasible to refer all draft legislation proposing to give effect to international obligations arising from treaty actions to the Committee. However, the Government is committed to the treaty review process and to the work of the Committee. The Government is keen to support the role of the Committee and believes there may well be merit in referring certain legislative proposals linked to the implementation of a treaty to the Committee at the time it is considering the national interest analysis of that treaty. These circumstances could arise where the proposed legislation has already been introduced into Parliament or where an exposure draft bill is publicly available.

While draft bills and associated materials are confidential to the Government, consideration can be given case-by-case to whether the advance exposure of a bill would serve the public interest.
