



Appendix C — Minor treaty actions

Minor treaty actions are identifiably minor actions, generally technical amendments to existing treaties, which do not impact significantly on the national interest. Minor treaty actions are tabled with a one-page explanatory statement. The Joint Standing Committee on Treaties has the discretion to formally inquire into these treaty actions or indicate its acceptance of them without a formal inquiry and report.

The following minor treaty actions were considered by the Committee on the date indicated. The Committee determined not to hold a formal inquiry into either treaty and agreed that binding treaty action may be taken in both cases.

Minor treaty actions tabled on 20 August 2009

Considered by the Committee on 8 September 2009:

- Amendment, Adopted at Bergen in April/May 2009, to Annex 1 of the Agreement on the Conservation of Albatrosses and Petrels of 19 June 2001.
- Agreement to Amend the Agreement between Australia and the United States of America concerning Acquisition and Cross-Servicing of 9 December 1998, done at Washington on 30 July 2009.

Annex 1 of the *Agreement on the Conservation of Albatrosses and Petrels* ('the Agreement') lists all species to which the Agreement, including conservation measures as adopted by the Meeting of the Parties to the Agreement, applies. The Amendment adds three northern hemisphere albatross species to the Annex.

The Committee notes that it was advised of the Government's intention to propose amendments to Annex 1 of the Agreement in correspondence dated 19 January 2009 from the Minister for the Environment, Heritage and the Arts, the Hon Peter Garrett AM MP. The Minister advised that, should the proposed amendment be

adopted at the Meeting of the Parties, the tacit consent provisions of the Agreement provide that the amendment would automatically enter into force 90 days after adoption – 29 July 2009 – that is, before the Committee had an opportunity to conduct its review.¹ The Committee indicated its endorsement of the Government's proposed course of action in *Report 98*, which was tabled on 12 March 2009.²

The *Agreement to Amend the Agreement between Australia and the United States of America concerning Acquisition and Cross-Servicing* would extend the existing Agreement between Australia and the United States of America (US) concerning Acquisition and Cross-Servicing (ACSA) by one year.

The Department of Defence advises that such Agreements are the normal means through which the provision of reciprocal logistic support, supplies and services are facilitated between the US and its defence partners. The current ACSA between Australia and the US provides for logistics cooperation between the Parties' military forces during combined exercises, training, deployments, operations or other cooperative efforts, and for unforeseen circumstances or exigencies.

The ACSA entered into force on 22 September 1999 and under Article VIII of the current Agreement, it will remain in force for 10 years from the date of entry into force unless terminated earlier by the Parties. The current ACSA will therefore expire on 22 September 2009. Defence advises that while negotiations are underway for a new agreement to replace the current ACSA, due to delays with the negotiations, it will not be possible to complete the replacement Agreement before the current ACSA expires. The proposed Agreement extends the operation of the current ACSA until 22 September 2010.

Other than to extend by twelve months the current ACSA's duration, while the follow-on treaty is being negotiated, the proposed Agreement makes no other changes to the ACSA.³

1 Explanatory Statement 11 of 2009, p. 1.

2 Joint Standing Committee on Treaties, *Report 98: Treaties tabled on 26 November 2008 and 4 December 2008*, p. 15, viewed 25 August 2009, <<http://www.aph.gov.au/house/committee/jsct/26november2008/report/appendixd.pdf>>.

3 Explanatory Statement 7 of 2009, p. 1.