

STEPS TO IMPLEMENT AN INTERNATIONAL TREATY IN AUSTRALIA

Step 1: Mandate to enter a treaty

The lead Minister must seek permission to negotiate the treaty from the Minister for Foreign Affairs.

Step 2: Negotiation and Finalisation of words

State parties enter into negotiation of the terms and decide on the wording of the treaty.

Step 3: Ministerial and Executive Council approval

The treaty must be approved by the Minister for Foreign Affairs, the Attorney-General, any ministers impacted by the treaty and the Federal Executive Council.

Step 4: Signing the treaty

Once approval is gained from the Federal Executive Council, the treaty is signed by the Australian representative.

Step 5: Review by Parliament

The treaty is tabled in both houses of Parliament by the Joint Standing Committee on Treaties for 15-20 joint sitting days.

Step 6: Ratification and entry into force

At domestic level, the treaty is enacted by law making or reform through the Parliament. At international level, the instrument of ratification is deposited.

Reservations

States can accept a multilateral treaty as a whole but can choose not to comply with certain provisions. Reservations can be made when treaties are signed, ratified, or acceded to.

Accession

Where a state accepts the opportunity to become a party to a treaty that has already been negotiated and signed by other states. It has the same legal effect as ratification.