

TEXT FROM THE GOVERNMENT OF AUSTRALIA

Australia notes with concern the proposal for SCIT Meetings in the Year 2000 - see SCIT/5/9. In particular, Australia notes the proposal for a Joint Working Groups meeting, followed 3 weeks later by a Plenary meeting. This meeting arrangement is of considerable inconvenience to Australia. Australia believes that it is timely for SCIT to review its structure to see whether there can be improvements in the way in which SCIT achieves its goals.

Accordingly, Australia invites the meeting to review the structure of SCIT, and offers the following comments as a basis for discussion.

General comments

Australia noted the outcome of the December 1999 meeting of SCIT with some interest. In particular:

- The membership of the Working Group meeting, and the Plenary, was essentially the same;
- Issues that were fully resolved under the working group part of the meeting were required to be dealt with as a recommendation to the Plenary - even though it was the same people who would be acting on the recommendation. That is, the meeting structure incorporated an unnecessary and inefficient process, which existed solely because of the meeting structure;
- On some issues agreed to in the Working Group, the Plenary re-opened the debate in substance, and came to a different conclusion. That is, the process for reaching decisions was inefficient and arguably flawed.
- The meeting was happy to descend into the minutia of detail when discussing changes to standards, whereas other issues of great importance (particularly as indicated by the amount of money being spent on them) received far less attention.

Australia considers that this is an indication that the division of roles between the Plenary and the Joint Working Groups meeting is unclear. These issues were highlighted by the conjunction of the meetings in December 1999. Having the meetings separated by a few weeks does no more than hide this difficulty. Additionally, Australia notes that:

- If the role of the Plenary is essentially to “rubber stamp” decisions of the working groups, then arguably the working groups should have the power to make the real decision;
- If the role of the Plenary is to critically review and decide upon work done by a working group:
 - the material supplied by a working group should be in the nature of a working document; and
 - the composition of the working group should be greatly different from the composition of the Plenary - to prevent the role of the Plenary being reduced to merely repeating the work of the working group.

Further, Australia notes that having two meetings separated by a few weeks is extremely inconvenient (as well as costly) for any delegation that has to undertake significant travel to attend the meetings. It would be most unfortunate if this disincentive were to result in non-participation by any country.

Working Groups

Australia recognizes that it may be appropriate for the SCIT to have working groups to develop issues from time-to-time. However, Australia believes that any such working group should be composed of a small number of Member States, and be given the responsibility to develop a specific proposal to a point where it can be properly discussed by SCIT. Australia believes that such working groups should generally operate out-of-session (e.g., reliant upon E-mail or other means of rapid communication), with the International Bureau taking a strong coordination/leadership role. Australia believes that generally there should be no need for a meeting of a working group outside the context of the SCIT Plenary; indeed, the concept of a SCIT ‘Plenary’ meeting (as distinct from other meetings) could reasonably disappear.

Australia also notes the important work done under SCIT in the area of standards. However, Australia seriously questions the effectiveness of the current arrangements for setting standards. Australia also notes the very effective process for setting the Administrative Instructions under the PCT – consultation, followed by promulgation, with the PCT Assembly having the power to subsequently modify them [PCT Rule 89]. Australia queries whether a similar process could be applied to setting standards, possibly along the following lines:

- A working group under SCIT fully develops a proposal for amending a standard, or for creating a new standard;
- The International Bureau consults with all States, about the proposed standard;
- The International Bureau (working group?) revises the proposal having regard to any comments arising from the consultations, and concludes the new standard;
- The Director General “promulgates” the new standard; and
- A subsequent SCIT meeting can (in the very unlikely event that it is necessary) agree to modify the standard.
- In addition, it should be understood that consultations concerning a proposed new and complex standard (e.g., standards for electronic filing), could include discussion at a SCIT meeting – in much the same way as the PCT Assembly has recently discussed the proposed Administrative Instructions to enable electronic filing.

(Dave Herald)

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