

Report 76

Treaties tabled on 28 March (3) and 10 May 2006

Agreement between the Government of Australia and the Government of the Republic of Indonesia for Cooperation in Scientific Research and Technological Development

Agreement between the Government of the Republic of Namibia and the Governments of Australia, Canada, India, New Zealand, South Africa and the United Kingdom of Great Britain and Northern Ireland concerning the Treatment of War Graves of Members of the Armed Forces of the Commonwealth in the Territory of the Republic of Namibia

Agreement between the Government of Australia and the Government of the Kingdom of Norway on Social Security

Agreement between the Government of Australia and the Government of the United States of America on Cooperation in Science and Technology for Homeland/Domestic Security Matters

The International Institute for Democracy and Electoral Assistance (IDEA) Statutes

Amendments to the Constitution of the International Organization for Migration

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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

AusAID	Australian Agency for International Development
COSTAI	Collaboration in Science and Technology between Australia and Indonesia
CSIRO	Commonwealth Scientific and Industrial Research Organisation
Cth	Commonwealth
DEST	Department of Education, Science and Training
FaCSIA	Department of Families, Community Services and Indigenous Affairs
FECCA	Federation of Ethnic Communities' Council of Australia
IDEA	Institute for Democracy and Electoral Assistance
IOM	International Organization for Migration
JSCFADT	Joint Standing Committee on Foreign Affairs, Defence and Trade
JSCOT	Joint Standing Committee on Treaties
MCCSA	Multicultural Communities' Council of South Australia
NIA	National Interest Analysis
PM&C	Department of Prime Minister and Cabinet
SCOT	Commonwealth-State/Territory Standing Committee on Treaties

SIRTAI Collaboration in Science and Innovation, Research and
Technology between Australia and Indonesia

US United States of America



List of recommendations

2 Agreement with the Republic of Indonesia for Cooperation in Scientific Research and Technological Development

Recommendation 1

The Committee supports the *Agreement between the Government of Australia and the Government of the Republic of Indonesia for Cooperation in Scientific Research and Technological Development*, done at Jakarta on 11 July 2005 and recommends that binding treaty action be taken.

3 Namibian War Graves Agreement

Recommendation 2

The Committee supports the *Agreement Between the Government of the Republic of Namibia and the Governments of Australia, Canada, India, New Zealand, South Africa and the United Kingdom of Great Britain and Northern Ireland concerning the Treatment of War Graves of Members of the Armed Forces of the Commonwealth in the Territory of the Republic of Namibia* and recommends that binding treaty action be taken.

4 Social Security Agreement with the Kingdom of Norway

Recommendation 3

The Committee supports the *Agreement on Social Security between the Government of Australia and the Government of the Kingdom of Norway* (Canberra, 2 December 2005) and recommends that binding treaty action be taken.

5 Agreement with the United States of America on Cooperation in Science and Technology for Homeland/Domestic Security Matters

Recommendation 4

The Committee supports the *Agreement between the Government of Australia and the Government of the United States of America on Cooperation in Science and Technology for Homeland/Domestic Security Matters* (Washington, 21 December 2005) and recommends that binding treaty action be taken.

6 The International Institute for Democracy and Electoral Assistance Statutes (as amended at the extraordinary council meeting of International IDEA on 24 January 2006)

Recommendation 5

The Committee supports the *International Institute for Democracy and Electoral Assistance (IDEA) Statutes (as amended at the Extraordinary Council meeting of International IDEA on 24 January 2006)* and recommends that binding treaty action be taken.

7 Amendments to the Constitution of the International Organization for Migration (IOM)

Recommendation 6

The Committee supports the *Amendments to the Constitution of the International Organization for Migration* and recommends that binding treaty action be taken.

Introduction

Purpose of the report

- 1.1 This Report contains advice to Parliament on the review by the Joint Standing Committee on Treaties of six treaty actions tabled in Parliament on 28 March¹ and 10 May 2006.² These treaty actions are:

28 March 2006³

- *Agreement between the Government of Australia and the Government of the Republic of Indonesia for Cooperation in Scientific Research and Technological Development*

10 May 2006

- *Agreement between the Government of the Republic of Namibia and the Governments of Australia, Canada, India, New Zealand, South Africa and the United Kingdom of Great Britain and Northern Ireland concerning the Treatment of War Graves of members of the Armed*

1 Australia, House of Representatives 2004-05-06, *Votes and Proceedings*, No. 91, p. 1026; Australia, Senate 2004-06, *Journal*, No. 77, p. 1993.

2 Australia, House of Representatives 2004-05-06, *Votes and Proceedings*, No. 95, p. 1080; Senate 2004-06, *Journal*, No. 81, p. 2139.

3 The remaining treaties tabled on 28 March 2006 were included in the Committee's Reports 74 and 75. The Committee has also deferred consideration of the *Exchange of Letters Constituting an Agreement between the Government of Australia and the Government of New Zealand to Amend Article 3 of the Australia New Zealand Closer Economic Relations Trade Agreement (ANZCERTA)* pending further information.

Forces of the Commonwealth in the Territory of the Republic of Namibia

- *Agreement on Social Security between the Government of Australia and the Government of the Kingdom of Norway*
- *Agreement between the Government of Australia and the Government of the United States of America on Cooperation in Science and Technology for Homeland/Domestic Security Matters*
- *The International Institute for Democracy and Electoral Assistance Statutes (as amended at the Extraordinary Council meeting of International IDEA on 24 January 2006)*
- *Amendments to the International Organization for Migration (IOM) Constitution, done at Geneva on 24 November 1998*

Briefing documents

- 1.2 The advice in this Report refers to the National Interest Analyses (NIAs) prepared for the proposed treaty actions. These documents are prepared by the Government agency (or agencies) responsible for the administration of Australia's responsibilities under each treaty. Copies of the NIAs may be obtained from the Committee Secretariat or accessed through the Committee's website at:

www.aph.gov.au/house/committee/jsct/28march2006/tor.htm

www.aph.gov.au/house/committee/jsct/10may2006/tor.htm

- 1.3 Copies of treaty actions and NIAs may also be obtained from the Australian Treaties Library maintained on the internet by the Department of Foreign Affairs and Trade. The Australian Treaties Library is accessible through the Committee's website or directly at:

www.austlii.edu.au/au/other/dfat/

Conduct of the Committee's review

1.4 The Review contained in this report was advertised in the national press and on the Committee's website.⁴ Letters were also sent inviting comment from all State Premiers, Chief Ministers, Presiding Members of Parliament and from individuals who have expressed an interest in being kept informed of proposed treaty actions. A list of submissions and their authors is at Appendix A.

1.5 The Committee also received evidence at public hearings held on 8 May, 19 and 20 June 2006. A list of witnesses who appeared before the Committee at public hearings is at Appendix B. A transcript of evidence from the public hearings may be obtained from the Committee Secretariat or accessed through the Committee's website at:

www.aph.gov.au/house/committee/jsct/28march2006/hearings.htm

www.aph.gov.au/house/committee/jsct/10may2006/hearings.htm

4 The Committee's review of the proposed treaty actions was advertised in *The Australian* on 5, 19 April and 17 May 2006. Members of the public were advised on how to obtain relevant information and invited to submit their views to the Committee, both in the advertisement and via the Committee's website.

Agreement with the Republic of Indonesia for Cooperation in Scientific Research and Technological Development

Introduction

Background

- 2.1 The Agreement with Indonesia for Cooperation in Scientific Research and Technological Development¹ (the Agreement) is the result of the Joint Standing Committee on Foreign Affairs, Defence and Trade's (JSCFADT) May 2004 report titled *Near Neighbours-Good Neighbours: An Inquiry into Australia's Relationship with Indonesia*.²
- 2.2 JSCFADT found that Australia's relationship with Indonesia was highly important, providing value to both countries. Further, the report identified scientific areas such as biosecurity, agriculture and meteorology in which cooperation contributed to effective management.³
- 2.3 The existing Australia-Indonesia relationship is the fourth largest for Australia when measured by Australian Government support for international science activities. There is potential to expand and

1 The full title of the treaty action is: *Agreement between the Government of Australia and the Government of the Republic of Indonesia for Cooperation in Scientific Research and Technological Development, done at Jakarta on 11 July 2005*.

2 National Interest Analysis (NIA), para. 6.

3 NIA, para. 6.

promote this relationship, further generate knowledge and increase scientific and personal links in a mutually beneficial way.⁴

Purpose

- 2.4 This Agreement renews its predecessor agreement, which entered into force on 21 August 1996 and terminated on 21 August 2001. In addition, this Agreement amends the predecessor agreement by imposing revised obligations on Australia.⁵
- 2.5 The predecessor agreement was supported by a less than treaty status arrangement, the Collaboration in Science and Technology between Australia and Indonesia (COSTAI). When the Agreement was signed in July 2005 COSTAI was updated and replaced by a new, less than treaty status arrangement, Collaboration in Science and Innovation, Research and Technology (SIRTAI).⁶
- 2.6 The Agreement and SIRTAI provide the basis for activities performed or funded by the following Australian agencies and their Indonesian counterparts:
- Australian Centre for International Agricultural Research
 - Australian Nuclear Science and Technology Organisation
 - Bureau of Meteorology
 - Commonwealth Scientific and Industrial Research Organisation
 - Defence Science and Technology Organisation
 - GeoScience Australia
 - Australian Research Council
 - National Health and Medical Research Council.⁷
- 2.7 The Department of Education, Science and Training (DEST) added to this by stating:
- [The Agreement's] primary role is to amend and extend the existing arrangements between the Australian government and the government of the Republic of Indonesia. In addition to identifying key areas for scientific cooperation and the

4 NIA, para. 6 and 10; Ms Heather Dyne, *Transcript of Evidence*, 8 May 2006, pp. 21-22.

5 NIA, para. 1; Ms Heather Dyne, *Transcript of Evidence*, 8 May 2006, pp. 22-23.

6 NIA, paras 1 and 7.

7 NIA, para. 8.

types of cooperative activities covered, the agreement includes provisions for the protection of background and foreground intellectual property; the designation of an executive officer for each party; entry and exit of personnel, materials and equipment engaged in or for use in cooperative activities; and dispute resolution mechanisms.⁸

- 2.8 The Committee also received evidence that the Agreement will not affect the nature of university cooperation between Australia and Indonesia.⁹

Obligations

- 2.9 In addition to being premised on the principle of equality and mutual benefit promoting scientific and technological cooperation between parties,¹⁰ under the Agreement Australia is obliged to:

- designate an Executive Officer responsible for liaison between Parties on matters associated with the Agreement, wider science and technology matters of importance and developing appropriate guidelines for implementing arrangements
- develop implementing arrangements for the protection of intellectual property and ensure that ownership of any such property is apportioned in accordance with those arrangements
- facilitate entry to and exit from its territory of personnel, materials and equipment of the other Party when engaged on or for use in cooperative activities under the Agreement in accordance with prevailing laws and regulations
- resolve any disputes through consultation and negotiation.¹¹

- 2.10 New obligations not included in the predecessor Agreement include:

- Article 1(1) which clarifies the definition of Australia's territory to include 'other adjacent seas and the continental shelf over which

8 Ms Heather Dyne, *Transcript of Evidence*, 8 May 2006, pp. 22-23.

9 Ms Heather Dyne, *Transcript of Evidence*, 8 May 2006, p. 25.

10 NIA, para. 13.

11 NIA, para. 14.

Australia exercises sovereign rights and jurisdiction' in accordance with the 1982 United Nations Convention on the Law of the Sea

- a definition of 'objects and or materials' to mean biological and non biological resources used in a cooperative activity
- clarification of the definition of 'implementing arrangements'
- a new definition of 'Executive Officer'
- a confidentiality provision
- extending the fields in which scientific and technological cooperation can be undertaken to: environmental science and technology; forestry; calibration and measurement systems; and standardisation and quality
- a new article to require that where cooperative activities utilise biological materials, the implementing arrangements shall take into account the agreed objectives and principles under the Convention on Biological Diversity
- amendment to the list of considerations on which the implementing arrangements should be developed with respect to the apportionment of intellectual property rights between participants
- expiration or termination of the Agreement will not affect the rights and obligations regarding intellectual property that exist at the time unless decided otherwise by Parties or relevant participants
- that it is the sole responsibility of prospective and actual participants involved in collaborative activities to take all necessary steps to ensure their legal and commercial positions are adequately and effectively protected
- the factors that need to be taken into account in measuring the value of objects and/or materials used in a cooperative activity.¹²

2.11 DEST informed the Committee that scientific cooperation under the Agreement will take a variety of forms:

... the treaty has made provisions to encourage cooperation at all levels. Cooperation activities covered by the treaty include exchange of information; visits and exchanges of scientists

12 NIA, para. 15.

and other experts or technical personnel; meetings of various forms such as joint seminars, workshops and exhibits of scientific research and technological development; execution of joint or cooperative projects and programs; provision of necessary materials and equipment; education, training, and participation in ongoing programs.¹³

Entry into force and withdrawal

- 2.12 The Agreement will enter into force through an exchange of diplomatic notes between Parties once all domestic requirements for entry into force have been met.¹⁴
- 2.13 Amendment to the Agreement may be made at any time by mutual written agreement between Parties.¹⁵
- 2.14 Withdrawal from the Agreement can only take effect a minimum of six months after written notice of termination is received by either Party.¹⁶

Consultation

- 2.15 Consultation occurred with the following Australian Government Ministers who gave approval for the Agreement to be ratified: The Treasurer; Attorney-General; Foreign Affairs; Agriculture, Fisheries and Forestry; Trade; Communications, Information Technology and the Arts; Transport and Regional Services; Immigration, Multicultural and Indigenous Affairs; Finance and Administration; Industry, Tourism and Resources; Environment and Heritage; Defence; and Justice and Customs. The Prime Minister has been informed of the process to bring the Agreement into force.¹⁷
- 2.16 Consultation also occurred with State and Territory Governments through the Commonwealth-State/Territory Standing Committee on

13 Ms Heather Dyne, *Transcript of Evidence*, 8 May 2006, p. 22.

14 NIA, para. 2.

15 NIA, para. 19.

16 NIA, para. 20.

17 NIA Consultation Annex, para. 1.

Treaties; and the Australian Academy of Science through the Science and Technology Working Group of the Australia-Indonesia Ministerial Forum.¹⁸ There was broad support of the Agreement from Australia's scientific community.¹⁹

- 2.17 Three Ministers provided comment on the Agreement. The Minister for Defence raised a concern that the Agreement should not commit or constrain Defence science interaction with Indonesia. The Minister for Transport requested that his Department be consulted with regard to any issues concerning aircraft or space technologies raised under the Agreement. The Minister for Justice and Customs wished to highlight mandatory compliance with Customs regulations and requirements.²⁰

Costs

- 2.18 The Agreement will create the need for an Executive Officer, the costs of which will be absorbed by the Department of Education, Science and Training.²¹

Legislation

- 2.19 Australian practice is already consistent with the provisions of the proposed Agreement and no new domestic legislation is required for its entry into force.²²

Conclusion and recommendation

- 2.20 The Committee acknowledges and understands the importance of continuing to build a positive, strong relationship with Indonesia in various science fields.

18 NIA Consultation Annex, paras 6 and 7.

19 Ms Heather Dyne, *Transcript of Evidence*, 8 May 2006, p. 26.

20 NIA Consultation Annex, paras 2-5.

21 NIA, para. 17; Ms Heather Dyne, *Transcript of Evidence*, 8 May 2006, p. 23.

22 NIA, para. 16.

- 2.21 The Committee believes this Agreement improves on its predecessor agreement and paves the way for further valuable science cooperation between Australia and Indonesia.

Recommendation 1

The Committee supports the *Agreement between the Government of Australia and the Government of the Republic of Indonesia for Cooperation in Scientific Research and Technological Development*, done at Jakarta on 11 July 2005 and recommends that binding treaty action be taken.

Namibian War Graves Agreement

Introduction

- 3.1 The Agreement¹ between the Government of the Republic of Namibia and the Governments of Australia, Canada, India, New Zealand, South Africa and the United Kingdom of Great Britain and Northern Ireland relates to the maintenance of war graves of members of the Commonwealth armed forces located in Namibia.
- 3.2 While there are no Australians among the 426 identified Commonwealth burials, Australia – as a founding member of the Commonwealth War Graves Commission (the Commission) – supports the work of the Commission and recognises the important role the Commission plays in the remembrance of the Commonwealth war dead.²

Background

- 3.3 The Commission was established by Royal Charter on 21 May 1917, the provisions of which were amended and extended by a Supplemental

1 *The Agreement Between the Government of the Republic of Namibia and the Governments of Australia, Canada, India, New Zealand, South Africa and the United Kingdom of Great Britain and Northern Ireland concerning the Treatment of War Graves of members of the Armed Forces of the Commonwealth in the Territory of the Republic of Namibia.*

2 National Interest Analysis (NIA), para. 4.

Charter on 8 June 1964. The nations forming the Commission are the United Kingdom of Great Britain and Northern Ireland, Australia, Canada, India, New Zealand and South Africa. Its duties are to mark and maintain the graves of members of the armed forces of the Commonwealth who died in the two world wars, to build and maintain memorials to the dead whose graves are unknown, and to keep records and registers. The cost of maintaining the graves is shared by partner governments in proportions based on their number of graves. The Australian High Commissioner in London represents Australia at the meetings of the Commission.³

- 3.4 In order to carry out its operations, the Commission reaches an agreement with countries in which the war graves are located. However, as the Commission has no international legal standing of its own, member countries must sign the agreement with the country in question.⁴

The Agreement

- 3.5 The Agreement was negotiated with the Government of the Republic of Namibia by the Commission on behalf of its Member States.⁵
- 3.6 No previous agreement has been completed between the Government of the Republic of Namibia and the Commission.⁶
- 3.7 Despite the absence of a formal agreement the maintenance of the graves of Commonwealth war dead has, up until this time, been undertaken in Namibia by the Commission. The Agreement will therefore formalise the Commission's work.⁷ The Commission will remain responsible for the care and maintenance of all Commonwealth graves and co-located German graves from World War I.⁸

3 NIA, para. 3.

4 Major General Paul Stevens, *Transcript of Evidence*, 19 June 2006, p. 2.

5 NIA, para. 1.

6 NIA, para. 5.

7 NIA, para. 8.

8 Department of Veterans' Affairs, *Submission 3*, p. 2.

Obligations

- 3.8 The Commission does not have international legal personality and the Commission's Member States retain responsibility for entering into treaties and adopting rights and obligations on the Commission's behalf.⁹
- 3.9 The Agreement obliges the Government of the Republic of Namibia to recognise the Commission as the sole authority responsible for the laying out, construction and permanent care of the graves, cemeteries and memorials of the Commonwealth war dead in Namibia (Articles 2 and 6). In doing so, Namibia will allow the Commission the free use of, and access to, the land of its cemeteries (Articles 3 and 7), and will not, subject to the approval of the Namibian Ministry of Finance, charge the Commission any state or local taxes, duties or charges in connection with its function (Article 7).¹⁰
- 3.10 Under Articles 4 and 5, the Commission is responsible for the transfer and exhumation of remains when necessary and the Namibian authorities will assist in this process.¹¹

Costs

- 3.11 Australia contributes to the Commission on the basis of the percentage of war dead that Australians constitute from World War I and World War II.¹²
- 3.12 As the Office of Australian War Graves maintains war cemeteries and graves on behalf of the Commission in Australia and Papua New Guinea, a highly reduced percentage applies to Australia's annual contribution. The reduced amount equates to 6.05 per cent of the Commission's total budget (2005/2006: A\$5.700m).¹³

9 NIA, para. 10.

10 NIA, para. 11.

11 NIA, para. 12.

12 Major General Paul Stevens, *Transcript of Evidence*, 19 June 2006, p. 3.

13 NIA, para. 16.

Consultation

- 3.13 As there are no graves or memorials for Australians located in Namibia, from either World War I or World War II, no consultation has been conducted.

Entry into force

- 3.14 Under Article 9, the Agreement will enter into force one month after the date on which the formalities required by the Government of the Republic of Namibia have been completed.

Conclusion and recommendation

- 3.15 The Committee acknowledges that Australia is a founding member of the Commission and as a result has a commitment to the work of the Commission in its entirety.
- 3.16 The Committee believes that the Agreement will contribute to the remembrance of the Commonwealth war dead.

Recommendation 2

The Committee supports the Agreement Between the Government of the Republic of Namibia and the Governments of Australia, Canada, India, New Zealand, South Africa and the United Kingdom of Great Britain and Northern Ireland concerning the Treatment of War Graves of Members of the Armed Forces of the Commonwealth in the Territory of the Republic of Namibia and recommends that binding treaty action be taken.

Social Security Agreement with the Kingdom of Norway

Background

- 4.1 Australia's bilateral social security agreements are aimed at closing the gaps in social security coverage for people who migrate between countries. Social security agreements do this by overcoming barriers to pension payments in the domestic legislation of each country. These include requirements on citizenship, minimum contributions record, past residence record and current country of residence.¹
- 4.2 In addition, social security agreements help people to maximise their income and provide for greater choice in retirement destination. Agreement countries pay approximately \$602 million annually into Australia, while Australia pays approximately \$244 million annually in pensions into agreement countries.²
- 4.3 Australia has bilateral social security agreements in place with Austria, Canada, Chile, Croatia, Cyprus, Denmark, Germany, Italy, Malta, the Netherlands, New Zealand, Portugal, Slovenia, Spain and the United States of America.³

1 National Interest Analysis (NIA), para. 3.

2 Mrs Michalina Stawyskyj, *Transcript of Evidence*, 19 June 2006, p. 5.

3 Mrs Michalina Stawyskyj, *Transcript of Evidence*, 19 June 2005, p. 6.

Purpose of the Agreement

- 4.4 The *Agreement on Social Security between the Government of Australia and the Government of the Kingdom of Norway*,⁴ (the Agreement) provides for enhanced access to certain Australian and Norwegian social security benefits and greater portability of these benefits between countries.⁵
- 4.5 Under the Agreement, Australian and Norwegian residents will be able to move between Australia and Norway with the knowledge that their right to benefits is recognised in both countries.⁶
- 4.6 The Department of Families, Community Services and Indigenous Affairs (FaCSIA) informed the Committee:
- Consistent with Australia's other shared responsibility agreements, the new agreement will allow people to lodge claims from the other country, overcome time and other limitations on the portability of payments if people live in either country and provide avenues for mutual administrative assistance to facilitate the determination of correct entitlements.⁷
- 4.7 The Agreement includes age pension, the disability support pension for people who are severely disabled and the avoidance of double coverage for superannuation. Norway will reciprocate with the age pension, disability pension and pensions for survivors.⁸

Other social security agreements

- 4.8 At the time of its review of the Belgium, Chile and Slovenia social security agreements with Australia, the Committee received evidence

4 While this Agreement is new, the Australian Government has recently revised existing social security agreements with Austria, Canada, Ireland, Malta, the Netherlands, Portugal and Spain. Revision of these social security agreements included: changes to disability support pension eligibility; the rates of benefits for the first 26 weeks for temporary visitors; and the elimination of superannuation double coverage.

5 NIA, para. 4.

6 NIA, para. 4.

7 Mrs Michalina Stawyskyj, *Transcript of Evidence*, 19 June 2006, p. 6.

8 Mrs Michalina Stawyskyj, *Transcript of Evidence*, 19 June 2006, p. 6.

that there were plans to evaluate the social security agreements with the United States of America (US) and Germany.⁹

4.9 FaCSIA informed the Committee that the evaluation of the US agreement was underway and progressing slowly. FaCSIA is in the process of collecting further information, which it will make available to the Committee.¹⁰

4.10 The Committee was also informed that the social security agreements with Switzerland and Japan were expected to be finalised and signed in late 2006. The Australian Government is also in negotiations for social security agreements with Korea and Latvia.¹¹

4.11 In relation to a social security agreement with Greece, the Committee was informed:

The Greek agreement has taken some time, but we are very pleased to be able to report that we met with the Greeks last week for our first discussions since about 1994. We had very productive discussions, mainly as an information exchange preparatory to the first negotiation discussions. The Greek delegation is expected to come out to Australia some time in September or October this year. Both sides agreed that it would probably take us two or three discussions, and there seems to be commitment on their side as well as ours to progress it as quickly as possible.¹²

9 The US Agreement commenced in October 2002 and the Germany Agreement commenced in January 2003. JSCOT Report 53: Treaties tabled in May and June 2003, August 2003, p. 18.

10 Mr Peter Hutchinson, *Transcript of Evidence*, 19 June 2006, p. 8.

11 Mr Peter Hutchinson, *Transcript of Evidence*, 19 June 2006, p. 8.

12 Mrs Michalina Stawyskyj, *Transcript of Evidence*, 19 June 2006, p. 9.

Consultation

4.12 Norwegian Community Groups,¹³ welfare organisations¹⁴ and State/Territory Governments were consulted during the treaty negotiation period. Two formal responses were received from the Multicultural Communities' Council of South Australia (MCCSA) and the Federation of Ethnic Communities' Council of Australia (FECCA). MCCSA supported the Agreement. FECCA raised concerns regarding the treatment of overseas pensions as income for the purposes of determining the rate of Australian pension payable to a person. A letter was sent to FECCA explaining the rationale behind the assessment of overseas pensions as income.¹⁵

4.13 FaCSIA informed the Committee of the response provided to FECCA:

Essentially, a person who received a full Norwegian pension would not receive a full Australian pension, because of our income test. But, as we pointed out to the Federation of Ethnic Communities Council in our reply to their concerns, the means test in Australia is relatively generous in terms of there being a very significant free area up to which a person can have income and still not affect their Australian pension. And, of course, there is a taper of 40c in the dollar. A pensioner with other income, whether it is from private earnings or overseas pensions, is still significantly better off than a pensioner without any private income.¹⁶

13 Organisations consulted include: The Norwegian Clubs of Victoria, NSW & Qld, The Scandinavian Club of WA, Scandinavian Australian Association, Norwegian War Veterans and the Scandinavian Association of SA. NIA, Consultation Annex.

14 Organisations consulted include: ACROD, Association of Independent Retirees, Combined Pensioners and Superannuants Association, Council of Intellectual Disabilities Agencies, Ethnic Communities Councils of Qld & West Australia, Multicultural Councils of NT Inc, Tasmania and SA, National Ethnic Disability Alliance, Physical Disability Council of Australia Ltd., Welfare Rights Group, ACT Multicultural Community Council, Australian Council of Social Services, Council on the Ageing National Seniors, Ethnic Communities' Councils of NSW & Vic, FECCA, National Seniors Association, and Southern Cross Group. NIA, Consultation Annex.

15 NIA, Consultation Annex.

16 Mr Peter Hutchinson, *Transcript of Evidence*, 19 June 2006, p. 7.

Costs

- 4.14 The Agreement is expected to result in a reduction in administered outlays of \$0.740 million over the period ending 2009-2010. The Agreement, with the inclusion of the Social Security Agreement with Switzerland will cost \$2.466 million to implement over the same period.¹⁷

Entry into force and withdrawal

- 4.15 The Agreement will enter into force between Parties on the first day of the third month following the month in which notes are exchanged through diplomatic channels. An exchange of notes has been proposed to take place in October 2006 to enable the Agreement's entry into force on 1 January 2007.¹⁸
- 4.16 The Agreement shall remain in force until the expiration of 12 months from the date on which either Party receives formal notification through diplomatic channels of the intention to terminate the agreement. If the Agreement is terminated, the rights are preserved of: those people who are receiving benefits or who have lodged claims and would have been entitled to receive benefits; or who would have lodged claims and would have been entitled to receive benefits under the Agreement. This includes those people affected by double coverage provisions of paragraphs 2 or 3 of Article 9.¹⁹
- 4.17 Article 9 of the Vienna Convention allows for the Agreement to be amended at any time by agreement between the Parties.²⁰

Legislation

- 4.18 A new Schedule containing the full text of the Agreement will be added to the *Social Security (International Agreements) Act 1999* (Cth). The regulation making powers contained in Sections 8 and 25 of that Act will be used to implement the Agreement. In addition, an

17 NIA, para. 37.

18 NIA, para. 2.

19 NIA, para. 41.

20 NIA, para. 39.

amendment has been made to the *Superannuation Guarantee (Administration) Regulations* dealing with bilateral social security agreements to eliminate double superannuation coverage.²¹

4.19 The legislative instruments necessary to bring this Agreement into force are being tabled in Parliament prior to the completion of the JSCOT review process in order to meet the required number of sitting days before implementation on 1 January 2007.²²

4.20 In relation to the early tabling of legislative instruments, FaCSIA informed the Committee:

We have agreed with Norway that we would aim for implementation on 1 January next year, and the agreement itself provides that each side must exchange diplomatic notes advising the other of the completion of all processes in each country before the end of October. In order to do that we have had to overlap the committee's tabling period slightly.²³

Conclusion and recommendation

4.21 While the Committee agrees the Agreement is in Australia's interest, the Committee believes that to meet the Agreement's entry into force of 1 January 2007, FaCSIA should have tabled the treaty text and accompanying NIA earlier.

4.22 Earlier tabling of the NIA and treaty text would have allowed the Committee to review the proposed agreement within an adequate timeframe before the presentation of enabling legislation to Parliament.

Recommendation 3

The Committee supports the *Agreement on Social Security between the Government of Australia and the Government of the Kingdom of Norway (Canberra, 2 December 2005)* and recommends that binding treaty action be taken.

21 NIA, paras 34 and 36.

22 NIA, para. 35.

23 Mr Peter Hutchinson, *Transcript of Evidence*, 19 June 2006, p. 7.

Agreement with the United States of America on Cooperation in Science and Technology for Homeland/Domestic Security Matters

Purpose

- 5.1 The *Agreement between the Government of Australia and the Government of the United States of America on Cooperation in Science and Technology for Homeland/Domestic Security Matters (the Agreement)* establishes a framework to encourage, develop and facilitate bilateral cooperative activities in science and technology.¹
- 5.2 These activities will contribute to the domestic security capabilities for the prevention, detection and response to a domestic security threat. This includes protection of critical infrastructure and consequence management for both Australia and the United States of America (US).² The Agreement also builds upon the existing Australia-US relationship in science and technology, and provides economic benefits to Australia's science and technology industry.³

1 National Interest Analysis (NIA), paras 7 and 13.

2 NIA, para. 4.

3 NIA, paras 5 and 6.

5.3 In addition, this Agreement complements the Agreement relating to scientific and technical cooperation with the US⁴ as it provides for the planning and undertaking of cooperative activities in science and technology relating to domestic security.⁵ The Agreement also strengthens Australia's long-standing relationship with the US in the area of science and technology and enables Australian scientists and counter-terrorism agencies to benefit from collaborative research activities.⁶

5.4 The Department of Prime Minister and Cabinet (PM&C) outlined why the Agreement was of particular benefit to Australia:

Other bilateral and multilateral mechanisms exist but none provide the required scope—that is, homeland security which cuts across a number of federal and state departments; classification—this agreement goes up to 'top secret' or degree of sharing and trust in terms of collaborative projects, staff exchange, shared intellectual property... The scope covers any homeland security activity which has a significant science and technology component and allows for different types of cooperative activity, such as development of threat and vulnerability analyses, staff exchange, prototype development and joint exercises. I note also that this potentially includes any events which have domestic security consequences such as extreme weather and pandemics, as well as specific activities around countering terrorism.⁷

5.5 PM&C elaborated on the types of cooperative activities that could be undertaken under the Agreement.

There are projects on chemical, biological, radiological and nuclear. They are looking at forensics analysis and detection methodologies. There has been potential work on port of entry scanning of cargo and personnel biometric analysis. There is a strategic risk assessment of the risk of terrorist attacks and so on. There is human and behavioural studies on the causation of terrorists and how you may identify them.

4 The *Agreement relating to Scientific and Technical Cooperation between the Government of Australia and the Government of the United States of America (Canberra, 28 February 2006)* was automatically referred to the Committee upon its tabling on 20 June 2006.

5 NIA, para. 12.

6 NIA, para. 6.

7 Dr Richard Davis, *Transcript of Evidence*, 19 June 2006, p. 10.

There is also surveillance techniques either in airports or in other ports of entry. There is a range.⁸

- 5.6 PM&C also advised that Australia was interested in entering into similar agreements with the United Kingdom of Great Britain and Canada. There is also the possibility of entering into an agreement between four or more parties.⁹

Obligations

- 5.7 Australia's obligations under the Agreement are:

- Parties may seek to achieve the objective of the Agreement using appropriate means.¹⁰
- An Executive Agent (the First Assistant Secretary of the National Security Division of the Department of Prime Minister and Cabinet) will oversight the cooperative activity on Australia's behalf with the US. The US Executive Agent is the Undersecretary of Science and Technology of the US Department of Homeland Security. Any cooperative activity will be required to be agreed to in writing by the Executive Agents or their delegates.¹¹
- Executive Agents will appoint Agreement Directors who will be responsible for managing the cooperative activities including: developing an annual work plan and strategic plan, financial oversight, resolving issues and promoting the Agreement. The Agreement Directors will meet annually to review implementation of the Agreement.¹²
- Articles 6 and 7 provide for the types of areas and forms of cooperative activity related to domestic security, but are not limited to the areas specified.¹³
- Cooperative activities under the Agreement will be implemented in the form of projects and conducted pursuant to project arrangements as provided for in Article 8. The terms of

8 Dr Richard Davis, *Transcript of Evidence*, 19 June 2006, p. 11.

9 Dr Richard Davis, *Transcript of Evidence*, 19 June 2006, p. 15.

10 NIA, para. 14.

11 NIA, para. 15.

12 NIA, para. 16.

13 NIA, para. 17.

the Agreement will override any inconsistency between any project arrangement and the Agreement.¹⁴

- Article 9 provides that an engagement of any non-federal or non-central government person or entity (participant) in a cooperative activity must be approved in writing by the other Party. A participant will be required to have a written agreement with their relevant government to ensure that they abide by the Agreement. Further, Article 10 provides that each Party enter into contracts with any of its nationals participating in cooperative activities where possible.¹⁵
- Each Party is responsible for covering its own costs in undertaking cooperative activities under the Agreement. However, the Agreement creates no standing financial commitment. Article 11 provides for the sharing of costs for cooperative activities.¹⁶
- At the commencement of each cooperative activity, Parties will develop a joint Technology Management Plan which defines how intellectual property rights and royalties will be allocated.¹⁷
- Each Party may own intellectual property rights in both jurisdictions for commercialisation purposes.¹⁸
- Article 14 provides for the publication of research results.¹⁹
- Article 12 provides for the exchange of information and equipment in accordance with Australian and US law. Article 12 also provides for the exchange of classified, controlled and business confidential information which may arise.²⁰
- The Agreement includes facilitation of the entry and exit of people, equipment, materials and information to undertake cooperative activity. Each Party will ensure that custom duties and other like charges are not imposed on collaborative projects.²¹
- Article 16 provides for research safety in accordance with applicable laws.²²

14 NIA, para. 18.

15 NIA, para. 19.

16 NIA, para. 20.

17 NIA, para. 20.

18 NIA, para. 20.

19 NIA, para. 23.

20 NIA, para. 21.

21 NIA, para. 24.

22 NIA, para. 24.

- Neither Party can sell, transfer title, disclose or transfer possession of information or equipment to a third party without written approval from the other Party. State, Territory and local governments are not defined as third parties.²³
- Article 18 provides for dispute resolution by consultation, except for disputes concerning the publication of research results or intellectual property. The former is to be dealt with by Agreement in accordance with Article 14 and the latter by way of Arbitration in accordance with Annex 1.²⁴

Consultation

- 5.8 Consultation was undertaken with representatives from the Departments of Defence; Foreign Affairs and Trade; Education, Science and Training; Agriculture, Fisheries and Forestry; Health; Transport and Regional Services; and the Attorney-General's Department. Representatives from the Department of the Prime Minister and Cabinet; Defence and the Attorney-General's Department participated in the negotiation of the Agreement. The Australian Government Solicitor provided the legal counsel on the drafting of the Agreement.²⁵
- 5.9 The Australian Government consulted with State and Territory Governments through the Commonwealth-State/Territory Standing Committee on Treaties (SCOT). A verbal briefing on the Agreement was provided at the 22 September 2005 SCOT meeting. No objections or concerns were raised by State or Territory Governments as a result of this briefing.²⁶ In addition, consultation was undertaken with State water, fire brigade and police.²⁷
- 5.10 The Defence, Science and Technology Organisation was consulted throughout the development of the treaty text and considered the Agreement as a useful addition to other defence arrangements. CSIRO²⁸ legal officers examined the intellectual property clauses in

23 NIA, para. 25.

24 NIA, para. 26.

25 Consultation Annex, para. 2.

26 Consultation Annex, para. 4.

27 Dr Richard Davis, *Transcript of Evidence*, 19 June 2006, p. 12.

28 Commonwealth Scientific and Industrial Research Organisation.

August/September 2005 and supported the Agreement as a useful arrangement to facilitate interactions with the US.²⁹

Costs

- 5.11 There are no financial obligations directly associated with the implementation of this Agreement. The Agreement provides the opportunity for the co-funding of collaborative projects with the US. The US has in excess of \$100 million to support scientific research in this area.³⁰
- 5.12 Under the Agreement, PM&C representatives will oversee the implementation of the Agreement and attend joint meetings with the United States Department of Homeland Security. These costs will be met through PM&C's budget.³¹

Entry into force and withdrawal

- 5.13 The Agreement will enter into force upon the exchange of diplomatic notes. The Agreement was signed on 21 December 2005. Provisional application of the Agreement has been facilitated through an exchange of diplomatic notes at the time of the signing of the Agreement. This allows both parties to commence on a number of time critical activities prior to the Agreement's entry into force. The Agreement will not be legally binding until all domestic procedures have taken place.³²
- 5.14 The Agreement may be terminated in writing by either Party and would take effect 6 months from the date of the written notice, or by the mutual written agreement of the Parties.³³

29 Consultation Annex, para. 5.

30 NIA, para. 28.

31 NIA, para. 29.

32 NIA, para. 3.

33 NIA, para. 32.

Implementation

- 5.15 All manner of exchange between Parties in relation to this Agreement are to be conducted in accordance with the applicable laws of each Party. There will be no change to existing legislation as a result of the Agreement.³⁴

Conclusion and recommendation

- 5.16 The Committee acknowledges that the Agreement will enable Australian scientists and counter terrorism agencies to benefit from collaborative research activities and strengthen Australia's relationship in the area of science and technology.

Recommendation 4

The Committee supports the *Agreement between the Government of Australia and the Government of the United States of America on Cooperation in Science and Technology for Homeland/Domestic Security Matters* (Washington, 21 December 2005) and recommends that binding treaty action be taken.

³⁴ NIA, para. 27.

The International Institute for Democracy and Electoral Assistance Statutes (as amended at the extraordinary council meeting of International IDEA on 24 January 2006)

Introduction

- 6.1 The treaty action consists of Amendments to the *Agreement establishing the International Institute for Democracy and Electoral Assistance* (the Agreement) made at an extraordinary council meeting of the International IDEA on 24 January 2006.
- 6.2 Following the Amendments, the Agreement will become known as the *International Institute for Democracy and Electoral Assistance (IDEA) Statutes (as amended at the Extraordinary Council meeting of International IDEA on 24 January 2006)*.¹

¹ National Interest Analysis (NIA), para. 3.

Background

- 6.3 International IDEA was established in 1995 by the Agreement and at present, 24 States are party to the Agreement.²
- 6.4 International IDEA's principal goal is to develop and strengthen democracy worldwide.³ International IDEA's current activities include democracy building and conflict management, strengthening electoral processes, developing political parties as actors in democracy and supporting political equality and participation, particularly for underrepresented groups.⁴

2003 Amendments

- 6.5 The Committee notes with concern that amendments to the Agreement made in 2003 were not tabled in Parliament despite having entered into force for Australia on 17 July 2003.
- 6.6 The 2003 amendments prohibited associate members and observers of International IDEA from voting or otherwise participating in the Council's decision making.⁵ The amendment was made in the lead up to International IDEA gaining United Nations General Assembly observer status.⁶
- 6.7 The Committee notes that the National Interest Analysis (NIA) states that the 2006 Amendments largely supersede the 2003 Amendments.⁷ However the Committee expects any future amendment to the current treaty action to be tabled promptly in Parliament.

2 Australia, Barbados, Belgium, Botswana, Canada, Cape Verde, Chile, Costa Rica, Denmark, Finland, Germany, India, Mauritius, Mexico, Namibia, the Netherlands, Norway, Peru, Portugal, Spain, South Africa, Sweden, Switzerland, Uruguay. Japan is an observer State.

3 International IDEA's website <www.idea.int/about/index.cfm>

4 International IDEA's website <www.idea.int/about/index.cfm>

5 National Interest Analysis (NIA), para. 10.

6 NIA, para. 10.

7 NIA, paras 5 and 10.

2006 Amendments

- 6.8 Broadly, the 2006 Amendments improve the governance arrangements of International IDEA.⁸
- 6.9 New Article VII, will increase Member States' control over International IDEA by making the Council the decision making body.⁹ The Council, which is comprised of Member States, will approve the budget and work plans and appoint the Secretary-General. These duties were previously the responsibility of the Board of Directors. The Board of Directors will become the Board of Advisors which will be made up of eminent personalities and experts and will advise on matters of substance rather than matters relating to management and funding.¹⁰
- 6.10 Under new Article VII(8), the Council will appoint a Steering Committee to prepare meetings and further the interests of International IDEA.¹¹
- 6.11 New Article IV provides criteria for membership, and requires Member States to demonstrate, by example in their own State, their commitment to the rule of law, human rights, the basic principles of democratic pluralism and strengthening democracy. Furthermore, membership may be suspended by a two-thirds majority of the Council for members who no longer meet the requirements of membership.
- 6.12 New Article V encourages members to support the Institute through annual contributions, program sponsorship, project funding and other means.
- 6.13 New Article X (replacing previous Article IX) provides that the status, privileges and immunities of the Institute and its officials in other countries shall be specified in separate agreements concluded between the Institute and the country in which the Institute performs its functions. Australia would need to negotiate an agreement of this kind only if the Institute seeks to perform functions in Australia.

8 NIA, para. 11.

9 NIA, para. 11.

10 NIA, para. 11.

11 NIA, para. 11.

- 6.14 New Article XV provides that a member wishing to withdraw from the Agreement must give 6 months notice prior to its formal notification to enable the Institute to inform other members and to initiate discussions as required. The formal notification will take effect six months after the Depositary (the Secretary-General) receives written notice. As a result, 12 months would pass before withdrawal is finalised. Previously, members could withdraw three months after formal notification to the Depositary.
- 6.15 New Article III 'Cooperative Relationships' modifies the associate membership provisions from the previous agreement, creating an arrangement for 'cooperative relationships with other organisations, including international, inter-governmental and non-governmental organisations'. No formal provision for associate membership is provided for in the new Agreement.

Costs and consultation

- 6.16 The Amendments will not result in any costs other than what is currently required to support Australia's membership of International IDEA.¹² Under Article V, Australia is obliged to 'engage in the governance of the Institute and share in the financial responsibility'. The NIA states that Australia's current policy is to consider funding specific International IDEA projects which further Australia's overseas aid objectives in Asia and the Pacific rather than to provide core funding.¹³
- 6.17 The Australian Agency for International Development (AusAID) consulted with the Department of Foreign Affairs and Trade, the Attorney-General's Department, the Australian Electoral Commission and the Centre for Democratic Institutions.¹⁴ No objections were raised in relation to the Amendments and both the Centre for Democratic Institutions and the Australian Electoral Commission noted their strong and productive working relationships with International IDEA.¹⁵

12 NIA, para. 19.

13 NIA, para. 19.

14 NIA, Consultation Annex.

15 NIA, Consultation Annex.

Implementation and entry into force

- 6.18 No domestic legislation is required to give effect to the Amendments.¹⁶
- 6.19 The Amendments will enter into force and will be binding on all members thirty days after the date on which two-thirds of Parties have ratified them.¹⁷

Conclusion and recommendation

- 6.20 The Committee reiterates the importance of the treaty scrutiny process and encourages further awareness within all Commonwealth Government departments of this process so that all treaty actions are tabled in the Parliament to allow sufficient time for review, prior to their entry into force.

Recommendation 5

The Committee supports the *International Institute for Democracy and Electoral Assistance (IDEA) Statutes (as amended at the Extraordinary Council meeting of International IDEA on 24 January 2006)* and recommends that binding treaty action be taken.

16 NIA, para. 18.

17 NIA, paras 3 and 13.

Amendments to the Constitution of the International Organization for Migration (IOM)

Introduction

- 7.1 The amendments to the constitution of the International Organization for Migration (IOM) will strengthen the governance structure of the Organization. The amendments will streamline IOM processes, further strengthening its responsiveness and service efficiency; provide an incentive for states to settle outstanding contributions, thereby reducing adverse effects on IOM's ability to deliver services from non-paying members; free up administrative resources by abolishing the IOM executive committee without affecting Australia's ability to influence IOM decision making; and explicitly provide that new states must join, in accordance with their own domestic constitutional processes.¹

Background

- 7.2 The International Organization for Migration was established in 1951 as an intergovernmental organisation to resettle European displaced persons, refugees and migrants. Since the end of the Cold War and

¹ Mr Peter Hughes, *Transcript of Evidence*, 20 June 2006, p. 1.

with the effects of globalisation, the IOM has grown very rapidly in size and stature. With this growth has come an increase in its reach and capacity to deliver migration management services worldwide. The IOM's mission is to assist in meeting the growing operational challenges of migration management, to advance understanding of migration issues, to encourage social and economic development through migration and to uphold the dignity and wellbeing of migrants.²

- 7.3 The IOM's income is derived from the sale of its services on a fee-for-service basis. In addition, the IOM receives administrative contributions from Member States.³
- 7.4 In the 2005 calendar year, Australia purchased services to the value of just over \$US42 million.⁴ In addition, Australia annually provides approximately \$A700 000 to the IOM's administrative budget.⁵
- 7.5 The Department of Immigration and Multicultural Affairs informed the Committee of the services that Australia has recently purchased from the IOM:

The range of services we purchase from IOM includes the payment of all airfares for offshore humanitarian entrants being resettled under the offshore humanitarian program. We pay for extensive worldwide medical checking services, particularly for the refugee program. IOM has very sophisticated medical services around the world and it is more efficient and cheaper for us to use those services. We have made a contribution to an IOM loan scheme that allows special humanitarian program entrants who are required, with their sponsors in Australia, to pay their own airfares to get cheaper loans to pay for their passage to Australia. Also, in our capacity building activities we assist neighbouring countries with projects like assessing the strengths and weaknesses of their border management systems. In many cases we contract IOM to do that kind of operation on our behalf. We also use IOM to provide services such as the offshore processing centre in Nauru.⁶

2 Mr Peter Hughes, *Transcript of Evidence*, 20 June 2006, p. 1.

3 Mr Peter Hughes, *Transcript of Evidence*, 20 June 2006, p. 3.

4 Mr Peter Hughes, *Transcript of Evidence*, 20 June 2006, p. 3.

5 Mr Peter Hughes, *Transcript of Evidence*, 20 June 2006, p. 3.

6 Mr Peter Hughes, *Transcript of Evidence*, 20 June 2006, p. 3.

The Amendments

- 7.6 The constitutional Amendments to the IOM would:
- abolish the Executive Committee, freeing up administrative resources⁷
 - explicitly provide that new States must join in accordance with their own domestic constitutional processes as is the practice in other international organisations⁸
 - provide incentive for States to settle their outstanding contributions by automatically suspending the voting rights of States with overdue fees of two years or more. (Voting rights can be reinstated by a simple majority vote of the IOM Council if it is satisfied that failure to pay is due to conditions beyond the control of the Member State).⁹

Consultation

- 7.7 The Department of Foreign Affairs and Trade, the Attorney-General's Department and the Department of Prime Minister and Cabinet were consulted and each supported the Amendments.¹⁰
- 7.8 As the Amendments concern the internal operations of the IOM, consultation with State and Territory governments was unnecessary.¹¹

Costs and obligations

- 7.9 The Amendments to the IOM do not impose additional obligations on Australia to those which currently exist, nor do they impose extra costs or require legislative change.¹²

7 National Interest Analysis (NIA), para. 8.

8 NIA, para. 8.

9 NIA, para. 8.

10 NIA, Consultation Annex, para. 2.

11 NIA, Consultation Annex, para. 1.

12 NIA, para. 19.

Entry into force

- 7.10 The *Amendments to the Constitution of the International Organisation for Migration* were written up on 24 November 1998. As of February 2006, 41 States had accepted the Amendments.
- 7.11 The Amendments must be accepted by two-thirds majority or 78 of the 116 Member States. The Committee received evidence that it is likely to be some time before the IOM has received notification of acceptance from the two-third majority.¹³
- 7.12 The current slow rate of acceptance is not considered to result from any objection to the Amendments.¹⁴

Conclusion and recommendation

- 7.13 Although there are a number of international bodies involved with migration related issues, the Committee acknowledges that no other agency matches the IOM's worldwide presence and breadth of services.¹⁵
- 7.14 As Australia purchases a range of IOM services and makes a considerable contribution to the Organizations administrative budget, it is clearly in Australia's interests that the Organization operates with improved efficiency.

Recommendation 6

The Committee supports the *Amendments to the Constitution of the International Organization for Migration* and recommends that binding treaty action be taken.

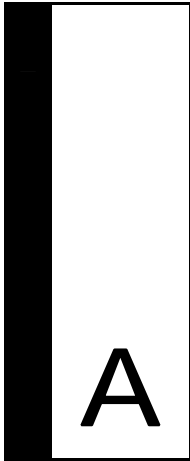
13 Mr Peter Hughes, *Transcript of Evidence*, 20 June 2006, p. 6.

14 Mr Peter Hughes, *Transcript of Evidence*, 20 June 2006, p. 6.

15 Mr Peter Hughes, *Transcript of Evidence*, 20 June 2006, p. 2.

Dr Andrew Southcott MP

Committee Chair



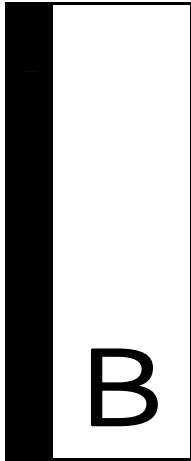
Appendix A - Submissions

Treaties tabled on 28 March 2006

- 2 Australian Patriot Movement
- 3 ACT Government

Treaties tabled on 10 May 2006

- 1 Australian Patriot Movement
- 1.2 Australian Patriot Movement
- 1.3 Australian Patriot Movement
- 1.4 Australian Patriot Movement
- 1.5 Australian Patriot Movement
- 1.6 Australian Patriot Movement
- 2 ACT Government
- 3 Department of Veterans' Affairs
- 4 AusAID
- 5 Confidential
- 11 Queensland Government



Appendix B - Witnesses

Monday, 8 May 2006 – Canberra

Attorney-General's Department

Mr William McFadyen Campbell, First Assistant Secretary, Office of International Law

Australian Centre for International Agriculture Research

Dr Simon Hearn, Senior Adviser

Commonwealth Scientific and Industrial Research Organisation (CSIRO)

Dr Tony Haymet, Director, Science and Policy, Chief-on-secondment Marine and Atmospheric Research

Dr Ta-Yan Leong, Senior Adviser (International)

Department of Education, Science and Training

Ms Heather Dyne, Director, Science Strategy Section, International Science Branch

Department of Foreign Affairs and Trade

Mr Miles Armitage, Assistant Secretary, Maritime South-East Asia Branch

Ms Elizabeth Peak, Executive Officer, International Law and Transnational Crime Section, Legal Branch

Mr Michael Jonathan Thwaites, Executive Director, Treaties Secretariat

Monday, 19 June 2006 – Canberra

Attorney-General's Department

Dr Rachel Bacon, Acting Assistant Secretary, Office of International Law

AusAID

Dr Neil McFarlane, Director, Africa and Multilaterals Section

Ms Julia O'Brien, Policy Officer

Department of Family and Community Services & Indigenous Affairs

Mrs Michalina Stawyskyj, Branch Manager, International

Department of Family and Community Services and Indigenous Affairs

Mr Peter Hutchinson, Section Manager, Agreements Section, International Branch

Department of Foreign Affairs and Trade

Ms Elizabeth Donaldson, Executive Officer, United States and Canada Section

Mr Bruce Lendon, Director, Africa Section

Ms Elizabeth Peak, Executive Officer, International Law and Transnational Crime Section, Legal Branch

Mr Michael Jonathan Thwaites, Executive Director, Treaties Secretariat

Mr John Woods, Acting Assistant Secretary, Northern, Southern and Eastern Europe Branch

Department of the Prime Minister and Cabinet

Dr Richard Davis, Head, National Security Science and Technology Unit

Dr Robert Floyd, International Programmes Coordinator, National Security Science and Technology Unit

Department of Veterans' Affairs

Major General Paul Stevens AO (retd), Deputy Director
(Administration), Office of Australian War Graves

Mrs Katherine Upton-Mitchell, Deputy Director (Administration),
Office of Australian War Graves

The Treasury

Mr Leon Latimore, Analyst

Tuesday, 20 June 2006 - Canberra

Attorney-General's Department

Dr Rachel Bacon, Acting Assistant Secretary, Office of International
Law

Department of Foreign Affairs and Trade

Mr Michael Jonathan Thwaites, Executive Director, Treaties
Secretariat

Department of Immigration and Multicultural Affairs

Mr Peter Hughes, First Assistant Secretary