

Report 103

Treaties tabled on 12 March and 13 May 2009

Agreement between Australia and the Socialist Republic of Vietnam concerning the Transfer of Sentenced Persons (Canberra, 13 October 2008)

Convention on Cluster Munitions (Dublin, 30 May 2008)

Agreement on Employment of the Spouses and Dependants of Diplomatic and Consular Personnel between Australia and the Portuguese Republic (Lisbon, 6 February 2009)

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Contents

Membership of the Committee	v
Resolution of Appointment	vii
List of abbreviations	viii
List of recommendations	ix
1 Introduction	1
Purpose of the Report	1
Conduct of the Committee's Review	2
2 Agreement between Australia and the Socialist Republic of Vietnam concerning Transfer of Sentenced Persons.....	3
Background	3
Obligations	4
Reasons for Australia to take treaty action	5
Costs	7
Criminality and adaptation of sentences	8
Number of prisoners to be affected.....	8
Implementation.....	9
Future treaty action.....	9
Consultation	9
Conclusions and recommendation	9

3	Convention on Cluster Munitions.....	11
	Introduction	11
	Impact of cluster munitions on civilians	12
	Obligations	12
	Reasons for Australia to take treaty action	14
	Use of cluster munitions by Australia	17
	Use of cluster munitions for training purposes	18
	Military cooperation with States not party to the Convention.....	19
	Australian investment in cluster munition production	23
	Opposition to the Convention.....	23
	Implementation.....	25
	Costs	25
	Future treaty action.....	26
	Consultation	26
	Conclusions and recommendations	26
4	Agreement on Employment of the Spouses and Dependants of Diplomatic and Consular Personnel between the Government of Australia and the Portuguese Republic	29
	Background	29
	Reasons for the treaty action.....	30
	Status of agreements relating to the employment of family members of consular and diplomatic officials.....	31
	Operation of the Agreement.....	33
	Definition of spouse and dependants	34
	Limitations on the type of employment.....	34
	Conclusion	35
	Appendix A - Submissions.....	37
	Appendix B - Witnesses	39



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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 on:

- a) matters arising from treaties and related National Interest Analyses and proposed treaty actions and related Explanatory Statements 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

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

ADF	Australian Defence Force
AG's	Attorney General's Department
ALHR	Australian Lawyers for Human Rights
AusAID	Australian Agency for International Development
DFAT	Department of Foreign Affairs and Trade
ITP Scheme	International Transfer of Prisoners Scheme
MOU	Memorandum of Understanding
NIA	National Interest Analysis
NSW	New South Wales
SMArt 155	Sensor Fused Munition for the Artillery, caliber 155mm
US	United States of America



List of recommendations

2 Agreement between Australia and the Socialist Republic of Vietnam concerning Transfer of Sentenced Persons

Recommendation 1

The Committee supports the *Agreement between Australia and the Socialist Republic of Vietnam concerning Transfer of Sentenced Persons* and recommends that binding treaty action be taken.

3 Convention on Cluster Munitions

Recommendation 2

The Committee recommends that the Australian Government and the Australian Defence Force (ADF) have regard to the following issues when drafting the legislation required to implement the *Convention on Cluster Munitions*, and when developing policies under which the personnel of the ADF operate:

- the definition of the terms ‘use’, ‘retain’, ‘assist’, ‘encourage’ and ‘induce’ as they apply in Articles 1, 2 and 21 of the *Convention on Cluster Munitions*;
- preventing inadvertent participation in the use, or assistance in the use, of cluster munitions by Australia; and
- preventing investment by Australian entities in the development or production of cluster munitions, either directly, or through the provision of funds to companies that may develop or produce cluster munitions.

Recommendation 3

The Committee supports the *Convention on Cluster Munitions* and recommends that binding treaty action be taken.

4 Agreement on Employment of the Spouses and Dependants of Diplomatic and Consular Personnel between the Government of Australia and the Portuguese Republic

Recommendation 4

The Committee supports the *Agreement on Employment of the Spouses and Dependants of Diplomatic and Consular Personnel between the Government of Australia and the Portuguese Republic* and recommends that binding treaty action be taken.

