

Report 95

Treaties tabled on 4 June, 17 June, 25 June and 26 August 2008

Convention on the Rights of Persons with Disabilities (New York, 13 December 2006)

Australia-Chile Free Trade Agreement

Agreement between the Government of Australia and the Government of the United Arab Emirates Concerning Defence Cooperation (Abu Dhabi, 23 April 2007)

Amendment, adopted 1 October 2007, to Annex 1 of the United Nations Educational, Scientific and Cultural Organisation (UNESCO) International Convention Against Doping in Sport of 19 October 2005

Headquarters Agreement between the Government of Australia and the Secretariat to the Agreement on the Conservation of Albatrosses and Petrels (Hobart, 23 June 2008)

Optional Protocol to the Convention on the Elimination of all Forms of Discrimination Against Women of 18 December 1979 (New York, 6 October 1999)

Agreement between Australia and the European Union on the Processing and Transfer of European Union-Sourced Passenger Name Record (PNR) Data by Air Carriers to the Australian Customs Service (Brussels, 30 June 2008)

Agreement between the Government of Australia and the Government of the French Republic Regarding Defence Cooperation and Status of Forces (Paris, 14 December 2006)

Agreement between the Government of Australia and the European Community on Certain Aspects of Air Services (Brussels, 29 April 2008)

Amendment to the Agreement on Social Security between the Government of Australia and the Government of the Republic of Chile of 25 March 2003

Amendment, Adopted at Rome on 28 March 2008, to the Agreement for the Establishment of the International Development Law Organization of 5 February 1988, as Amended on 30 June 2002 and 30 November 2002

Amendment to Annex 4.1 (Rules of Origin) of the Australia-Thailand Free Trade Agreement (TAFTA) of 5 July 2004

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Membership of the Committee

| | | |
|--------------|--|---|
| Chair | Mr Kelvin Thomson MP | |
| Deputy Chair | Senator the Hon Sandy Macdonald (until 30/6/08) | Senator Julian McGauran (from 1/7/08, elected Deputy Chair 2/9/08) |
| Members | Hon Kevin Andrews MP | Senator Andrew Bartlett (until 30/6/08) |
| | Mr John Forrest MP | Senator Simon Birmingham |
| | Ms Jill Hall MP | Senator David Bushby (until 1/7/08) |
| | Ms Belinda Neal MP | Senator Michaelia Cash (from 1/7/08) |
| | Ms Melissa Parke MP | Senator Don Farrell (from 1/7/08) |
| | Mr Luke Simpkins MP | Senator Scott Ludlam (from 4/9/08) |
| | Mr Chris Trevor MP | Senator Gavin Marshall (until 1/7/08) |
| | Ms Maria Vamvakinou MP | Senator Louise Pratt (from 1/7/08) |
| | | Senator Glen Sterle (until 1/7/08) |
| | | Senator Dana Wortley |

Committee Secretariat

| | |
|-------------------------|--|
| Secretary | James Rees (until 16/6/08) |
| | Siobhán Leyne (until 8/9/08) |
| | Russell Chafer (from 8/9/08) |
| Inquiry Secretaries | Kevin Bodel |
| | Sonya Fladun |
| | Julia Searle |
| Research Officer | Sophia Nicolle (from 2/9/08) |
| Administrative Officers | Heidi Luschinetz (until 6/6/08) |
| | Dorota Cooley |
| | Claire Young (from 2/7/08 to 12/9/08) |
| | Emma Martin (from 15/9/08) |



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

| | |
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| ACAP | Agreement on the Conservation of Albatrosses and Petrels |
| ADF | Australian Defence Force |
| AFDO | Australian Federation of Disability Organisations |
| APEC | Asia – Pacific Economic Cooperation |
| API | Advance passenger information |
| CEDAW | Convention on the Elimination of All Forms of Discrimination Against Women |
| CFMEU | Construction, Forestry, Mining and Energy Union |
| CMS | Convention on the Conservation of Migratory Species of Wild Animals |
| CRPD | Convention on the Rights of Persons with Disabilities |
| DDLC | Disability Discrimination Legal Centre |
| EC | European Community |
| EU | European Union |
| FECCA | Federation of Ethnic Communities Councils of Australia |
| HREOC | Human Rights and Equal Opportunity Commission |
| ILO | International Labour Organisation |

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| JDCC | Joint Defence Cooperation Committee |
| NACLC | National Association of Community Legal Centres |
| NEDA | National Ethnic Disability Alliance |
| NIA | National Interest Analysis |
| PNR | Passenger name record |
| SCOT | Standing Committee on Treaties |
| UN | United Nations |
| UNESCO | United Nations Education, Scientific and Cultural Organisation |



List of recommendations

2 Convention on the Rights of Persons with Disabilities

Recommendation 1

The Committee recommends that the Government consider expanding the role of the Human Rights and Equal Opportunity Commissioner to enable the Commissioner to provide Parliament with an annual report on compliance and implementation of the Convention and, if also ratified, the Optional Protocol.

Recommendation 2

The Committee recommends that a review be carried out of the relevant provisions of the Migration Act and the administrative implementation of migration policy, and that any necessary action be taken to ensure that there is no direct or indirect discrimination against persons with disabilities in contravention of the Convention.

3 Australia - Chile Free Trade Agreement

Recommendation 3

The Committee recommends that, prior to commencing negotiations for bilateral or regional trade agreements, the Government table in Parliament a document setting out its priorities and objectives. The document should include independent assessments of the costs and benefits. Such assessments should consider the economic regional, social, cultural, regulatory and environmental impacts which are expected to arise.

Recommendation 4

The Committee recommends that the Department of Foreign Affairs and Trade undertake and publish a review of the operation of the Australia – Chile Free Trade Agreement no later than two years after its commencement in order to assess the ongoing relevance of concerns expressed about the Agreement, such as the maintenance of sanitary and phytosanitary measures, impact on the horticulture industries, intellectual property, 457 visas, and labour and environmental standards.

Recommendation 5

The Committee supports the *Australia – Chile Free Trade Agreement* and recommends that binding treaty action be taken.

4 Treaty between Australia and the State of the United Arab Emirates on Defence Cooperation

Recommendation 6

The Committee recommends that in any specific arrangement concerning the exchange of Defence personnel, the Australian Government seeks to ensure that Australian personnel are protected from corporal and capital punishment under United Arab Emirates law.

Recommendation 7

The Committee supports the *Agreement between the Government of the United Arab Emirates and the Government of Australia on Defence Cooperation* and recommends that binding treaty action be taken.

5 Headquarters Agreement with the Secretariat to the Agreement on the Conservation of Albatrosses and Petrels

Recommendation 8

The Committee supports the *Headquarters Agreement between the Government of Australia and the Secretariat to the Agreement on the Conservation of Albatrosses and Petrels* and recommends that binding treaty action be taken.

6 Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women

Recommendation 9

The Committee supports the *Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women* and recommends that binding treaty action be taken.

7 Agreement between Australia and the European Union on the Processing and Transfer of European Union Sourced Passenger Name Record Data

Recommendation 10

The Committee supports the *Agreement between Australia and the European Union on the Processing and Transfer of European Union Sourced Passenger Name Record Data* and recommends that binding treaty action be taken.

8 Treaty between Australia and the French Republic regarding Defence Cooperation and Status of Forces

Recommendation 11

The Committee supports the *Agreement with the French Republic Regarding Defence Cooperation and Status of Forces* and recommends that binding treaty action be taken.

9 Treaty between Australia and the European Community on Certain Aspects of Air Services

Recommendation 12

The Committee supports the *Agreement between the Government of Australia and the European Union on Certain Aspects of Air Services* and recommends that binding treaty action be taken.

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Treaty Tabled on 4 June 2008

Recommendation 1

The Treaties Committee supports the *United Nations Convention on the Rights of Persons with Disabilities* and recommends that binding treaty action be taken.

