

Report 110

Treaties tabled on 18, 25 (2) and 26 November 2009 and 2 (2) February 2010

Amendment to the Convention Establishing a Customs Cooperation Council adopted at Brussels in 1952

Agreement between Australia and the Republic of Lebanon regarding Cooperation on Protecting the Welfare of Children (Beirut, 18 March 2009)

Second Protocol amending the Agreement between the Government of the Commonwealth of Australia and the Government of the Republic of Singapore for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income as amended by the Protocol of 16 October 1989

Agreement between Australia and the Republic of Poland on Social Security (Warsaw, 7 October 2009)

Amendments to the Annex of the Protocol of 1997 to Amend the International Convention for the Prevention of Pollution from Ships, 1973, as Modified by the Protocol of 1978 Relating Thereto

Treaty between Australia and the Republic of India on Mutual Legal Assistance in Criminal Matters (Canberra, 23 June 2008)

Extradition Treaty between Australia and the Republic of India (Canberra, 23 June 2008)

Amendment and extension of the Agreement between the Government of Australia and the Government of the United States of America concerning Space Vehicle Tracking and Communications Facilities effected by exchange of notes at Canberra May 29, 1980, as amended

Measure 16 (2009) Amendment of Annex II to the Protocol on Environmental Protection to the Antarctic Treaty (1998) (Baltimore, 17 April 2009)

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Membership of the Committee

Chair Mr Kelvin Thomson MP

Deputy Chair Senator Julian McGauran

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Senator Don Farrell

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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 recommendations

2 Agreement with Lebanon on Protecting the Welfare of Children

Recommendation 1

The Committee supports the *Agreement between Australia and the Republic of Lebanon Regarding Cooperation on Protecting the Welfare of Children* and recommends that binding treaty action be taken.

3 Taxation Agreement with Singapore

Recommendation 2

The Committee supports the *Second Protocol amending the Agreement between the Government of the Commonwealth of Australia and the Government of the Republic of Singapore for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income as amended by the Protocol of 16 October 1989* and recommends that binding treaty action be taken.

5 Exchange of Notes constituting an Agreement between the Government of the United States of America and the Government of Australia to amend the Agreement concerning Space Vehicle Tracking and Communication Facilities of 29 May 1980, as amended.

Recommendation 3

The Committee recommends that the Minister for Foreign Affairs write to all other ministers to remind them that, when they are planning to enter into a treaty, they must factor in the agreed 15 to 20 sitting day timeframe for the Committee to conduct its inquiry.

6 Extradition Treaty between Australia and the Republic of India, and Treaty between Australia and the Republic of India on Mutual Legal Assistance in Criminal Matters

Recommendation 4

The Committee recommends that new and revised extradition agreements should explicitly provide a requirement that the requesting country provide annual information concerning the trial status and health of extradited persons and the conditions of the detention facilities in which they are held.

Recommendation 5

The Committee recommends that all Australians who are subject to extradition should receive a face to face meeting with an Australian consular official, except where the person has made explicit their objection to consular assistance to the satisfaction of consular officers.

Recommendation 6

The Committee recommends that, when a foreign national is extradited from Australia to a third country, the Australian Government formally advise the government of that person's country of citizenship that one of its nationals has been extradited from Australia to a third country.

Recommendation 7

The Committee supports the *Extradition Treaty between Australia and the Republic of India* and the *Treaty between Australia and the Republic of India on Mutual Legal Assistance in Criminal Matters* and recommends that binding treaty action be taken.

7 Measure 16 (2009) Amendments to Annex II to the Protocol on Environmental Protection to the Antarctic Treaty

Recommendation 8

The Committee supports *Measure 16 (2009) Amendment of Annex II to the Protocol on Environmental Protection to the Antarctic Treaty* and recommends that binding treaty action be taken.

