

Report 79

Treaties tabled on 10 May (2), 5 and 6 September 2006

Treaty between the Government of Australia and the Government of Malaysia on Extradition (Putrajaya, 15 November 2005) and An Exchange of Notes between the Government of Australia and the Government of Malaysia on the Treaty on Extradition

Treaty between the Government of Australia and the Government of Malaysia on Mutual Assistance in Criminal Matters (Putrajaya, 15 November 2005) and An Exchange of Notes between the Government of Australia and the Government of Malaysia on the Treaty on Mutual Assistance in Criminal Matters

Convention between the Government of Australia and the Government of the French Republic for the Avoidance of Double Taxation with respect to Taxes on Income and the Prevention of Fiscal Evasion and Protocol

Convention between the Government of Australia and the Government of the Kingdom of Norway for the Avoidance of Double Taxation with respect to Taxes on Income and the Prevention of Fiscal Evasion

Amendments, agreed in Shanghai on 26 May 2006, to the Annex to the Agreement between the Government of Australia and the Government of the People's Republic of China for the Protection of Migratory Birds and their Environment

Amendments, agreed in Shanghai on 25 May 2006, to the Annex to the Agreement between the Government of Australia and the Government of Japan for the Protection of Migratory Birds and Birds in Danger of Extinction and their Environment

Agreement between the Government of Australia and the Government of the People's Republic of China relating to Air Services

Agreement between the Government of Australia and the Government of India relating to Air Services

Protocol on Explosive Remnants of War (Protocol V) to the 1980 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which may be deemed to be excessively injurious or to have indiscriminate effects

Exchange of Notes constituting an Agreement between the Government of Australia and the Government of the United States of America to amend Annex 2-B (Tariff Schedule of Australia), Annex 4-A and Annex 5-A of the Australia-United States Free Trade Agreement (AUSFTA) to ensure compliance with changes to the Harmonized Commodity Description and Coding System

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Membership of the Committee

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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

ADF	Australian Defence Force
AFP	Australian Federal Police
AUSFTA	Australia-United States Free Trade Agreement
CAMBA	Agreement between Australia and China for the Protection of Migratory Birds and their Environment
CASA	Civil Aviation Safety Authority
CAT	Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment
CNIA	CAMBA National Interest Analysis
Cth	Commonwealth
DEH	Department of Environment and Heritage
DFAT	Department of Foreign Affairs and Trade
EPBC Act	Environment Protection and Biodiversity Conservation Act 1999
FCNIA	French Convention National Interest Analysis
FTAs	Free Trade Agreements
HREOC	Human Rights and Equal Opportunity Commission

HS2007	Harmonized Commodity Description and Coding System that will come into effect on 1 January 2007
ICAO	International Civil Aviation Organisation
ICCPR	International Covenant on Civil and Political Rights
JAMBA	Agreement between Australia and Japan for the Protection of Migratory Birds and Birds in Danger of Extinction and their Environment
JNIA	JAMBA National Interest Analysis
LIV	Law Institute of Victoria
NCNIA	Norwegian Convention National Interest Analysis
NIA	National Interest Analysis
NSW CCL	New South Wales Council for Civil Liberties
OECD	Organisation for Economic Cooperation and Development
Protocol V	Protocol on Explosive Remnants of War to the 1980 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which may be deemed to be Excessively Injurious or to Have Indiscriminate Effects
ROKAMBA	Republic of Korea-Australia Migratory Birds Agreement
SAFTA	Singapore-Australia Free Trade Agreement
SCOT	Commonwealth-State/Territory Standing Committee on Treaties
US	United States of America
WCO	World Customs Organization
WSSD	World Summit on Sustainable Development



List of recommendations

2 Treaty between Australia and Malaysia on Extradition and an Exchange of Notes between Australia and Malaysia on the Treaty of Extradition

Recommendation 1

The Committee supports the *Treaty between the Government of Australia and the Government of Malaysia on Extradition (Putrajaya, 15 November 2005) and an Exchange of Notes between the Government of Australia and the Government of Malaysia on the Treaty on Extradition (Kuala Lumpur, 7 December 2005)* and recommends that binding treaty action be taken.

3 Treaty between Australia and Malaysia on Mutual Assistance in Criminal Matters and an Exchange of Notes between Malaysia and Australia on the Treaty on Mutual Assistance in Criminal Matters

Recommendation 2

The Committee supports the *Treaty between the Government of Australia and the Government of Malaysia on Mutual Assistance in Criminal Matters (Putrajaya, 15 November 2005) and an Exchange of Notes between the Government of Malaysia and the Government of Australia on Mutual Assistance in Criminal Matters (Kuala Lumpur, 7 December 2005)* and recommends that binding treaty action be taken.

4 Double Taxation Conventions with respect to Taxes on Income and the Prevention of Fiscal Evasion and Protocol with France and Norway

Recommendation 3

The Committee supports the *Convention between the Government of Australia and the Government of the French Republic for the Avoidance of Double Taxation with respect to Taxes on Income and the Prevention of Fiscal*

Evasion and Protocol, done at Paris on 20 June 2006 and recommends that binding treaty action be taken.

Recommendation 4

The Committee supports the *Convention between the Government of Australia and the Government of the Kingdom of Norway for the Avoidance of Double Taxation with respect to Taxes on Income and the Prevention of Fiscal Evasion, done at Canberra on 8 August 2006* and recommends that binding treaty action be taken.

5 Amendments to the Annex to the Agreement with China for the Protection of Migratory Birds and their Environment

Amendments to the Annex to the Agreement with Japan for the Protection of Migratory Birds and Birds in Danger of Extinction and their Environment

Recommendation 5

The Committee supports the *Amendments, agreed at Shanghai on 26 May 2006, to the Annex to the Agreement between the Government of Australia and the Government of the People's Republic of China for the Protection of Migratory Birds and their Environment, done at Canberra on 20 October 1986* and recommends that binding treaty action be taken.

Recommendation 6

The Committee supports the *Amendments, agreed at Shanghai on 25 May 2006, to the Annex to the Agreement between the Government of Australia and the Government of Japan for the Protection of Migratory Birds and Birds in Danger of Extinction and their Environment, done at Tokyo on 6 February 1974* and recommends that binding treaty action be taken.

6 Air Services Agreement with China

Recommendation 7

The Committee supports the *Agreement between the Government of Australia and the Government of the People's Republic of China relating to Air Services, done at Canberra on 23 March 2004* and recommends that binding treaty action be taken.

7 Air Services Agreement with India

Recommendation 8

The Committee supports the *Agreement between the Government of Australia and the Government of India relating to Air Services, done at New Delhi on 6 March 2006* and recommends that binding treaty action be taken.

8 Protocol V on Explosive Remnants of War

Recommendation 9

The Committee supports the *Protocol on Explosive Remnants of War to the 1980 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which may be deemed to be Excessively Injurious or to Have Indiscriminate Effects* and recommends that binding treaty action be taken.

9 Amendments to the Australia-United States Free Trade Agreement to ensure compliance with changes to the Harmonized Commodity Description and Coding System

Recommendation 10

The Committee supports the Exchange of Notes constituting an Agreement between the Government of Australia and the Government of the United States of America to amend Annex 2-B (Tariff Schedule of Australia), Annex 4-A and Annex 5-A of the Australia-United States Free Trade Agreement (AUSFTA) to ensure compliance with changes to the Harmonized Commodity Description and Coding System and recommends that binding treaty action be taken.

