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JOINT STANDING COMMITTEE ON TREATIES

Report tabled

Issue date: Tuesday 7 February 2017

With Caveats: Committee supports nuclear export to Ukraine and extradition to China

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The Treaties Committee has recommended the ratification of the nuclear co-operation agreement with Ukraine and the bi-lateral extradition treaty with China.

Nuclear Cooperation Agreement with Ukraine

The [agreement for nuclear co-operation with the Ukraine](#) will permit the export of Australian uranium to that country for peaceful purposes.

[Committee Chair, the Hon Mr Stuart Robert MP](#) said that the Ukraine is reliant on nuclear power for electricity generation, and the agreement is an important contribution Australia can make to the energy security and stability of Ukraine.

“Though the agreement incorporates provisions to ensure nuclear material is being used for peaceful purposes, the Committee is concerned about the impact of recent instability in Ukraine and the risk that regulatory control of the material may be lost” said Mr Robert.

While supporting the agreement, the Committee’s report recommends that the Australian Government develop a suitable contingency plan for the removal of nuclear material if the material is at risk of a loss of regulatory control.

Extradition Agreement with China

The [extradition treaty with China](#) will allow Australia and China to extradite people to stand trial in the country where the crime was committed.

The Committee has consistently supported these treaties and the role they play in combating domestic and transnational crime, and the bi-lateral treaty with China is no exception.

“Though it supports the agreement, the Committee shares concerns expressed by the community about human rights afforded to people charged with crimes in China, the lack of transparency in the Chinese legal system, allegations of the ill-treatment and torture of prisoners, and the continuing imposition of the death penalty”, said Mr Robert.

To make sure extradited suspects are treated fairly, the Committee has recommended that:



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- prior to making a decision to extradite an individual to China, the relevant Minister must take into account the current state of China's criminal justice system as well as the risks to the individual concerned; and
- any agreement to extradite a person to China must include an undertaking by China to provide a fair trial to that person.

The Committee's report also makes comment on Australia's extradition arrangements.

"The Committee is concerned that a more systematic approach needs to be taken to ensure the human rights and welfare of those extradited by Australia" said Mr Robert.

The Report recommends that the Government improve collection, and if possible, reporting on whether an extradited Australian citizen's trial has taken place, if the person had been found guilty or not, and what sentence has been imposed. Similarly, the Committee also recommends that, as a condition for the extradition of a foreign national to their country of citizenship, the Australian Government be kept informed of:

- the details of the trial;
- whether a consular official is able to attend;
- the outcome of any prosecution; and
- on request, the location and general health of the person while in custody.

The [Committee's Report](#) was presented out of session on 16 December 2016. Mr Robert will be making a statement in the House of Representatives at approximately 12.00pm today.

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