

Parliamentary Joint Standing Committee on Treaties
Report 66 *Review of treaties tabled 7 December 2004 (4), 15 March and*
11 May 2005 tabled on 17 August 2005

Introduction

The Parliamentary Joint Committee on Treaties has been appointed by the Commonwealth Parliament to review and report on all treaty actions proposed by the Government before action which binds Australia to the terms of the treaty is taken.

Terms of reference

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.

Report 66

The Committee released its Report 66 *Review of treaties tabled 7 December 2004 (4), 15 March and 11 May 2005* on 17 August 2005. The Committee made three recommendations in that Report about the *United Nations Convention against Corruption* (UNCAC). These recommendations are addressed below.

RESPONSE TO RECOMMENDATIONS

Recommendation 1

That the Attorney-General advise the Committee in writing of the Australian Government's intention to meet Australia's obligations under the United Nations Convention Against Corruption only through the means specified in the National Interest Analysis, particularly as stated in paragraphs 50, 51 and 52.

Response:

As detailed in the National Interest Analysis, the Australian Government is confident that Australia meets all of the mandatory requirements of the United Nations Convention against Corruption (UNCAC). The

Attorney-General's Department consulted with relevant Australian Government departments and agencies and with the States and Territories, and determined that no new legislation is required.

Recommendation 2

That the Attorney-General advise the Committee in writing that the Australian Government has no intention of using the external affairs power and the United Nations Convention against Corruption to pass legislation which has not been foreshadowed in the National Interest Analysis.

Response

The Australian Government does not intend to use the external affairs power to pass additional legislation to implement the UNCAC.

The only domestic change that was necessary to implement UNCAC was to make regulations under the *Mutual Assistance in Criminal Matters Act 1987* (Cth) and under the *Extradition Act 1988* (Cth). These regulations give effect to the extradition and mutual assistance obligations in UNCAC.

Recommendation 3

The Committee supports the United Nations Convention Against Corruption (New York, 31 October 2003) and recommends that binding treaty action be taken.

Response

The Australian Government completed the final steps required for ratification as a matter of high priority and ratified the UNCAC on 7 December 2005.