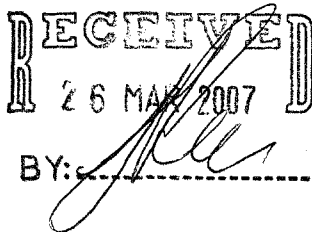


Submission 52
TT 6 December 2006



Australian Government
Attorney-General's Department

**International
Crime Cooperation Division**

06/20436

22 March 2007

Mr James Rees
Committee Secretary
Joint Standing Committee on Treaties
Department of House of Representatives
PO Box 6021
Parliament House
CANBERRA ACT 2600

Dear Mr Rees

Joint Standing Committee on Treaties hearing on the Agreement between Australia and the Republic of Indonesia on the Framework for Security Cooperation

I am writing to respond to a statement made during the Joint Standing Committee on Treaties hearing on the *Agreement between Australia and the Republic of Indonesia on the Framework for Security Cooperation* held on 26 February 2007.

In the transcript of the hearing, Dr Kristine Klugman, President of Civil Liberties Australia, is attributed as having stated the following about the *Mutual Assistance in Criminal Matters Act 1987* (the Act):

Unfortunately this document does not even mention the death penalty or any form of protection from state killing [taken from page TR15 of the transcript].

This statement is incorrect. Sections 8(1A) and 8(1B) of the Act regulate the provision of mutual assistance in death penalty matters. I attach a copy of the relevant sections for your information.

I hope that this clarification is of assistance to the Committee. The action officer for this matter is Anita Madden who can be contacted on 6250 5625.

Yours sincerely

A handwritten signature in black ink, appearing to read "Maggie Jackson".

Maggie Jackson
First Assistant Secretary

Telephone: 6250 6027
Facsimile: 6250 5945
E-mail: maggie.jackson@ag.gov.au

Extract from the *Mutual Assistance in Criminal Matters Act 1987*:

Section 8(1A)

A request by a foreign country for assistance under this Act must be refused if it relates to the prosecution or punishment of a person charged with, or convicted of, an offence in respect of which the death penalty may be imposed in the foreign country, unless the Attorney-General is of the opinion, having regard to the special circumstances of the case, that the assistance requested should be granted.

Section 8(1B)

A request by a foreign country for assistance under this Act may be refused if the Attorney-General:

- (a) believes that the provision of the assistance may result in the death penalty being imposed on a person; and
- (b) after taking into consideration the interests of international criminal co-operation, is of the opinion that in the circumstances of the case the request should not be granted.