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**Jon Stanhope** MLA  
CHIEF MINISTER



TREASURER MINISTER FOR BUSINESS AND ECONOMIC DEVELOPMENT  
MINISTER FOR INDIGENOUS AFFAIRS MINISTER FOR THE ENVIRONMENT, WATER AND CLIMATE CHANGE  
MINISTER FOR THE ARTS  
MEMBER FOR GINNINDERRA

Submission 5  
TT 12 March 2008

The Hon Kelvin Thomson MP  
Chair  
Joint Standing Committee on Treaties  
Parliament House  
CANBERRA ACT 2600



Dear Mr Thomson

Thank you for your letter of 13 March 2008 regarding various treaties under consideration by the Joint Standing Committee on Treaties.

The ACT generally supports the ratification of the Treaties with the State of the United Arab Emirates (UAE). However, there are concerns in regard to applications for legal assistance and the extradition of persons involved in investigations of offences that attract penalties that are inconsistent with penalty schemes in the ACT and Australia in general. Such applications have the real potential to violate and usurp the fundamental human rights protected under the ACT's *Human Rights Act 2004*.

Although I note that there are explicit safeguards in the Treaties and also the *Mutual Legal Assistance Act 1987* and the *Extradition Act 1988*, the ACT would like the Commonwealth to consider appropriate regulations after the ratification of those Treaties with the UAE to ensure greater certainty that the assurances given are consistent with those expressed by the Federal Court in the matter of *McCrea v Minister for Customs and Justice* [2005] FCAFC 180. The ACT also considers that it is of equal importance that the UAE provides assurances that a person will not be subjected to cruel or inhumane punishment if they are to be surrendered.

At this time the ACT will not be making a submission to the Committee on the other ten Treaties that were tabled on 12 March 2008.

Thank you for the opportunity to comment on these international agreements under inquiry.

Yours sincerely

*[Signature]*

Jon Stanhope MLA  
Chief Minister

28 APR 2008

ACT LEGISLATIVE ASSEMBLY