



Australian Government
Department of Defence



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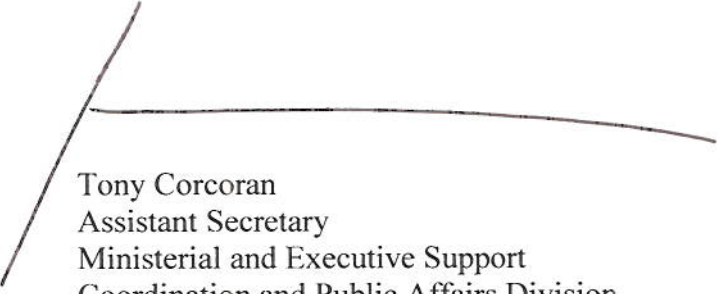
Ms Siobhan Leyne
Committee Secretary
Joint Standing Committee on Treaties
House of Representatives
Parliament House
CANBERRA ACT 2600

Dear Ms Leyne

Please find attached the Defence response to a Question on Notice taken at the hearing regarding the United Arab Emirates (UAE) – Australia Defence Cooperation Agreement on 25 August 2008.

Please do not hesitate to contact me if you wish to discuss further.

Yours sincerely



Tony Corcoran
Assistant Secretary
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Attachment A

**RESPONSE TO THE JOINT STANDING COMMITTEE ON TREATIES
QUESTION ON NOTICE**

Question One	Action area: IS&IP icw DSG
Agreements with countries that could expose Australian Defence Force members to the death penalty	
Ms Neal, Hansard, 25 August 2008, pg TR34	

Of the countries with which Australia has concluded Status of Forces Treaties, in which of those could the death penalty be applied to Australian military personnel?

RESPONSE

Exchange of Notes constituting an Agreement between the Government of Australia and the Government of Malaysia on Five Power Defence Arrangements.	Entry into force: 1 December 1971
Exchange of Notes constituting an Agreement between the Government of Australia and the Government of the Republic of Singapore on Five Power Defence Arrangements	Entry into force: 1 December 1971
Agreement between the Government of Australia and the Government of Malaysia concerning the Status of Forces	Entry into force: 22 July 1999

Each of the above three agreements contain provisions that an Australian Defence Force (ADF) member will not be subject to the territorial state's jurisdiction for acts done during the course of official duty. In those circumstances the death penalty would not apply. However, an ADF member could be subject to the territorial state's law (and hence the death penalty, where applicable) for acts or omissions done when that member is not on official duty. The agreements provide that Australia can ask the territorial state to waive jurisdiction, and that the territorial state shall give sympathetic consideration to such requests.

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