

TT 7 December 2004

Submission No:7.....



Australian Government
Attorney-General's Department

Criminal Justice Division

05/2603

24 March 2005

Dr Andrew Southcott MP
Chair
Joint Standing Committee on Treaties
House of Representatives
Parliament House
CANBERRA ACT 2600

Dear Dr Southcott

Joint Standing Committee on Treaties – Hearing on the United Nations Convention Against Corruption

I am writing to clarify some of the answers that I provided to the Committee about the United Nations Convention Against Corruption (UNCAC) on 7 March 2005.

During the Committee hearing, I stated that:

The analysis that we have done to date suggests that we are presently fully compliant with the mandatory obligations in terms of legislation, and our assessment is that we are also fully compliant with the optional ones (page 26 of Hansard transcript – proof copy).

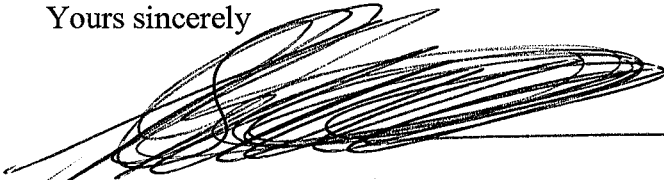
To clarify, Australia complies with many, but not all, of UNCAC's optional provisions. Australia complies with all of UNCAC's mandatory requirements.

In my answer to the Chair's question on whether any developed countries have ratified UNCAC, I included the Ukraine as one of the parties to UNCAC (page 27 of Hansard transcript – proof copy). This reference should have been to Uganda. The Ukraine signed UNCAC on 11 December 2003, but has not yet ratified it.

I would like to clarify the way in which the Department determined Australia's legislative compliance with UNCAC's mandatory obligations (page 29 of Hansard transcript – proof copy). The Department consulted all relevant Commonwealth departments and agencies, including the Department of the Treasury, the Australian Public Service Commission, the Australian Federal Police and AusAID. Each department or agency confirmed that Commonwealth primary legislation is sufficient. Regulations will need to be made under the *Extradition Act 1988* and the *Mutual Assistance in Criminal Matters Act 1987*.

The Department also consulted with all States and Territories. During this process, some States raised concerns about the adequacy of their legislation. The Department examined those concerns and determined that they do not affect Australia's compliance with UNCAC's mandatory obligations.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Joanne Blackburn', written over a horizontal line.

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