

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
ATTORNEY-GENERAL'S DEPARTMENT

Group 3

Program 1.6

Question No. 29

Senator Xenophon asked the following question at the hearing on 16 October 2012:

Senator XENOPHON: Could you provide on notice a copy of those terms of that mutual assistance agreement?

Mr Wilkins: Well, I can certainly provide you on notice with the requirements of mutual assistance treaties and with our arrangements with Indonesia, yes, I can do that.

Senator XENOPHON: I would be grateful for that.

The answer to the honourable senator's question is as follows:

Australia can make a mutual assistance request to any country. In addition, Australia is a party to twenty nine bilateral mutual assistance treaties which create specific mutual assistance obligations. Those agreements typically reflect the confidential nature of the mutual assistance process and include terms to protect the confidentiality of requests for assistance.

Australia and Indonesia are parties to the *Treaty between Australia and the Republic of Indonesia on Mutual assistance in Criminal Matters*.

A full list of Australia's bilateral mutual assistance treaties is below. The full text of each of the treaties is available at the Australian Treaties Database website hosted by the Department of Foreign Affairs and Trade (www.info.dfat.gov.au/treaties).

Bilateral Mutual Assistance Treaties

- | | |
|-----------------------|--------------------------|
| 1. Argentina | 16. Luxembourg |
| 2. Austria | 17. Malaysia |
| 3. Canada | 18. Mexico |
| 4. China | 19. Monaco |
| 5. Ecuador | 20. Netherlands |
| 6. Finland | 21. Philippines |
| 7. France | 22. Portugal |
| 8. Greece | 23. Spain |
| 9. Hong Kong | 24. Sweden |
| 10. Hungary | 25. Switzerland |
| 11. India | 26. Thailand |
| 12. Indonesia | 27. United Arab Emirates |
| 13. Israel | 28. United Kingdom |
| 14. Italy | 29. United States |
| 15. Republic of Korea | |