



Statutory Rules 1992 No. 1

333

## Extradition Regulations<sup>2</sup> (Amendment)

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *Extradition Act 1988*.

Dated 20 October 1992.

**BILL HAYDEN**

Governor-General

By His Excellency's Command,

*Michael Duffy*  
Attorney-General

### 1. Amendment

1.1 The Extradition Regulations are amended as set out in these Regulations.

[NOTE: These Regulations commence on gazettal: see *Acts Interpretation Act 1901*, s.48]

**2. Regulation 13 (Warrant of arrest—non-compliance with bail conditions)**

2.1 Omit the regulation, substitute:

**Procedure after arrest of person who was on bail**

“13. (1) The provisions of subsections 15 (2), (3), (4), (5) and (6) of the Act apply in relation to a person who has been brought before a court in accordance with subsection 49A (2) of the Act as if the person had been brought before a magistrate in accordance with subsection 15 (1) of the Act.

“(2) In the exercise of a discretion in relation to a person who has been brought before a court in accordance with subsection 49A (2) of the Act, the court may have regard, if it sees fit, to the circumstances of the arrest of the person under subsection 49A (1) of the Act.”.

**3. Schedule**

3.1 Form 3:

Omit the Form.

3.2 Form 8:

Omit “To a magistrate within the meaning of the *Extradition Act 1988*.”, substitute

“To a magistrate within the meaning of the *Extradition Act 1988*

AND to (*insert name of police officer*), a police officer within the meaning of that Act.”.

3.3 Form 8 (paragraph (c)):

Omit “you”, substitute “you, the abovementioned magistrate,”.

3.4 Form 8 (paragraph (c)):

Omit “(*insert name of police officer*), a police officer; and”, substitute “the abovenamed police officer; and”.

3.5 Form 8 (paragraph (d)):

Omit “(*insert name of police officer*), a police officer,”, substitute “you, the abovenamed police officer,”.

3.6 Forms 11 and 12:

Omit “To all police officers within the meaning of the *Extradition Act 1988* in (*insert name of State or Territory*).

And to the person in charge of (*insert name of prison*) in (*insert name of State or Territory*).”, substitute:

“To all police officers within the meaning of the *Extradition Act 1988* in (*insert name of State or Territory*)

AND to the person in charge of (*insert name of prison*) in (*insert name of State or Territory*).”.

**3.7 Form 13:**

Omit “is being held.” (first occurring), substitute “is being held AND to all police officers within the meaning of the *Extradition Act 1988* AND to [name of escort] (in this warrant called ‘the escort’).”.

**3.8 Form 13 (paragraph (ca)):**

Omit “exemption”, substitute “exception”.

**3.9 Form 13 (paragraph (g)):**

Omit “(insert name of person)”, substitute “the escort”.

**3.10 Form 13 (paragraph (h)):**

Omit “(insert name of person)”, substitute “you, the escort.”.

**3.11 Form 14:**

Omit “is being held.” (first occurring), substitute “is being held AND to all police officers within the meaning of the *Extradition Act 1988* AND to [name of escort] (in this warrant called ‘the escort’).”.

**3.12 Form 14 (paragraph (ca)):**

Omit “exemption”, substitute “exception”.

**3.13 Form 14 (paragraph (k)):**

Omit “(insert name of person)”, substitute “the escort”.

**3.14 Form 14 (paragraph (l)):**

Omit “(insert name of person)”, substitute “you, the escort.”.

**3.15 Form 15:**

Omit “is being held.” (first occurring), substitute “is being held AND to all police officers within the meaning of the *Extradition Act 1988* AND to [name of escort] (in this warrant called ‘the escort’).”.

**3.16 Form 15 (paragraph (f)):**

Omit “(insert name of person)”, substitute “the escort”.

**3.17 Form 15 (paragraph (g)):**

Omit “(insert name of person)”, substitute “you, the escort.”.

## 3.18 After Form 20, insert:

“FORM 20A

Subsection 33A (2)

Regulation 3

## COMMONWEALTH OF AUSTRALIA

*Extradition Act 1988*

## SURRENDER WARRANT UNDER SUBSECTION 33A (2)

To all police officers within the meaning of the *Extradition Act 1988*  
AND to [name of escort] (in this warrant called ‘the escort’).

I, [name and designation of magistrate], a magistrate within the meaning of the *Extradition Act 1988*, acting under subparagraph 33A (2) (b) (i) of that Act, by this warrant, order that the prisoner be surrendered to New Zealand as soon as practicable, and for this purpose I:

- (a) authorise you, the abovementioned police officers:
  - (i) to take the prisoner into custody; and
  - (ii) to transport the prisoner in custody; and
  - (iii) if necessary or convenient, to detain the prisoner in custody;for the purpose of enabling the prisoner to be placed in the custody of the escort and transported out of Australia; and
- (b) authorise you, the escort, to transport the prisoner in custody out of Australia to a place in New Zealand for the purpose of surrendering the prisoner to a person appointed by New Zealand to receive the prisoner.

Dated

[Signature and designation of magistrate  
issuing warrant]

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“FORM 20B

Subsection 33A (2)  
Regulation 3

## WARRANT OF COMMITTAL UNDER SUBSECTION 33A (2)

To all police officers within the meaning of the *Extradition Act 1988* in [name of State or Territory]

AND to the person in charge of [name of prison] in [name of State or Territory] (in this warrant called ‘the designated prison’).

I, [name and designation of magistrate], a magistrate within the meaning of the *Extradition Act 1988*, acting under subparagraph 33A (2) (b) (ii) of that Act, by this warrant, order that, pending the execution of the warrant issued by me under subparagraph 33A (2) (b) (i) of that Act ordering that the prisoner be surrendered to New Zealand, the prisoner be committed to prison, and for this purpose I:

- (a) authorise you, the abovementioned police officers:
  - (i) to take the prisoner to the designated prison; and
  - (ii) to deliver the prisoner to the person in charge of the designated prison; and
- (b) authorise and request you, the person in charge of the designated prison:
  - (i) to receive the prisoner into your custody; and
  - (ii) to keep the prisoner safely in that prison pending the execution of the abovementioned warrant ordering that the prisoner be surrendered to New Zealand.

Dated

[Signature and designation of magistrate  
issuing warrant]”.

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3.19 Form 21:

Omit “To all police officers within the meaning of the *Extradition Act 1988*.”, substitute:

“To all police officers within the meaning of the *Extradition Act 1988*  
AND to [name of escort] (in this warrant called ‘the escort’).”.

3.20 Form 21:

Omit “order.”, substitute “warrant, order that the prisoner be surrendered to New Zealand, and for this purpose I:”.

## 3.21 Form 21 (paragraph (c)):

Omit “you”, substitute “you, the abovementioned police officers,”.

## 3.22 Form 21 (paragraph (c)):

Omit “(specify person)”, substitute “the escort”.

## 3.23 Form 21 (paragraph (d)):

Omit “(specify person)”, substitute “you, the escort,”.

## 3.24 Form 22:

Omit “Territory).”, substitute “Territory”.

## 3.25 Form 22:

Omit “hereby:”, substitute “by this warrant, order that, pending the execution of the warrant referred to in paragraph (c), the prisoner be committed to prison, and for this purpose I:”.

## 3.26 Form 23:

Omit “To all police officers within the meaning of the *Extradition Act 1988*.”, substitute:

“To all police officers within the meaning of the *Extradition Act 1988*  
AND to [name of escort] (in this warrant called ‘the escort’).”.

## 3.27 Form 23 (paragraph (f)):

Omit “you”, substitute “you, the abovementioned police officers,”.

## 3.28 Form 23 (paragraph (f)):

Omit “(specify person)”, substitute “the escort”.

## 3.29 Form 23 (paragraph (g)):

Omit “(specify person)”, substitute “you, the escort,”.

## 3.30 Form 24:

Omit “To all police officers within the meaning of the *Extradition Act 1988*.”, substitute:

“To all police officers within the meaning of the *Extradition Act 1988*  
AND to [name of escort] (in this warrant called ‘the escort’).”.

## 3.31 Form 24 (paragraph (d)):

Omit “you”, substitute “you, the abovementioned police officers,”.

## 3.32 Form 24 (paragraph (d)):

Omit “(specify person)”, substitute “the escort”.

## 3.33 Form 24 (paragraph (e)):

Omit “(specify person)”, substitute “you, the escort,”.

**NOTES**

1. Notified in the *Commonwealth of Australia Gazette* on
2. Statutory Rules 1988 No. 280.

/ 1992. 27 October /