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Statutory Rules 1996 No. ⁱh¹

227/

Extradition (Commonwealth Countries) Regulations² (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 ^h 1996.

23 October/

^h WILLIAM DENNE/
Governor-General

By His Excellency's Command,

^h DARYL WILLIAMS/
Attorney-General and Minister for Justice

1. Amendment

1.1 The Extradition (Commonwealth Countries) Regulations are
amended as set out in these Regulations.

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

2. Regulation 2 (Interpretation)**2.1 Definition of “Commonwealth country”:**

Omit “and specified in the Schedule”.

3. Regulation 6 (Modification of Act—production of documents: section 19)**3.1 Subregulation 6 (1):**

After “Commonwealth country”, insert “specified in Part 1 of the Schedule”.

3.2 Add at the end:

“(3) The Act applies in relation to each Commonwealth country specified in Part 2 of the Schedule subject to the limitations, conditions, exceptions or qualifications set out in subregulation (4).

“(4) For the purposes of subregulation (3), in addition to the supporting documents referred to in paragraph 19 (2) (a) of the Act, the following documents are required to be produced to a magistrate for the purposes of subsection 19 (1) of the Act:

- (a) a recital of the evidence acquired to support the application for the surrender of the person to the Commonwealth country in relation to an extradition offence;
- (b) an affidavit of an officer of an investigating authority of the Commonwealth country stating that:
 - (i) the recital of evidence mentioned in paragraph (a) was prepared by or under the direction of that officer; and
 - (ii) the evidence mentioned in the recital in relation to the extradition offence is available to be produced at the trial of that person;
- (c) a certificate of the Attorney-General of the Commonwealth country that, in his or her opinion, the recital mentioned in paragraph (a) discloses the existence of evidence under the law of that country that justifies prosecution of the person for the extradition offence;

- (d) a statement of the identity, nationality and description of the person and, to the extent that is possible, of the whereabouts of the person.”.

4. Schedule (Countries, Colonies, Territories and Protectorates declared to be extradition countries)

4.1 Heading:

Omit the heading, substitute:

“SCHEDULE

Regulation 3

EXTRADITION COUNTRIES

PART 1”.

4.2 Omit “St Christopher and Nevis”.

4.3 After “St Helena Dependencies”, insert “St Kitts and Nevis”.

4.4 Omit “Tonga”.

4.5 Omit “Western Samoa”.

4.6 Add at the end:

“PART 2

Tonga

Western Samoa”.

NOTES

1. Notified in the *Commonwealth of Australia Gazette* on
2. Statutory Rules 1988 No. 281 as amended by 1992 No. 128.

1996. 20 October