



# **Crimes Legislation Amendment (International Crime Cooperation and Other Measures) Regulations 2018**

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I, General the Honourable Sir Peter Cosgrove AK MC (Ret'd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 27 September 2018

Peter Cosgrove  
Governor-General

By His Excellency's Command

Christian Porter  
Attorney-General

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## 1 Name

This instrument is the *Crimes Legislation Amendment (International Crime Cooperation and Other Measures) Regulations 2018*.

## 2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. Sections 1 to 4 and anything in this instrument not elsewhere covered by this table	The day after this instrument is registered.	9 October 2018
2. Schedule 1, Part 1	At the same time as Schedule 1 to the <i>Crimes Legislation Amendment (International Crime Cooperation and Other Measures) Act 2018</i> commences.  However, the provisions do not commence at all if that Schedule does not commence.	22 November 2018
3. Schedule 1, Part 2	At the same time as Part 2 of Schedule 2 to the <i>Crimes Legislation Amendment (International Crime Cooperation and Other Measures) Act 2018</i> commences.  However, the provisions do not commence at all if that Schedule does not commence.	22 November 2018
4. Schedule 1, Part 3	At the same time as Schedule 4 to the <i>Crimes Legislation Amendment (International Crime Cooperation and Other Measures) Act 2018</i> commences.  However, the provisions do not commence at all if that Schedule does not commence.	22 November 2018
5. Schedule 2	The day after this instrument is registered.	9 October 2018

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

## 3 Authority

This instrument is made under the following:

- (a) the *Extradition Act 1988*;
- (b) the *Foreign Evidence Act 1994*;

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- (c) the *International Criminal Court Act 2002*;
  - (d) the *International War Crimes Tribunals Act 1995*;
  - (e) the *Mutual Assistance in Criminal Matters Act 1987*;
  - (f) the *Telecommunications (Interception and Access) Act 1979*.

#### **4 Schedules**

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

## **Schedule 1—Courts and tribunals**

### **Part 1—Assistance to international courts and tribunals**

#### ***International Criminal Court Regulations 2008***

##### **1 Schedule 1 (Form 11)**

Repeal the form, substitute:

#### **Form 11—Notice authorising application for registration of forfeiture order**

Commonwealth of Australia

*International Criminal Court Act 2002*

##### **Authorisation under subsection 155(2) to apply for registration of a forfeiture order**

To [*insert proceeds of crime authority*]:

Because:

- (a) the International Criminal Court has requested me to make arrangements for the enforcement of a forfeiture order made in relation to property that is reasonably suspected of being in Australia; and
- (b) I am satisfied that:
  - (i) [*insert name of person*] has been convicted by the International Criminal Court of the crime within the jurisdiction of the Court to which the order relates; and
  - (ii) the conviction and the order are not subject to appeal or further appeal in the Court;

I, \_\_\_\_\_, Attorney-General of the Commonwealth of Australia, under subsection 155(2) of the *International Criminal Court Act 2002*, authorise you, [*insert proceeds of crime authority*], to apply for the registration of the attached order.

Dated

Attorney-General

#### ***International War Crimes Tribunals Regulations 1995***

##### **2 Paragraph 6(1)(a)**

Repeal the paragraph, substitute:

- (a) to attend as a witness before a magistrate in connection with the performance by the magistrate of a function under the Act; and

##### **3 Paragraph 6(1)(b)**

Omit “the magistrate”, substitute “a magistrate”.

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## *Telecommunications (Interception and Access) Regulations 2017*

### 4 Section 9

Repeal the section, substitute:

### 9 Stored communications warrant—prescribed form

For the purposes of paragraph 118(1)(a) of the Act, the following forms are prescribed:

- (a) for a stored communications warrant issued as a result of an application other than an international assistance application—Form 6 in Schedule 1;
- (b) for a stored communications warrant issued as a result of an international assistance application—Form 6A in Schedule 1.

### 5 Schedule 1 (Form 6)

Repeal the form, substitute:

## **Form 6—Stored communications warrant—domestic**

Commonwealth of Australia

*Telecommunications (Interception and Access) Act 1979*

STORED COMMUNICATIONS WARRANT

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*Person in respect of whom warrant is issued* [full known name, other known names, other known identifying information (e.g. date of birth)]

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*Applicant criminal law-enforcement agency* [name]

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*Person making application on behalf of applicant criminal law-enforcement agency* [full name]

Note: See subsections 119(4) and (5) of the Act in relation to issuing a further warrant in respect of a person in respect of whom a previous warrant was issued.

#### 1 Authorisation

- (1) I, [name], an issuing authority within the meaning of the *Telecommunications (Interception and Access) Act 1979* (the **Act**), acting under section 116 of the Act, authorise the accessing of any stored communication:
  - (a) that was made by the person mentioned above, or that another person has made and for which the intended recipient is the person mentioned above; and
  - (b) that becomes, or became, a stored communication before the warrant is first executed in relation to the carrier that holds the communication.
- (2) I am satisfied, on the basis of the information given to me under Part 3-3 of the Act in connection with the application for this warrant, that:
  - (a) Division 1 of Part 3-3 of the Act has been complied with in relation to the application for this warrant; and



- \*(b) because of urgent circumstances, it was necessary to make the application by telephone; and
- (c) there are reasonable grounds for suspecting that \*a particular carrier holds/\*particular carriers hold stored communications:
  - (i) that the person mentioned above has made; or
  - (ii) that another person has made and for which the person mentioned above is the intended recipient; and
- (d) information that would be likely to be obtained by accessing those stored communications under a stored communications warrant would be likely to assist in connection with the investigation by the applicant criminal law-enforcement agency of the following \*serious contravention/\*serious contraventions in which the person mentioned above is involved:  
[short particulars of each serious contravention]; and
- \*(e) the person mentioned above is a victim of a serious contravention and:
  - (i) the person is unable to consent; or
  - (ii) it is impracticable for the person to consent;to those stored communications being accessed; and
- (f) the warrant should be issued having regard to the following matters only:
  - (i) how much the privacy of any person or persons would be likely to be interfered with by accessing those stored communications under a stored communications warrant;
  - (ii) the gravity of the conduct constituting each serious contravention;
  - (iii) how much the information referred to in paragraph (d) would be likely to assist in connection with the investigation by the applicant criminal law-enforcement agency of each serious contravention;
  - (iv) to what extent the methods of investigating each serious contravention that do not involve the use of a stored communications warrant in relation to the person mentioned above have been used by, or are available to, the applicant criminal law-enforcement agency;
  - (v) how much the use of such methods would be likely to assist in connection with the investigation by the applicant criminal law-enforcement agency of each serious contravention;
  - (vi) how much the use of such methods would be likely to prejudice the investigation by the applicant criminal law-enforcement agency of each serious contravention, whether because of delay or for any other reason.

## 2 Persons who may exercise this authority

Under section 127 of the Act, the authority conferred by this warrant may be exercised by an officer or staff member of the applicant criminal law-enforcement agency, or another criminal law-enforcement agency, in relation to whom an approval under subsection 127(2) of the Act is in force in relation to the warrant, or to the class of warrants to which it belongs.

## 3 Duration of warrant

- (1) Under section 125 of the Act, this warrant comes into force when it is issued.
- \*(2) Under subsection 119(1) of the Act, this warrant remains in force until the occurrence of the sooner of the following:

**Schedule 1** Courts and tribunals

**Part 1** Assistance to international courts and tribunals

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- (a) the warrant is first executed;
- (b) the end of the period of 5 days after the day on which it was issued.

[Complete the above subclause only if the warrant relates to 1 or more telecommunication services that are all operated by the same carrier]

- \* (2) Under subsection 119(2) of the Act, this warrant remains in force, to the extent that it relates to a telecommunications service operated by a particular carrier, until the occurrence of the sooner of the following:

- (a) the warrant is first executed in relation to a telecommunications service operated by that particular carrier;
- (b) the end of the period of 5 days after the day on which it was issued.

[Complete the above subclause only if the warrant relates to 2 or more telecommunications services that are not all operated by the same carrier]

**\*4** Conditions

The accessing of stored communications under this warrant is subject to the following conditions:

[details of conditions].

**\*5** Restrictions

The accessing of stored communications under this warrant is subject to the following restrictions:

[details of restrictions].

Dated

.....  
Issuing Authority

\* Omit if not applicable

## **Form 6A—Stored communications warrant—international**

Commonwealth of Australia

*Telecommunications (Interception and Access) Act 1979*

STORED COMMUNICATIONS WARRANT

**Person in respect of whom  
warrant is issued** [full known name, other known names, other known identifying  
information (e.g. date of birth)]

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**Applicant criminal  
law-enforcement agency** [name]

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**Person making application on  
behalf of applicant criminal  
law-enforcement agency** [full name]

Note: See subsections 119(4) and (5) of the Act in relation to issuing a further warrant in respect of a person in respect of whom a previous warrant was issued.

## 1 Authorisation

- (1) I, [name], an issuing authority within the meaning of the *Telecommunications (Interception and Access) Act 1979* (the **Act**), acting under section 116 of the Act, authorise the accessing of any stored communication:
- (a) that was made by the person mentioned above, or that another person has made and for which the intended recipient is the person mentioned above; and
  - (b) that becomes, or became, a stored communication before the warrant is first executed in relation to the carrier that holds the communication.
- (2) I am satisfied, on the basis of the information given to me under Part 3-3 of the Act in connection with the application for this warrant, that:
- (a) Division 1 of Part 3-3 of the Act has been complied with in relation to the application for this warrant; and
  - \* (b) because of urgent circumstances, it was necessary to make the application by telephone; and
  - (c) there are reasonable grounds for suspecting that \*a particular carrier holds/\*particular carriers hold stored communications:
    - (i) that the person mentioned above has made; or
    - (ii) that another person has made and for which the person mentioned above is the intended recipient; and
  - (d) information that would be likely to be obtained by accessing those stored communications under a stored communications warrant would be likely to assist in connection with the investigation, investigative proceeding, or proceeding by [name of entity to which the application relates], of the following \*serious foreign contravention/\*serious foreign contraventions in which the person mentioned above is involved:  
[short particulars of each serious foreign contravention]; and
  - (e) the warrant should be issued having regard to the following matters only:
    - (i) how much the privacy of any person or persons would be likely to be interfered with by accessing those stored communications under a stored communications warrant;
    - (ii) the gravity of the conduct constituting each serious foreign contravention;
    - (iii) how much the information referred to in paragraph (d) would be likely to assist in connection with the investigation, investigative proceeding, or proceeding by [name of entity to which the application relates], of each serious foreign contravention, to the extent that this is possible to determine from information obtained from [name of entity to which the application relates].

## 2 Persons who may exercise this authority

Under section 127 of the Act, the authority conferred by this warrant may be exercised by an officer or staff member of the applicant criminal law-enforcement agency, or another criminal law-enforcement agency, in relation to whom an approval under subsection 127(2) of the Act is in force in relation to the warrant, or to the class of warrants to which it belongs.

## 3 Duration of warrant

**Schedule 1** Courts and tribunals

**Part 1** Assistance to international courts and tribunals

---

(1) Under section 125 of the Act, this warrant comes into force when it is issued.

\* (2) Under subsection 119(1) of the Act, this warrant remains in force until the occurrence of the sooner of the following:

- (a) the warrant is first executed;
- (b) the end of the period of 5 days after the day on which it was issued.

*[Complete the above subclause only if the warrant relates to 1 or more telecommunication services that are all operated by the same carrier]*

\* (2) Under subsection 119(2) of the Act, this warrant remains in force, to the extent that it relates to a telecommunications service operated by a particular carrier, until the occurrence of the sooner of the following:

- (a) the warrant is first executed in relation to a telecommunications service operated by that particular carrier;
- (b) the end of the period of 5 days after the day on which it was issued.

*[Complete the above subclause only if the warrant relates to 2 or more telecommunications services that are not all operated by the same carrier]*

\*4 Conditions

The accessing of stored communications under this warrant is subject to the following conditions:

*[details of conditions]*.

\*5 Restrictions

The accessing of stored communications under this warrant is subject to the following restrictions:

*[details of restrictions]*.

Dated

.....  
Issuing Authority

\* Omit if not applicable

## **Part 2—Amendments relating to mutual assistance in criminal matters**

### ***Mutual Assistance in Criminal Matters Regulations 1988***

#### **6 Paragraph 3(1)(a)**

Omit “the Magistrate or Judge”, substitute “a Magistrate or an eligible Federal Circuit Court Judge”.

#### **7 Subparagraph 3(1)(b)(i)**

Omit “the Magistrate or Judge”, substitute “a Magistrate or an eligible Federal Circuit Court Judge”.

#### **8 Subregulation 3(3)**

Omit “the Magistrate or”, substitute “a Magistrate or an”.

#### **9 Subregulations 5(1) and (2)**

Omit “the Magistrate or Judge”, substitute “a Magistrate or an eligible Federal Circuit Court Judge”.

#### **10 Subregulation 5(4)**

Omit “the Magistrate or”, substitute “a Magistrate or an”.

#### **11 After regulation 11**

Insert:

#### **12 Application of amendments made by the *Crimes Legislation Amendment (International Crime Cooperation and Other Measures) Regulations 2018***

The amendments of subregulation 3(3) and regulation 5 made by the *Crimes Legislation Amendment (International Crime Cooperation and Other Measures) Regulations 2018* apply in relation to a summons issued before, on or after the commencement of this regulation.

#### **12 Schedule (Forms 1 and 2)**

Repeal the forms, substitute:

### **Form 1—Summons**

Note: See regulation 3.

Commonwealth of Australia

SUMMONS

*Mutual Assistance in Criminal Matters Act 1987*

In the Matter of proceedings relating to

under the *Mutual Assistance in Criminal Matters Act 1987*

To: *(name and address)*

YOU ARE HEREBY summoned pursuant to regulation 3 of the *Mutual Assistance in Criminal Matters Regulations 1988* to appear at *(place, date and time)* and to attend from day to day unless you are excused or released from so attending to \*give evidence/ \*answer questions/ \*and/ \*to produce the following/ \*documents/ \*and/ \*other/ \*articles:

Dated

*(Signature)*

*(Description)*

\* Omit if inapplicable.

- Note: If a person who has been served with a summons under the *Mutual Assistance in Criminal Matters Regulations 1988* and has been paid or tendered a reasonable sum for the person's expenses then fails to attend as required by the summons, the person:
- (a) is guilty of an offence and is liable, on conviction, to a fine not exceeding 5 penalty units; and
  - (b) is liable without further notice to be apprehended and brought before a Magistrate or an eligible Federal Circuit Court Judge.

## Form 2—Warrant of Apprehension

Note: See regulation 5.

Commonwealth of Australia

*Mutual Assistance in Criminal Matters Act 1987*

### WARRANT OF APPREHENSION

To all police officers within the meaning of the *Mutual Assistance in Criminal Matters Act 1987*.

#### WHEREAS:

- (a) *(name and address of person)* was summoned to attend before \*a Magistrate, being a person performing functions under an arrangement in force under section 39 of the Act, / \*an eligible Federal Circuit Court Judge/ on *(date)*, and then from day to day unless excused or released from so attending;
- (b) *(name of person)* has failed to attend on *(date)* as required by the summons; and
- (c) I am satisfied that the summons was duly served on *(name of person)* and that a reasonable sum for the expenses of attendance was \*paid/ \*tendered/ to *(name of person)*;

NOW THEREFORE I, pursuant to regulation 5 of the *Mutual Assistance in Criminal Matters Regulations 1988*, authorise and request you to find *(name of person)* in any State or Territory of the Commonwealth and to bring *(name of person)* before a Magistrate, being a person performing functions under an arrangement in force under section 39 of the Act, or an eligible Federal Circuit Court Judge to \*give evidence/ \*answer questions/ \*and/ \*produce/ \*documents/ \*and/ \*other/ \*articles/ as required by the summons, and to detain *(name of person)* in custody for that purpose.

*(Date)*

*(Signature)*  
*(Description)*

\* *Omit if inapplicable.*

## Part 3—Amendments relating to foreign evidence

### *Foreign Evidence (Foreign Material—Criminal and Related Civil Proceedings) Regulations 2018*

#### 13 At the end of subsection 6(1)

Add:  
; (i) Norfolk Island.

#### 14 At the end of section 6

Add:  
(3) For the purposes of paragraph 20(2)(d) of the Act, a law specified in column 2 of an item of the following table of the Territory referred to in column 1 of the item is prescribed as a law that corresponds to a proceeds of crime law.

Territory laws that correspond to a proceeds of crime law		
Item	Column 1 Territory	Column 2 Law
1	Australian Antarctic Territory	<i>Confiscation of Criminal Assets Act 2003</i> (ACT) (as in force in the Australian Antarctic Territory)
2	Coral Sea Islands Territory	<i>Confiscation of Criminal Assets Act 2003</i> (ACT) (as in force in the Coral Sea Islands Territory)
3	Jervis Bay Territory	<i>Confiscation of Criminal Assets Act 2003</i> (ACT) (as in force in the Jervis Bay Territory)
4	Territory of Ashmore and Cartier Islands	<i>Criminal Property Forfeiture Act</i> (NT) (as in force in the Territory of Ashmore and Cartier Islands)
5	Territory of Christmas Island	<i>Criminal Property Confiscation Act 2000</i> (WA) (as in force in the Territory of Christmas Island)
6	Territory of Cocos (Keeling) Islands	<i>Criminal Property Confiscation Act 2000</i> (WA) (as in force in the Territory of Cocos (Keeling) Islands)
7	Territory of Heard Island and McDonald Islands	<i>Confiscation of Criminal Assets Act 2003</i> (ACT) (as in force in the Territory of Heard Island and McDonald Islands)

#### 15 After Part 2

Insert:



## Part 3—Application, saving and transitional provisions

### 7 Application of amendments made by the *Crimes Legislation Amendment (International Crime Cooperation and Other Measures) Regulations 2018*

The amendments of this instrument made by the *Crimes Legislation Amendment (International Crime Cooperation and Other Measures) Regulations 2018* apply in relation to a proceeding that commences before, on or after the commencement of this section.

#### 16 Clause 1 of Schedule 1 (at the end of the table)

Add:

9	Norfolk Island	A related civil proceeding of any kind, including a proceeding under the <i>Criminal Procedure Act 2007</i> (Norfolk Island).
10	Australian Antarctic Territory	A related civil proceeding of any kind, including any of the following: (a) a proceeding under the <i>Confiscation of Criminal Assets Act 2003</i> (ACT) or the <i>Proceeds of Crime Act 1991</i> (ACT) (now repealed); (b) a proceeding under the <i>Drugs of Dependence Act 1989</i> (ACT); (c) a proceeding under the <i>Victims of Crime (Financial Assistance) Act 2016</i> (ACT) or the <i>Victims of Crime (Financial Assistance) Act 1983</i> (ACT) (now repealed and formerly the <i>Criminal Injuries Compensation Act 1983</i> (ACT)); (d) a proceeding under a tax law (within the meaning of the <i>Taxation Administration Act 1999</i> (ACT)).
11	Coral Sea Islands Territory	A related civil proceeding of any kind, including any of the following: (a) a proceeding under the <i>Confiscation of Criminal Assets Act 2003</i> (ACT) or the <i>Proceeds of Crime Act 1991</i> (ACT) (now repealed); (b) a proceeding under the <i>Drugs of Dependence Act 1989</i> (ACT); (c) a proceeding under the <i>Victims of Crime (Financial Assistance) Act 2016</i> (ACT) or the <i>Victims of Crime (Financial Assistance) Act 1983</i> (ACT) (now repealed and formerly the <i>Criminal Injuries Compensation Act 1983</i> (ACT)); (d) a proceeding under a tax law (within the meaning of the <i>Taxation Administration Act 1999</i> (ACT)).
12	Jervis Bay Territory	A related civil proceeding of any kind, including any of the following: (a) a proceeding under the <i>Confiscation of Criminal Assets Act 2003</i> (ACT) or the <i>Proceeds of Crime Act 1991</i> (ACT) (now repealed); (b) a proceeding under the <i>Drugs of Dependence Act 1989</i> (ACT); (c) a proceeding under the <i>Victims of Crime (Financial Assistance) Act 2016</i> (ACT) or the <i>Victims of Crime (Financial Assistance) Act 1983</i> (ACT) (now repealed and formerly the <i>Criminal Injuries Compensation Act 1983</i> (ACT)); (d) a proceeding under a tax law (within the meaning of the <i>Taxation Administration Act 1999</i> (ACT)).
13	Territory of Ashmore	A related civil proceeding of any kind, including any of the

**Schedule 1** Courts and tribunals  
**Part 3** Amendments relating to foreign evidence

	and Cartier Islands	<p>following:</p> <p>(a) a proceeding under the <i>Criminal Property Forfeiture Act</i> (NT);</p> <p>(b) a proceeding under the <i>Misuse of Drugs Act</i> (NT);</p> <p>(c) a proceeding under the <i>Taxation Administration Act</i> (NT);</p> <p>(d) a proceeding under the <i>Unlawful Betting Act</i> (NT);</p> <p>(e) a proceeding under the <i>Victims of Crime Assistance Act</i> (NT);</p> <p>(f) a proceeding for the recovery of tax, or of any duty, levy or charge;</p> <p>(g) a proceeding under a law of the Territory for the recovery of compensation in relation to an offence committed against a law of the Territory.</p>
14	Territory of Christmas Island	<p>A related civil proceeding of any kind, including any of the following:</p> <p>(a) a proceeding under the <i>Crimes (Confiscation of Profits) Act 1988</i> (WA) (now repealed), as in force immediately before 1 January 2001, or under the <i>Criminal Property Confiscation Act 2000</i> (WA);</p> <p>(b) a proceeding under the <i>Misuse of Drugs Act 1981</i> (WA);</p> <p>(c) a proceeding for the recovery of tax, or of any duty, levy or charge;</p> <p>(d) a proceeding under a law of the Territory for the recovery of compensation in relation to an offence committed against a law of the Territory.</p>
15	Territory of Cocos (Keeling) Islands	<p>A related civil proceeding of any kind, including any of the following:</p> <p>(a) a proceeding under the <i>Crimes (Confiscation of Profits) Act 1988</i> (WA) (now repealed), as in force immediately before 1 January 2001, or under the <i>Criminal Property Confiscation Act 2000</i> (WA);</p> <p>(b) a proceeding under the <i>Misuse of Drugs Act 1981</i> (WA);</p> <p>(c) a proceeding for the recovery of tax, or of any duty, levy or charge;</p> <p>(d) a proceeding under a law of the Territory for the recovery of compensation in relation to an offence committed against a law of the Territory.</p>
16	Territory of Heard Island and McDonald Islands	<p>A related civil proceeding of any kind, including any of the following:</p> <p>(a) a proceeding under the <i>Confiscation of Criminal Assets Act 2003</i> (ACT) or the <i>Proceeds of Crime Act 1991</i> (ACT) (now repealed);</p> <p>(b) a proceeding under the <i>Drugs of Dependence Act 1989</i> (ACT);</p> <p>(c) a proceeding under the <i>Victims of Crime (Financial Assistance) Act 2016</i> (ACT) or the <i>Victims of Crime (Financial Assistance) Act 1983</i> (ACT) (now repealed and formerly the <i>Criminal Injuries Compensation Act 1983</i> (ACT));</p> <p>(d) a proceeding under a tax law (within the meaning of the <i>Taxation Administration Act 1999</i> (ACT)).</p>

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## Schedule 2—Extradition

### *Extradition Regulations 1988*

#### 1 Schedule (after Form 13)

Insert:

### **Form 13A—Surrender warrant under section 23 for person on bail at time of surrender determination**

Note: See section 23 and regulation 3.

#### **Commonwealth of Australia**

*Extradition Act 1988*

To all police officers within the meaning of the *Extradition Act 1988* (the *Act*)

\*AND to a magistrate, eligible Federal Circuit Court Judge (within the meaning of the Act) or court as referred to in paragraph 26(1)(ca) of the Act

AND to the person in whose custody (*insert name of person*) is held

AND to (*insert name of escort officer or describe class or classes of persons who may be escort officers*) (in this warrant called the *escort*).

GIVEN THAT:

- (a) I have determined, under subsection 22(2) of the Act, that (*insert name of person*) is to be surrendered to (*insert name of country*), an extradition country, in relation to the following qualifying extradition \*offence/\* offences:  
(*specify the relevant offence or offences*); and
- (b) (*insert name of person*) has been released on bail on the following recognisances:  
(*specify recognisances*);

I, \_\_\_\_\_, Attorney-General of the Commonwealth of Australia, under section 23 of the Act:

- (c) authorise any police officer to take (*insert name of person*) into custody to appear before a magistrate, eligible Federal Circuit Court Judge or court as referred to in paragraph 26(1)(ca) of the Act to be dealt with according to law; and
- (d) direct you, the abovementioned magistrate, eligible Federal Circuit Court Judge or court to order, under subsection 26(2A) of the Act:
  - (i) the discharge of the recognisances on which bail was granted to (*insert name of person*); and
  - (ii) that (*insert name of person*) be committed to prison to await surrender under the warrant; and

- (e) require you, the person in whose custody (*insert name of person in custody*) is held, to release \*him/\*her into the custody of any police officer; and
- (f) authorise any police officer to transport (*insert name of person*) in custody, and if necessary or convenient, to detain \*him/\*her in custody, for the purpose of enabling \*him/\*her to be placed in the custody of the escort and transported out of Australia; and
- (g) authorise the escort to transport (*insert name of person*) in custody out of Australia to a place in (*insert name of country*) for the purpose of surrendering \*him/\*her to a person appointed by that country to receive \*him/\*her.

*\*Omit if not applicable.*

Dated

Attorney-General

## **2 Schedule (after Form 22)**

Insert:

### **Form 22A—Warrant of committal under subsection 35(7)**

Note: See subsection 35(7) and regulation 3.

#### **Commonwealth of Australia**

*Extradition Act 1988*

#### **WARRANT OF COMMITTAL UNDER SUBSECTION 35(7)**

To all police officers within the meaning of the *Extradition Act 1988* (the **Act**) 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*)

GIVEN THAT:

- \* (a) the Federal Court has made an order under paragraph 35(2)(a) of the Act confirming an order made by a \*magistrate/\*Federal Circuit Court Judge under paragraph 34(1)(c) of the Act that (*insert name of person*) be surrendered to New Zealand;
- \* (a) the Federal Court has made an order under subparagraph 35(2)(b) of the Act:
  - (i) quashing an order made by a \*magistrate/\*Federal Circuit Court Judge under subsection 34(2) of the Act; and
  - (ii) directing a \*magistrate/\*Federal Circuit Court Judge to order, by warrant, that (*insert name of person*) be surrendered to New Zealand;
- \* (a) on appeal to the Full Court of the Federal Court under subsection 35(3) of the Act (from an order of the Federal Court under subsection 35(2) of the Act) the Full Court of the Federal Court has \*made/\*confirmed an order that (*insert name of person*) be surrendered to New Zealand;

- 
- \*(a) on appeal to the High Court under subsection 35(5) of the Act (from an order of the Full Court of the Federal Court made on appeal to that court under subsection 35(3) of the Act) the High Court has \*made/\*confirmed an order that (insert name of person) be surrendered to New Zealand;*

*I, (name and designation of \*Judge of the Federal Court/\*Judge of the Full Court of the Federal Court/\*Justice of the High Court), a \*Judge of the Federal Court/\*Judge of the Full Court of the Federal Court/\*Justice of the High Court, under subsection 35(7) of the Act, by this warrant, order that, pending the execution of the surrender warrant, (insert name of person) be committed to prison, and for this purpose I:*

- (b) authorise and request you, police officers in (insert name of State or Territory) to take (insert name of person) to (insert name of prison) in (insert name of State or Territory) and deliver \*him/\*her to the person in charge of that prison together with this warrant; and*
- (c) authorise and request you, the person in charge of (insert name of prison) in (insert name of State or Territory) to receive (insert name of person) into your custody and keep \*him/\*her safely in that prison pending the execution of the abovementioned surrender warrant ordering that \*he/\*she be surrendered to New Zealand.*

Dated

*(Signature and designation of \*Judge of the Federal Court/\*Judge of the Full Court of the Federal Court/\*Justice of the High Court issuing warrant)*

*\* Omit if not applicable.*