

Extradition (Republic of Indonesia) Regulations 1994 No. 441

EXPLANATORY STATEMENT

Statutory Rules 1994 No. 441

Issued by the Authority of the Attorney-General

Extradition Act 1988

Extradition (Republic of Indonesia) Regulations

Section 55 of the *Extradition Act 1988* (the Act) provides that the Governor-General may make regulations prescribing all matters required or permitted by the Act to be prescribed or necessary or convenient to be prescribed for carrying out or giving effect to the Act. Paragraph 11 (1)(a) of the Act provides that regulations may apply the Act to a specified extradition country subject to such limitations, conditions, exceptions, or qualifications as are necessary to give effect to a bilateral extradition treaty between Australia and that country, being a treaty a copy of which is set out in the regulations.

An extradition treaty between Australia and the Republic of Indonesia was signed in Jakarta on 22 April 1992. On 24 November 1994, the Republic of Indonesia notified Australia, in accordance with Article 21 of the Treaty, that its domestic requirements for the Treaty's entry into force had been satisfied. The Regulations enable Australia to give domestic effect to the Treaty. The Treaty enters into force 30 days after the Contracting States have notified each other that they have complied with their respective requirements for the entry into force of the Treaty. A note will be provided to Indonesia on 22 December 1994, 30 days before the Regulations commence and the Treaty enters into force, notifying Indonesia that Australia's requirements for the Treaty's entry into force have been complied with.

As with all extradition treaties the extradition treaty with Indonesia contains all the internationally accepted human rights safeguards which are now a part of modern extradition. Under the Treaty, extradition will not be permitted where the person is sought for, or in connection with his or her race, religion, nationality or political opinions. Extradition is also not permitted where the person would be subjected to torture, the death penalty or tried, sentenced or detained for a political or military law offence.

Details of the Regulations are as follows:

Regulation 1 is a citation provision.

Regulation 2 provides for the Regulations to commence on 21 January 1995 which is the date the Treaty comes into effect between Australia and the Republic of Indonesia.

Regulation 3 is an interpretation provision.

Regulation 4 declares the Republic of Indonesia to be an extradition country.

Regulation 5 applies the Act to the Republic of Indonesia subject to the Treaty, the English language text of which is reproduced as a Schedule to the Regulations.