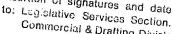
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Commercial & Drafting Division, Attorney-General's



Statutory Rules 1988 No.

## **Extradition (Commonwealth Countries)** Regulations

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council and pursuant to section 4 of the Acts Interpretation Act 1901, hereby make the following Regulations under the Extradition Act 1988.

Dated 24 November 1988.

N. M. STEPHEN

Governor-General

By His Excellency's Command.

Attorney-General

### Citation

1. These Regulations may be cited as the Extradition (Commonwealth Countries) Regulations.

### Interpretation

- 2. In these Regulations, unless the contrary intention appears:
- "Commonwealth country" means a country, colony, territory or protectorate declared to be an extradition country under regulation 3 and specified in the Schedule;

"the Act" means the Extradition Act 1988.

#### Declaration as to extradition countries

3. Each of the countries, colonies, territories and protectorates specified in the Schedule is declared to be an extradition country.

(S.R. 325/88)—Cat. No.

14/2.11.1988

### Declaration in relation to definition of "political offence"

2

4. In relation to a Commonwealth country, an offence constituted by taking or endangering, attempting to take or endanger or participating in the taking or endangering of, the life of a person, being an offence committed in circumstances in which such conduct creates a collective danger, whether direct or indirect, to the lives of other persons, is declared for the purposes of paragraph (d) of the definition of "political offence" in section 5 of the Act not to be a political offence in relation to that Commonwealth country.

## Modification of Act in relation to definition of "extradition offence"

5. The Act applies in relation to each Commonwealth country subject to the limitation, condition, exception or qualification that a reference to 12 months in paragraph (a) or (b) of the definition of "extradition offence" in section 5 of the Act shall be read as a reference to 2 years.

# Modification of Act in relation to production of documents for purposes of section 19 of the Act

- 6. (1) The Act applies in relation to each Commonwealth country subject to the limitation, condition, exception or qualification that the documents required to be produced to a magistrate for the purposes of subsection 19 (1) of the Act are, in addition to the supporting documents within the meaning of paragraph 19 (2) (a) of the Act, documents that allow the sufficient evidence test to be satisfied.
- (2) In subregulation (1), a reference to the sufficient evidence test being satisfied is a reference to that test being satisfied as referred to in paragraph 11 (5) (a) of the Act.

### Modification of Act in relation to surrender determination

- 7. (1) The Act applies in relation to each Commonwealth country subject to the limitation, condition, exception or qualification that, for the purposes of subsection 22 (2) of the Act, in addition to the conditions set out in subsection 22 (3) for the surrender of an eligible person in relation to a qualifying extradition offence, such a person shall not be surrendered in relation to such an offence if the Attorney-General is satisfied that by reason of:
  - (a) the trivial nature of the offence;
  - (b) the accusation against the eligible person not having been made in good faith or in the interests of justice; or
  - (c) any other sufficient cause;
- it would, having regard to all the circumstances, be unjust or oppressive or too severe a punishment to surrender the eligible person or to surrender the eligible person before the expiry of a period specified by the Attorney-General.
- (2) In subregulation (1), "eligible person" and a "qualifying extradition offence" have the same meanings respectively as in section 22 of the Act.

### **SCHEDULE**

Regulation 3

3

### COUNTRIES, COLONIES, TERRITORIES AND PROTECTORATES DECLARED TO BE EXTRADITION COUNTRIES (COMMONWEALTH COUNTRIES)

Anguilla

Antigua and Barbuda

Bahamas

Bangladesh

Barbados

Belize Bermuda

Botswana

British Antarctic Territory

British Indian Ocean Territory British Virgin Islands

Brunei Darussalam

Canada

Cayman Islands

Cyprus

Dominica

Falkland Islands

Gambia

Ghana

Gibraltar

Grenada

Guyana

Hong Kong

India

Jamaica

Kenya

Kiribati

Lesotho Malawi

Malaysia

Maldives

Malta

Mauritius

Montserrat

Nauru

Nigeria

Papua New Guinea

Pitcairn, Henderson, Ducie and Oeno Islands

St Christopher and Nevis

St Helena

St Helena Dependencies

St Lucia

St Vincent and the Grenadines

Seychelles

Sierra Leone

Singapore

Solomon Islands

South Georgia and South Sandwich Islands

Sri Lanka

Swaziland

Tanzania

4 Extradition (Commonwealth Countries) 1988 No. \( \)

281

### SCHEDULE—continued

The Sovereign Base areas of Akrotiri and Dhekelia in the Island of Cyprus Tonga
Trinidad and Tobago
Turks and Caicos Islands
Tuvalu
Uganda
United Kingdom
Vanuatu
Western Samoa
Zambia
Zimbabwe

NOTE

1. Notified in the Commonwealth of Australia Gazette on

1988.

30 November

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