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(Statutory Rules and Territories)
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Statutory Rules 1988 No. 1

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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,

Lionel Bowen
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.

Declaration in relation to definition of “political offence”

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.

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SCHEDULE

Regulation 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

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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 *1* 1988.

30 November/