



Extradition (Commonwealth countries) Regulations 2010

Select Legislative Instrument No. 154, 2010

made under the

Extradition Act 1988

Compilation No. 2

Compilation date:	5 December 2017
Includes amendments up to:	F2017L01575
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Prepared by the Office of Parliamentary Counsel, Canberra

About this compilation

This compilation

This is a compilation of the *Extradition (Commonwealth countries) Regulations 2010* that shows the text of the law as amended and in force on 5 December 2017 (the **compilation date**).

The notes at the end of this compilation (the **endnotes**) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Legislation Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Legislation Register for the compiled law.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Legislation Register for the compiled law.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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1 Name of Regulations

These Regulations are the *Extradition (Commonwealth countries) Regulations 2010*.

4 Definitions

In these Regulations:

Act means the *Extradition Act 1988*.

Commonwealth country means a country, colony, territory or protectorate declared to be an extradition country under regulation 5.

5 Extradition countries

For the definition of **extradition country** in section 5 of the Act, each country, colony, territory and protectorate mentioned in Schedule 1 is an extradition country.

7 Modification of Act—definition of *extradition offence*

For section 11 of the Act, the Act applies in relation to a Commonwealth country as if a reference to 12 months in paragraphs (a) and (b) of the definition of **extradition offence** in section 5 of the Act were a reference to 2 years.

8 Modification of Act—condition to produce documents

- (1) For section 11 of the Act, the Act applies in relation to a Commonwealth country subject to the condition that the following documents must be produced to a magistrate for subsection 19(1) of the Act:
 - (a) a statement of the person's identity, nationality and physical description and, to the extent possible, the person's whereabouts;
 - (b) if the offence is an extradition offence of which the person is accused—documents that allow the prima facie evidence test to be satisfied.
- (2) For subregulation (1), the prima facie evidence test is satisfied in accordance with paragraph 11(5)(b) of the Act.

Note: The documents mentioned in subregulation (1) are in addition to the documents that must be produced under section 19 of the Act.

9 Modification of Act—when eligible person must not be surrendered

- (1) For section 11 of the Act, the Act applies in relation to a Commonwealth country subject to the condition that an eligible person must not be surrendered in relation to a qualifying extradition offence if the Attorney-General is satisfied that it would be unjust, oppressive or too severe a punishment:

Regulation 10

- (a) to surrender the eligible person; or
- (b) to surrender the eligible person before the end of a period stated by the Attorney-General.

Examples

- 1 The offence is trivial.
- 2 The accusation against the eligible person was not made in good faith or in the interests of justice.

(2) In this regulation:

eligible person has the meaning given by section 22 of the Act.

qualifying extradition offence has the meaning given by section 22 of the Act.

10 Transitional

The *Extradition (Commonwealth Countries) Regulations 1998*, as in force immediately before the commencement of these Regulations, continue to apply to a request for extradition made by any of the following before the commencement of these Regulations:

- (a) a Commonwealth country;
- (b) Cook Islands;
- (c) Kiribati;
- (d) Nauru;
- (e) Papua New Guinea;
- (f) Samoa;
- (g) Solomon Islands;
- (h) Tonga;
- (i) Tuvalu;
- (j) Vanuatu.

Schedule 1—Extradition countries

(regulation 5)

Anguilla	St Helena Dependencies
Antigua and Barbuda	St Kitts and Nevis
Bahamas	St Lucia
Bangladesh	St Vincent and the Grenadines
Barbados	Seychelles
Belize	Sierra Leone
Bermuda	Singapore
Botswana	South Georgia and the South Sandwich Islands
British Antarctic Territory	Sri Lanka
British Indian Ocean Territory	Swaziland
British Virgin Islands	Tanzania
Brunei Darussalam	The Sovereign Base Areas of Akrotiri and Dhekelia in the Island of Cyprus
Cayman Islands	Trinidad and Tobago
Cyprus	Turks and Caicos Islands
Dominica	Uganda
Falkland Islands	Zambia
Gambia	Zimbabwe
Ghana	
Gibraltar	
Grenada	
Guyana	
Jamaica	
Kenya	
Lesotho	
Malawi	
Maldives	
Malta	
Mauritius	
Montserrat	
Namibia	
Nigeria	
Pakistan	
Pitcairn, Henderson, Ducie and Oeno Islands	
St Helena	

Endnotes

Endnote 1—About the endnotes

Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

Abbreviation key—Endnote 2

The abbreviation key sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

Editorial changes

The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe the amendment to be made. If, despite the misdescription, the amendment can be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation “(md)” added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the abbreviation “(md not incorp)” is added to the details of the amendment included in the amendment history.

Endnote 2—Abbreviation key

ad = added or inserted	o = order(s)
am = amended	Ord = Ordinance
amdt = amendment	orig = original
c = clause(s)	par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)
C[x] = Compilation No. x	pres = present
Ch = Chapter(s)	prev = previous
def = definition(s)	(prev...) = previously
Dict = Dictionary	Pt = Part(s)
disallowed = disallowed by Parliament	r = regulation(s)/rule(s)
Div = Division(s)	reloc = relocated
ed = editorial change	renum = renumbered
exp = expires/expired or ceases/ceased to have effect	rep = repealed
F = Federal Register of Legislation	rs = repealed and substituted
gaz = gazette	s = section(s)/subsection(s)
LA = <i>Legislation Act 2003</i>	Sch = Schedule(s)
LIA = <i>Legislative Instruments Act 2003</i>	Sdiv = Subdivision(s)
(md) = misdescribed amendment can be given effect	SLI = Select Legislative Instrument
(md not incorp) = misdescribed amendment cannot be given effect	SR = Statutory Rules
mod = modified/modification	Sub-Ch = Sub-Chapter(s)
No. = Number(s)	SubPt = Subpart(s)
	<u>underlining</u> = whole or part not commenced or to be commenced

Endnotes

Endnote 3—Legislation history

Endnote 3—Legislation history

Number and year	FRLI registration or gazettal	Commencement	Application, saving and transitional provisions
154, 2010	1 July 2010 (F2010L01748)	2 July 2010 (s 2)	
210, 2012	3 Sept 2012 (F2012L01825)	Sch 4: 20 Sept 2012 (s 2)	—

Name	Registration	Commencement	Application, saving and transitional provisions
Extradition Legislation Amendment (2017 Measures No. 1) Regulations 2017	4 Dec 2017 (F2017L01575)	Sch 1 (item 1): 5 Dec 2017 (s 2(1) item 1)	—

Endnote 4—Amendment history

Endnote 4—Amendment history

Provision affected	How affected
r 2	rep LIA s 48D
r 3	rep LIA s 48C
r 6	rep No 210, 2012
r 8	ed C2
Schedule 1	am F2017L01575

Endnotes

Endnote 5—Editorial changes

Endnote 5—Editorial changes

In preparing this compilation for registration, the following kinds of editorial change(s) were made under the *Legislation Act 2003*.

Paragraph 8(1)(b) and subregulation 8(2)

Kind of editorial change

Change to typeface

Details of editorial change

This compilation was editorially changed to update two occurrences of the italicised words *prima facie* to regular font.