



# Extradition (Commonwealth countries) Regulations 2010

Select Legislative Instrument 2010 No. 154 as amended

made under the

*Extradition Act 1988*

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This compilation was prepared on 20 September 2012  
taking into account amendments up to SLI 2012 No. 210

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**1 Name of Regulations** [see Note 1]

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

**2 Commencement** [see Note 1]

These Regulations commence on the day after they are registered.

**3 Repeal**

The *Extradition (Commonwealth Countries) Regulations 1998* are repealed.

**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:
  - (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.

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## Schedule 1 Extradition countries

(regulation 5)

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

## Notes to the *Extradition (Commonwealth countries) Regulations 2010*

### Note 1

The *Extradition (Commonwealth countries) Regulations 2010* (in force under the *Extradition Act 1988*) as shown in this compilation comprise Select Legislative Instrument 2010 No. 154 amended as indicated in the Tables below.

### Table of Instruments

Year and Number	Date FRLI registration	Date of commencement	Application, saving or transitional provisions
2010 No. 154	1 July 2010 (see F2010L01748)	2 July 2010	
2012 No. 210	3 Sept 2012 (see F2012L01825)	Schedule 4: 20 Sept 2012 (see s. 2)	—

**Table of Amendments**

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**Table of Amendments**

ad. = added or inserted    am. = amended    rep. = repealed    rs. = repealed and substituted

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<b>Provision affected</b>	<b>How affected</b>
R. 6 .....	rep. 2012 No. 210

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