

Extradition laws under review

Do Australia's laws help bring international criminals to justice, or do they expose Australians too readily to prosecution for crimes in foreign countries?

That's one of the key questions that has concerned the Joint Standing Committee on Treaties over the past few months during its review of Australia's extradition law, policy and practice.

The inquiry arose out of last year's examination of Australia's proposed extradition treaty with Latvia. While the Committee supported that treaty, it had several concerns about Australia's extradition arrangements, in particular:

- the standard of evidence that must be satisfied before a foreign country's extradition request will be granted; and
- whether Australian citizens should be given more protection than non-citizens in such matters.

Effective extradition arrangements have become widely accepted as an essential part of international efforts to fight terrorism, drug trafficking and other transnational crime. The question is whether the current arrangements ensure that Australian courts are able properly to test the strength of the allegations before a person is surrendered to face trial overseas. Different standards of evidence apply to different countries, with the most recent treaties generally requiring the least by way of proof.

The Treaties Committee has held hearings on this contentious issue in Canberra, Sydney and Melbourne. Representatives of key

government agencies involved in extradition matters, namely the Director of Public Prosecutions, the Attorney-General's Department and the Australian Federal Police, argued that the extradition process needs to be streamlined to ensure that alleged criminals are brought to justice. The Australia/Israel and Jewish Affairs Council also argued that Australia is in danger of being a haven for war criminals if the barriers to international extradition are set too high.

Other witnesses told the Treaties Committee that there is a danger that the current arrangements do not properly safeguard Australians' rights if they are falsely accused of a crime. Concerns in this regard were voiced by members of the Victorian Bar, the Council for the National Interest and highly-regarded experts on extradition law, including Professor Ivan Shearer and Professor Ned Aughterson.

The Treaties Committee is considering these issues and is examining models in other countries such as Canada and the USA. It plans to report to Parliament on its findings in June.

For more information

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- recommended that taxation laws should be focused and anomalies removed; and
- made recommendations to empower communities and community groups, and provide them with the authority and resources to act.

The inquiry into public good conservation has reinforced the Committee's conclusions in its report on catchment management. In addition, the public good conservation inquiry has shown that many landholders believe that property rights must be clarified, as must the duties that landholders have in respect of the land they manage. Submissions have also indicated that farming practices will need to change, along with the range of products farmed, to better reflect the 'clean – green' approach required for

ecologically-sustainable land use. If farming practices change, then landholders may need assistance in making the transition from traditional, European farming practices to practices that are in tune with Australia's fragile environment.

These matters have been noted by the House Environment Committee and are under consideration as the Committee drafts its report into public good conservation.

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