
EXTRADITION.

No. 12 of 1903.

An Act relating to Extradition.

[Assented to 21st October, 1903.]

Preamble.
Extradition Act
1870 sec. 17.

WHEREAS by the Imperial Act known as the *Extradition Act* 1870, it is enacted that that Act when applied by Order in Council shall, unless it is otherwise provided by such Order, extend to every British possession, but with the following among other modifications, namely :—No warrant of a Secretary of State shall be required, and all powers vested in or acts authorized or required to be done under that Act by the Police Magistrate and the Secretary of State, or either of them, in relation to the surrender of a fugitive criminal, may be done by the Governor of the British possession alone :

Extradition Act
1870 sec. 18.

And whereas by that Imperial Act it is also enacted that if, by any law made by the Legislature of any British possession, provision is made for carrying into effect within that possession the surrender of fugitive criminals who are in or suspected of being in that possession, the King may by Order in Council direct that such law, or any part thereof, shall have effect in that possession, with or without modifications and alterations, as if it were part of that Imperial Act :

Extradition Acts 1873 and 1895.

And whereas by other Imperial Acts known as the *Extradition Act* 1873 and the *Extradition Act* 1895, it is enacted that those Acts shall be construed as one with the *Extradition Act* 1870, and that the three Acts may be cited together as the Extradition Acts 1870 to 1895 :

Be it therefore enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows :—

Short title.

1. This Act may be cited as the *Extradition Act* 1903.

2. This Act shall commence on the day on which the Governor-General makes known by Proclamation that the King has by Order in Council directed that this Act, or any part thereof, shall have effect in the Commonwealth as if it were part of the *Extradition Act 1870*.

Commencement.

3. In this Act, unless the contrary intention appears, terms defined in the Extradition Acts 1870 to 1895 have the same meaning as in those Acts.*

Terms defined in Imperial Extradition Acts.

Extradition from the Commonwealth.

4. All powers vested in and acts authorized or required to be done by a Secretary of State, under the Extradition Acts 1870 to 1895, in relation to the surrender of a fugitive criminal, are hereby vested in, and may in the Commonwealth be exercised and done by, the Governor-General, and may in any part of the Commonwealth be exercised and done by any deputy of the Governor-General thereto authorized.

Powers of the Governor-General in relation to extradition.

5. All powers vested in and acts authorized or required to be done by a Police Magistrate or any Justice of the Peace under the Extradition Acts 1870 to 1895, in relation to the surrender of a fugitive criminal, are hereby vested in, and may in the Commonwealth be exercised and done by, any Stipendiary or Police or Special Magistrate of the Commonwealth or of a State, or any Magistrate of a State thereto specially authorized by the Governor-General.

Powers of magistrates in relation to extradition. See Vic. No. 588; Qu. 41 Vic. No. 2; S.A. 1877 No. 59; W.A. 41 Vic. No. 1; Tas. 41 Vic. No. 29.

Extradition from Foreign States.

6. Where the *Extradition Act 1870* applies in the case of any foreign State, a requisition for the surrender of a person, accused or convicted of an extradition crime in the Commonwealth, who is or is

Requisition for surrender of fugitive criminal. See Canada Rev. Stat. c. 142 s. 21.

* *Extradition Act 1870.*

Part of Section 26—

In this Act, unless the context otherwise requires—

The term "extradition crime" means a crime which, if committed in England or within English jurisdiction, would be one of the crimes described in the First Schedule to this Act.

The term "fugitive criminal" means any person accused or convicted of an extradition crime committed within the jurisdiction of any foreign State who is in or is suspected of being in some part of Her Majesty's dominions.

First Schedule—

The following list of crimes is to be construed according to the law existing in England, or in a British possession (as the case may be), at the date of the alleged crime, whether by common law or by statute made before or after the passing of this Act:—

Murder, and attempt and conspiracy to murder; manslaughter; counterfeiting and altering money, and uttering counterfeit or altered money; forgery, counterfeiting and altering, and uttering what is forged or counterfeited, or altered; embezzlement and larceny; obtaining money or goods by false pretences; crimes by bankrupts against bankruptcy law; fraud by a bailee, banker, agent, factor, trustee or director, or member, or public officer of any company made criminal by any act for the time being in force; rape; abduction; child stealing; burglary and housebreaking; arson; robbery with violence; threats by letter or otherwise with intent to extort; piracy by law of nations; sinking or destroying a vessel at sea, or attempting or conspiring to do so; assaults on board a ship on the high seas with intent to destroy life or to do grievous bodily harm; revolt or conspiracy to revolt by two or more persons on board a ship on the high seas against the authority of the master.

Extradition Act 1873.

Section 8—

The Principal Act shall be construed as if there were included in the First Schedule to that Act the list of crimes contained in the schedule to this Act.

Schedule—

The following list of crimes is to be construed according to the law existing in England or in a British possession (as the case may be) at the date of the alleged crime, whether by common law or by statute made before or after the passing of this Act:—

Kidnapping and false imprisonment; perjury, and subornation of perjury, whether under common or statute law; any indictable offence under *The Larceny Act 1861*, *The Mutilious Damage Act 1861*, *The Forgery Act 1861*, *The Coinage Offences Act 1861*, *The Offences against the Person Act 1861*, or any Act amending or substituted for the same, which is not included in the First Schedule to the Principal Act; any indictable offence under the laws for the time being in force in relation to bankruptcy, which is not included in the First Schedule to the Principal Act.

suspected to be in that foreign State, may be made by the Attorney-General to a consular officer of that State in the Commonwealth, or to any Minister of that State through the diplomatic representative of His Majesty in that State, or in such other mode as is settled by arrangement.

Persons
surrendered
may be brought
into the
Commonwealth.
Canada, Rev.
Stat. c. 142, s. 22.

7. Any person accused or convicted of an extradition crime who is surrendered by a foreign State may, under the warrant for his surrender issued in the foreign State, be brought into the Commonwealth and delivered to the proper authorities to be dealt with according to law.
