

# Extradition (Foreign States)

No. 112 of 1968

An Act to amend the *Extradition (Foreign States) Act 1966*.

[Assented to 2 December 1968]

**B**E it enacted by the Queen's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:—

1.—(1.) This Act may be cited as the *Extradition (Foreign States) Act 1968*. Short title and citation.

(2.) The *Extradition (Foreign States) Act 1966\** is in this Act referred to as the Principal Act.

(3.) The Principal Act, as amended by this Act, may be cited as the *Extradition (Foreign States) Act 1966–1968*.

2.—(1.) Subject to the next succeeding sub-section, this Act shall come into operation on the day on which it receives the Royal Assent. Commencement.

(2.) Sections 7 and 8 of this Act shall come into operation on such date as is, or on such dates as respectively are, fixed by Proclamation.

3. Section 4 of the Principal Act is amended— Interpretation.

(a) by omitting from the definition of “Australia” in sub-section (1.) the words “, including the Territory of Nauru”;

(b) by inserting in the definition of “extradition crime” in sub-section (1.), after the words “constituting which”, the words “, or equivalent to which”;

(c) by omitting the definition of “Magistrate” in sub-section (1.) and inserting in its stead the following definition:—

“ ‘Magistrate’ means—

(a) a person who holds office as a Chief, Stipendiary, Police, Resident or Special Magistrate of a Territory;  
or

(b) a person who holds office as a Chief, Stipendiary, Police, Resident or Special Magistrate of a State and in respect of whom an arrangement in force under sub-section (1.) of section 24 of this Act is applicable;”;

(d) by omitting from the definition of “Territory” in sub-section (1.) the words “and includes the Territory of Nauru”; and

(e) by omitting sub-section (5.).

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\* Act No. 76, 1966.

Extension to  
external  
Territories.

4. Section 5 of the Principal Act is amended by omitting the words “, including the Territory of Nauru ”.

Act may be  
applied in  
relation to  
foreign state  
by regulation.

5. Section 10 of the Principal Act is amended by adding at the end thereof the following sub-section:—

“ (3.) Where, after the commencement of this sub-section, a treaty (other than an extradition treaty) that contains provisions relating to the surrender of fugitives comes into force between the Commonwealth and a foreign state in relation to which this Act applies, the last two preceding sub-sections apply for the purpose of giving effect to that treaty in so far as it relates to the surrender of fugitives in like manner as they apply for the purpose of giving effect to an extradition treaty.”.

Proceedings  
after  
apprehension  
of person.

6. Section 17 of the Principal Act is amended by omitting from sub-paragraph (i) of paragraph (b) of sub-section (6.) the words “ committal for ”.

7. After section 27 of the Principal Act the following section is inserted:—

Magistrate  
may take  
evidence.

“ 27A. Where a warrant has been issued in Australia for the apprehension of a person accused of an extraditable crime and that person is, or is suspected of being, in a foreign state or within the jurisdiction of, or of a part of, a foreign state, a Magistrate may, as prescribed, take evidence in Australia for transmission to that state for use in any proceedings in that state for the surrender of the person to Australia.”.

First Schedule.

8. The First Schedule to the Principal Act is amended by inserting after paragraph 12 the following paragraph:—

“ 12A. Any offence referred to in Article 1 or 2 of the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, being the Convention approved by the General Assembly of the United Nations on the second day of December, 1949.”.

Second  
Schedule.

9. The Second Schedule to the Principal Act is amended—

- (a) by omitting from Forms 1, 2, 3, 4, and 5 the words “ [or a Magistrate of the District Court of the Island of Nauru] ”; and
- (b) by omitting from Forms 3 and 4 the words “ or, in the case of the Territory of Nauru, before a Magistrate of the District Court of the Island of Nauru ”.