

# APPENDICES

## Appendix 1 – Terms of reference

### Review of Australia's extradition and mutual assistance arrangements

Having regard to:

- the critical importance of extradition and mutual assistance in effectively combating terrorism and transnational and domestic crime
- the need to increase capacity for law enforcement cooperation between Australia and other countries on extradition and mutual assistance matters
- the importance of ensuring that these two Acts provide a meaningful legal framework for international law enforcement in the 21<sup>st</sup> century, and
- Australia's international legal obligations,

comprehensive reviews of Australia's extradition and mutual assistance policies and processes and the operation of the *Extradition Act 1988* and the Mutual Assistance Act will be undertaken.

### Scope

These Reviews will consider:

- a. changes needed to reflect the changing nature, scope and extent of transnational and domestic crime, including the types of offences that are captured and the range of circumstances where responses are time critical
- b. increasing the efficiency, effectiveness and quality of current extradition and mutual assistance processes, including by:
  - streamlining the operation of the Acts
  - remedying any anomalies in the operation of the Acts
  - incorporating advancements in technology, such as videolink technology, and
  - examining the interaction of existing legislation with extradition and mutual assistance processes.

### Consultation

The Reviews will be undertaken by the Commonwealth Attorney-General's Department and will include:

- a. the release of discussion papers on extradition and mutual assistance on the Department's website
- b. consultation with key stakeholders within the Australian Government, including the AFP, the CDPP, the Australian Government Solicitor, the Department of Prime Minister and Cabinet, the Department of Foreign Affairs and Trade, the Department of Immigration and Multicultural and Indigenous Affairs, the Australian Security

Intelligence Organisation, the Ombudsman and the Human Rights and Equal Opportunity Commission

- c. consultation with other key stakeholders including relevant State and Territory agencies and the Law Council of Australia
- d. consultation with other interested persons, and
- e. consultation with a range of international stakeholders.

**Note:** [The Australian Government's response](#) in May 2004 to the Joint Standing Committee on Treaties Inquiry into Australia's Extradition Law and Policy ([Report 40](#)) will be the starting point for the Reviews.

## **Appendix 2 – Where can I get more information on mutual assistance?**

The Australian Government Attorney-General's Department's Extradition and Mutual Assistance Website: <http://www.ag.gov.au/extraditionandma>

### **Primary sources**

The *Mutual Assistance in Criminal Matters Act 1987* is available at:  
[http://www.comlaw.gov.au/ComLaw/Legislation/ActCompilation1.nsf/0/64D60FCA9ABD78BACA25716A008199E8/\\$file/MutAssistCriminalMatt1987\\_WD02.pdf](http://www.comlaw.gov.au/ComLaw/Legislation/ActCompilation1.nsf/0/64D60FCA9ABD78BACA25716A008199E8/$file/MutAssistCriminalMatt1987_WD02.pdf)

The *Mutual Assistance in Criminal Matters Regulations 1988* are available at:  
[http://www.comlaw.gov.au/ComLaw/Legislation/LegislativeInstrumentCompilation1.nsf/0/BA72D2A83D5ED731CA256F80000E4CED/\\$file/MutAsstCrimMatters1988WD02.pdf](http://www.comlaw.gov.au/ComLaw/Legislation/LegislativeInstrumentCompilation1.nsf/0/BA72D2A83D5ED731CA256F80000E4CED/$file/MutAsstCrimMatters1988WD02.pdf)

Cases on mutual assistance are available on Austlii: <http://www.austlii.edu.au>

### **Parliamentary debate on the Mutual Assistance Act:**

Commonwealth of Australia, Parliamentary Debates, House of Representatives, 22 October 1986, pp 2558 – 2561 (Second reading speech)  
[http://parlinfoweb.aph.gov.au/piweb/TranslateWIPILink.aspx?Folder=HANSARDR&Criteria=DOC\\_DATE:1986-10-22%3BSEQ\\_NUM:114%3B](http://parlinfoweb.aph.gov.au/piweb/TranslateWIPILink.aspx?Folder=HANSARDR&Criteria=DOC_DATE:1986-10-22%3BSEQ_NUM:114%3B)

Commonwealth of Australia, Parliamentary Debates, Senate, 29 May 1987, pp 3256-3257 (Second reading speech)  
[http://parlinfoweb.aph.gov.au/piweb/TranslateWIPILink.aspx?Folder=HANSARDS&Criteria=DOC\\_DATE:1987-05-29%3BSEQ\\_NUM:83%3B](http://parlinfoweb.aph.gov.au/piweb/TranslateWIPILink.aspx?Folder=HANSARDS&Criteria=DOC_DATE:1987-05-29%3BSEQ_NUM:83%3B)

Commonwealth of Australia, Parliamentary Debates, House of Representatives, 26 June 1996, pp 2831-2835 (Second reading speech Amendments)  
[http://parlinfoweb.aph.gov.au/piweb/TranslateWIPILink.aspx?Folder=HANSARDR&Criteria=DOC\\_DATE:1996-06-26%3BSEQ\\_NUM:90%3B](http://parlinfoweb.aph.gov.au/piweb/TranslateWIPILink.aspx?Folder=HANSARDR&Criteria=DOC_DATE:1996-06-26%3BSEQ_NUM:90%3B)

### **International sources**

United Nations Office on Drugs and Crime (UNODC)–Model Treaty on Mutual Assistance in Criminal Matters:  
[http://www.unodc.org/pdf/model\\_treaty\\_mutual\\_assistance\\_criminal\\_matters.pdf](http://www.unodc.org/pdf/model_treaty_mutual_assistance_criminal_matters.pdf)

UNODC–Model Mutual Assistance in Criminal Matters Bill 2000:  
[http://www.unodc.org/pdf/lap\\_mutual-assistance\\_2000.pdf](http://www.unodc.org/pdf/lap_mutual-assistance_2000.pdf)

UNODC–Informal Expert Working Groups' Report on Mutual Legal Assistance Casework Best Practice (2001)  
[http://www.unodc.org/pdf/lap\\_mlaeg\\_report\\_final.pdf](http://www.unodc.org/pdf/lap_mlaeg_report_final.pdf)

### **Appendix 3 – Abbreviations and acronyms**

<b>ACC</b>	Australian Crime Commission
<b>ADB</b>	Asian Development Bank
<b>AFP</b>	Australian Federal Police
<b>AGD</b>	Australian Government Attorney-General's Department
<b>APEC</b>	Asia Pacific Economic Cooperation
<b>ASEAN</b>	Association of Southeast Asian Nations
<b>ASIC</b>	Australian Securities and Investment Commission
<b>ATO</b>	Australian Taxation Office
<b>AUSTRAC</b>	Australian Transaction Reports and Analysis Centre
<b>CDPP</b>	Commonwealth Director of Public Prosecutions
<b>CEO</b>	Chief Executive Officer
<b>CNCP</b>	Commonwealth Network of Contact Persons
<b>COAG</b>	Council of Australian Governments
<b>DIMA</b>	Department of Immigration and Multicultural Affairs
<b>DNA</b>	Deoxyribonucleic Acid
<b>MCCOC</b>	Model Criminal Code Officers' Committee
<b>NCIDD</b>	National Criminal Investigation DNA Database
<b>OECD</b>	Organisation for Economic Cooperation and Development
<b>SCAG</b>	Standing Committee of Attorneys-General
<b>UNODC</b>	United Nations Office on Drugs and Crime