



## **Mutual assistance in criminal matters—checklist for requests from other countries to Australia**

Australia works together with other countries to fight crime and recover the proceeds of crime. Mutual assistance is an important tool for both of these processes.

This document sets out how to make a mutual assistance request to Australia and lists the information that should be provided in a request to Australia. General information about mutual assistance is available in a separate Fact Sheet called 'What is mutual assistance?' available at [www.ag.gov.au/extraditionandma](http://www.ag.gov.au/extraditionandma).

Requests should be made as early as possible. Australia always tries to assist in urgent matters, however, there are requirements which must be complied with when executing mutual assistance requests. Institutions take time to compile records sought in search warrants and it may take time to arrange for a court to take evidence in response to a request for mutual assistance.

1. Australia can only accept requests made by countries, not individuals.
2. The request and all supporting documents should be in writing and translated into English.
3. Requests should contain the following information:
  - (a) **Authority**: the name of the authority investigating or prosecuting the criminal matter and on whose behalf the request is made
  - (b) **Alleged offence**: the text of the alleged offence(s) under investigation and the maximum penalties for the offence(s). There is no need to identify an equivalent Australian offence
  - (c) **Description**: a description of the nature of the criminal matter and a statement setting out a summary of the relevant facts, conduct and circumstances of the investigation. The offence under investigation does not have to be proved, but the facts must reveal reasonable grounds for suspicion. The connection between the foreign investigation or proceeding and the assistance sought should be set out
  - (d) **Assistance sought**: a detailed description of the assistance sought, preferably in the form of a list. If a witness statement is sought, a list of questions to be put to the witness should be provided. State whether the material is sought in an investigation or a prosecution, or in an action to recover the proceeds of crime, and
  - (e) **Purpose**: a description of the purpose of the request. This section should contain a very short description of why the material is required.

4. The following information assists Australia to consider the request expeditiously:
  - (a) **Legal Basis:** the basis on which the request is made (such as under a convention or treaty). If there is a treaty between Australia and your country, additional information may be required under the Treaty. If no such arrangement exists, a statement of reciprocity should be provided
  - (b) **Offender Details:** if known, identification of the person or people who are the subject of the request such as full name (indicating first and last name), any aliases, sex, address, nationality, passport number and location
  - (c) **Travel:** whether permission is sought for foreign law enforcement authorities to travel to Australia to assist with the execution of the request
  - (d) **Form:** the form in which the material is to be provided. Material will be provided in the form it is received from law enforcement authorities who action the request unless otherwise specified. For example, if the material needs to be in a particular form to be admissible in court or is required under seal, please clearly state this and provide details
  - (e) **Timeframe for Response:** when a response is required. If the request is urgent, details of why it is urgent (such as upcoming court date), and
  - (f) **Contact Details:** the name and address (including e-mail address) of the person in your country who Australian authorities should contact and an address for where material in response to the request should be sent.
5. Requests should contain any other information that would assist Australian authorities in considering the Request.

This may include, for example, whether Australian law enforcement authorities are involved in, or are aware of, the investigation.

6. Requests should also contain any specific information required for particular types of request.

Under Australia's domestic mutual assistance legislation, some types of assistance require specific information from the requesting country. These are:

- (a) **Witness statements:** specify whether the statement is to be obtained voluntarily or by proceedings conducted on oath before a court
- (b) **Take evidence proceedings:** specify whether the evidence is required for a proceeding before a judicial officer or jury, and
- (b) **Registration of proceeds of crimes orders:** for registration of a forfeiture order, pecuniary penalty order or restraining order include a statement asking that this be done.

This fact sheet is available electronically at [www.ag.gov.au/extraditionandma](http://www.ag.gov.au/extraditionandma)

7. Proceeds of Crime

Australia has a comprehensive scheme to take action to recover the proceeds of crime. Australian authorities may be able to take action to recover the proceeds of a foreign indictable offence. Whether this is possible will depend on the circumstances of each case. However, if it is likely that proceeds of crime may be located in Australia, please specify whether there are any objections to Australia taking action to restrain the proceeds of crime.

8. Send your request to the Australian Central Authority for Mutual Assistance in Criminal Matters.

The International Crime Cooperation Central Authority in the International Crime Cooperation Division of the Australian Government Attorney-General's Department is the Central Authority for Mutual Assistance in Criminal Matters.

Requests for assistance should be sent to directly to:

Assistant Secretary  
International Crime Cooperation Central Authority  
International Crime Cooperation Division  
Attorney-General's Department  
3-5 National Circuit  
BARTON ACT 2600  
AUSTRALIA

Requests can also be sent through diplomatic channels to the Australian Government Attorney-General's Department.

Enquiries about mutual assistance can be emailed to [mutualassistance@ag.gov.au](mailto:mutualassistance@ag.gov.au).

Australia looks forward to assisting you with your requests and enquiries.