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The Parliament of the Commonwealth of Australia

# Advisory report:

## **Extradition and Mutual Assistance in Criminal Matters Legislation Amendment Bill 2011**

House of Representatives  
Standing Committee Social Policy and Legal Affairs

September 2011  
Canberra

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## Membership of the Committee

<b>Chair</b>	Mr Graham Perrett MP
<b>Deputy Chair</b>	The Hon Judy Moylan MP
<b>Members</b>	Mr Shayne Neumann MP
	Ms Michelle Rowland MP
	Ms Laura Smyth MP
	The Hon Dr Sharman Stone MP
	Mr Ross Vasta MP

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## Terms of reference

On Thursday 7 July 2011, the Selection Committee asked the Committee to inquire into and report on the Extradition and Mutual Assistance in Criminal Matters Legislation Amendment Bill 2011.







## List of abbreviations

AHRC	Australian Human Rights Commission
ALA	Australian Lawyers Alliance
CDPP	Commonwealth Director of Public Prosecutions
Crimes Act	<i>Crimes Act 1914</i>
Extradition Act	<i>Extradition Act 1988</i>
HRLC	Human Rights Law Centre
JSCOT	Joint Standing Committee on Treaties
LCA	Law Council of Australia
Mutual Assistance Act	<i>Mutual Assistance in Criminal Matters Act 1987</i>
the Bill	Extradition and Mutual Assistance in Criminal Matters Legislation Amendment Bill 2011
TI product	Telecommunications interception product





## List of recommendations

### Recommendation 1

The Committee recommends that the Extradition and Mutual Assistance in Criminal Matters Legislation Amendment Bill 2011 be passed by the House of Representatives.

### Recommendation 2

The Committee recommends that the Australian Government give consideration to removing the presumption against bail which operates in the *Extradition Act 1988* by allowing individuals to be granted bail only in special circumstances.

### Recommendation 3

The Committee recommends that the Attorney-General's Department be required to provide in its annual report a record of any substantive breach of an undertaking given by a foreign country in relation to extradition or mutual assistance processes.

The Committee also recommends that, should a serious breach of an undertaking occur, the Minister for Justice or the Attorney-General be required to immediately report this breach to the Parliament.

### Recommendation 4

The Committee recommends that, within three years of its enactment, the Attorney-General's Department conduct a review of the operations of the amendments contained in the Extradition and Mutual Assistance in Criminal Matters Legislation Amendment Bill 2011.