



## Dissenting report — Coalition Members and Senators

### **Chapter 6 – Extradition Treaty between Australia and the Republic of India, and Treaty between Australia and the Republic of India on Mutual Legal Assistance in Criminal Matters**

The Coalition Members dissent from the majority Recommendation 4.

Recommendation 4 says that extradition agreements must require the requesting country to provide regular trial, health and conditions of detention reports to Australian officials.

This recommendation while pious is unrealistic. It is doubtful that any country would accept such a reporting procedure and it is likely to greatly delay if not prevent future signing of extradition treaties.

Moreover the Government are in agreement with the Coalition's analysis of Recommendation 4.

In evidence before the Committee the Government outlined their concerns as referenced in the Report 6.29. It states:

- there is no precedent for a monitoring process;
- an attempt to negotiate such a process will be rejected by treaty partners;
- Australians who have been extradited have access to consular assistance if they request it;
- Australia has no jurisdiction to monitor the conditions of foreign nationals extradited from Australia; and

- if Australia undertook the monitoring process, this would involve issues of resources and infringement of the sovereignty of the country in which the person is detained.

Equally Recommendation 4 is not necessary whilst Recommendation 5 stands.

Recommendation 5 states that Australians who have been extradited should receive consular support if requested.

Recommendation 5 will fulfil the intent of Recommendation 4 in regard to the well being of the extradited person.

**Senator Julian McGauran**  
**Deputy Chair**

**Senator Simon Birmingham**

**Senator Michaelia Cash**

**Mr John Forrest MP**

**Mr Luke Simpkins MP**

**Mr Jamie Briggs MP**