

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
ATTORNEY-GENERAL'S DEPARTMENT

Program 1.2

Question No. 57

Senator Ludlam asked the following questions at the hearing on 18 October 2010:

- (a) How many extradition requests has Australia received in the last financial year and how many of those requests were granted?
- (b) Please break down the number of individuals extradited who were Australian citizens, Australian residents or visitors from elsewhere.
- (c) Please also provide a breakdown for that time period of any request that might have occurred outside our formal treaty framework extradition treaties.

The answer to the honourable senator's question is as follows:

- (a) In the 2009-2010 financial year Australia received 30 requests from foreign countries seeking the extradition of persons believed to be in Australia. The time taken to conclude an extradition request varies significantly in each case and depends on factors including the complexity of the matter, whether the person consents to extradition and whether the person pursues the avenues of judicial review or challenge available across the stages of the extradition process. Of the requests received in 2009-2010, one was granted within the financial year and the person was extradited to the requesting country. Within the 2009-2010 financial year, a further five persons were extradited in response to extradition requests received in previous years.
- (b) The person who was the subject of the extradition request that was received and granted within the 2009-2010 financial year held Australian citizenship in addition to citizenship of other countries.
- (c) Australia can consider extradition requests from any country declared to be an 'extradition country' for the purpose of the *Extradition Act 1988* (Cth). Extradition countries include
 - (i) a foreign country with whom Australia has entered into a bilateral extradition treaty or has an extradition relationship with by virtue of a treaty inherited from the United Kingdom,
 - (ii) a foreign country which is a state party to a multilateral convention which contains extradition obligations and to which Australia is also a state party, and
 - (iii) a foreign country separately declared in regulations to be an 'extradition country' for the purpose of the *Extradition Act 1988* (Cth).

The extradition request that was received and granted within the 2009-2010 financial year was made on the basis of a bilateral extradition treaty between Australia and the requesting country.