

THE EXTRADITION (COMMONWEALTH AND FOREIGN TERRITORIES) (AMENDMENT) (NO. 2) BILL, 2003

**List of Amendments made to the above-mentioned Bill at a Sitting in the Senate
Held on Tuesday March 31, 2004**

| First Column Clause | Second Column Extent of Amendments |
|--------------------------------|--|
| 7 | <p>A. In paragraph (a) delete the words “sex,”</p> <p>B. Delete paragraph (b) and substitute the following new paragraph:</p> <p>“ (b) in subsection (7) (a), by inserting after the words “state,” the words “Head of Government or Minister of Government;”;</p> <p>C. Delete paragraph (c).</p> |
| 14 | <p>A. In the proposed section 19, delete the words “19A, 19B and 19C” and substitute the words “19A and 19B”.</p> <p>B. In the proposed section 19A, delete subsections (3) to (7) and substitute the following:</p> <p>“(3) A document purporting to have been signed by a judicial, prosecuting or penal authority, or other officer administering a Government Department, of the declared Commonwealth or foreign territory shall be admitted without proof of the signature or official character of the person appearing to have signed it.</p> <p>(4) A translation of a document into English shall be admitted into evidence only where it is certified by a judicial, prosecuting or penal authority, or other officer administering a Government Department, of the declared Commonwealth or foreign territory and purports to be an accurate translation of the original document.</p> |

**First Column
Clause**

**Second Column
Extent of Amendments**

(5) A record of the case or supplementary evidence shall not be admitted unless –

- (a) in the case of a person who is accused of an extraditable offence, a judicial or prosecuting authority of the declared Commonwealth or foreign territory certifies that the evidence summarized or contained in the record of the case or in the supplementary evidence is in a form that would be admissible at the trial; and
 - (i) was gathered according to the law of that territory; or
 - (ii) is sufficient under the law of that territory to justify prosecution; or
- (b) in the case of a person who is alleged to be unlawfully at large after conviction of an extraditable offence, a judicial, prosecuting or penal authority of the declared Commonwealth or foreign territory certifies that the documents in the record of the case or in the supplementary evidence are accurate; and
- (c) each document contained in the record of the case or in supplementary evidence bears the signature of the certifying official.

C. Delete the proposed section 19B.

D. Renumber the proposed section 19C as section 19B.

New Clause 16

Insert after clause 15 the following new clause:

“Application 16. This Act applies to extraditable offences committed before as well as after the commencement of the Act.”.

April 01, 2004