

1986

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

MUTUAL ASSISTANCE IN CRIMINAL MATTERS (CONSEQUENTIAL
AMENDMENTS) BILL 1986

EXPLANATORY MEMORANDUM

(Circulated by the Authority of the Attorney-General

The Honorable Lionel Bowen M.H.R.)

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GENERAL OUTLINE

This Bill repeals the sections in the Australian extradition legislation which permit the taking of evidence at the request of a foreign country. The reason for the repeal is that the substance of those sections has been transferred to the Mutual Assistance in Criminal Matters Bill 1986. The reason for the transfer is that taking of evidence for use in a foreign country is more appropriately dealt with in mutual assistance than extradition legislation.

FINANCIAL IMPACT STATEMENT

Since this Bill transfers existing functions it has no financial implications.

Clause 1 - Short Title

Formal

Clause 2 - Commencement

The legislation will come into operation on a date to be fixed by Proclamation.

Clause 3 - Amendment of Acts

This clause repeals sections in the Australian extradition legislation which permit the taking of evidence for the purposes of criminal proceedings in foreign countries. The substance of those sections is now contained in Part II of the Mutual Assistance in Criminal Matters Bill.

Clause 4 - Transitional

This clause permits the sections in the extradition legislation to continue to apply to requests for the taking of evidence from foreign countries made before the commencement of the Mutual Assistance in Criminal Matters Bill 1986.