

Extradition Amendment Act 2002

Public Act 2002 No 21
Date of assent 17 June 2002

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The Parliament of New Zealand enacts as follows:

1 Title

- (1) This Act is the Extradition Amendment Act 2002.
- (2) In this Act, the Extradition Act 1999 is called “the principal Act”.

2 Commencement

- (1) Sections 3 and 4 come into force on the day after the date on which this Act receives the Royal assent.
- (2) The rest of this Act comes into force on a day appointed by the Governor-General by Order in Council; and different days

may be appointed for different provisions, different purposes, or both.

3 Orders in Council in respect of treaties

Section 15(1) of the principal Act is amended by omitting the words “comes into force”, and substituting the words “is concluded”.

4 Designated countries

Section 40(2) of the principal Act is amended by omitting the words “comes into force”, and substituting the words “is concluded”.

5 Treaties deemed to incorporate crimes

Section 101A(2) of the principal Act is amended by adding the following paragraph:

“(g) section 101B of this Act.”

6 New section 101B inserted

The principal Act is amended by inserting, after section 101A, the following section:

“101B Certain crimes with transnational aspects deemed to be included in extradition treaties

“(1) For the purposes of this Act and any Order in Council in force under section 15 or section 104, the following offences are deemed to be offences described in any extradition treaty concluded before the commencement of section 6 of the Extradition Amendment Act 2002 and for the time being in force between New Zealand and any foreign country that is a party to a convention or protocol referred to in subsection (5):

“(a) every offence against any of sections 98A, 98C, 98D, 100, 101, 102, 103, 104, 105, 116, 117, and 257A of the Crimes Act 1961:

“(b) every offence against any of sections 29A, 30, 30A, 31(1), 31(2), and 32 of the Passports Act 1992:

“(c) any offence against any enactment if—

“(i) it is punishable by imprisonment for a term of 4 years or more; and

- “(ii) the offence for which extradition is requested is alleged to involve an organised criminal group (as defined in article 2(a) of the TOC convention); and
 - “(iii) the person whose extradition is sought is, or is suspected of being, in or on his or her way to the requested country.
- “(2) A person whose surrender is sought from New Zealand in respect of an act that amounts to an offence deemed by subsection (1) to be an offence described in an extradition treaty is liable to be surrendered in accordance with this Act and the applicable extradition treaty, whether the act occurred before or after the commencement of section 6 of the Extradition Amendment Act 2002.
- “(3) Subsection (2) does not apply in respect of an act that, had it occurred within the jurisdiction of New Zealand, would not, at the time that it occurred, have constituted an offence under New Zealand law.
- “(4) A certificate under the hand of the Minister of Foreign Affairs and Trade that a foreign country is a party to the TOC convention, the migrants protocol, or the trafficking protocol is, in the absence of proof to the contrary, sufficient evidence of that fact.
- “(5) For the purposes of this section,—
- “**foreign country** includes a territory—
 - “(a) for whose international relations the Government of a foreign country is responsible; and
 - “(b) to which the extradition treaty and (as the case may be) the migrants protocol, TOC convention, or the trafficking protocol, extend
- “**migrants protocol** means the Protocol against the Smuggling of Migrants, by Land, Sea and Air, supplementing the United Nations Convention Against Transnational Organised Crime, done at New York on 15 November 2000
- “**TOC convention** means the United Nations Convention against Transnational Organised Crime, done at New York on 15 November 2000

“**trafficking protocol** means the Protocol to Prevent, Suppress and Punish Trafficking of Persons, especially Women and Children, supplementing the United Nations Convention Against Transnational Organised Crime, done at New York on 15 November 2000.”

Legislative history

11 June 2002

Divided from Transnational Organised Crime Bill
(Bill 201—2), third reading
