



REPUBLIC OF NAURU

# EXTRADITION (AMENDMENT) ACT 2024

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No. 10 of 2024

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An Act to amend the *Extradition Act 1973* and for other related purposes.

Certified: 20 August 2024

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Enacted by the Parliament of Nauru as follows:

**1 Short title**

This Act may be cited as the *Extradition (Amendment) Act 2024*.

**2 Commencement**

This Act commences on the date it is certified by the Speaker.

**3 Amendment of the Extradition Act 1973**

The *Extradition Act 1973* is amended by the provisions of this Act.

**4 Amendment of Section 2**

Section 2(1) is amended by inserting the following definition in its correct alphabetical order:

‘***Pacific Islands Forum Country***’ means Australia, Cook Islands, Federated States of Micronesia, French Polynesia, Kiribati, Kingdom of Tonga, Marshall Islands, Niue, New Zealand, Palau, Papua New Guinea, Republic of the Fiji Islands, New Caledonia, Samoa, Solomon Islands, Tokelau, Tuvalu, Vanuatu or any other country as may from time to time become a member of the Pacific Islands Forum;’.

**5 Amendment of Section 4**

Section 4 is amended in:

- (a) subsection (1) by deleting ‘an order’ and substituting with ‘regulations’;
- (b) subsection (2) by deleting:
  - (i) ‘an order’ and substituting with ‘regulations’; and
  - (ii) ‘the order’ and substituting with ‘the regulations’
- (c) subsection (3) by deleting ‘order’ and substituting with ‘regulations’; and
- (d) subsection (4) by deleting:
  - (i) ‘No order’ substituting with ‘No regulations’;
  - (ii) ‘an order’ and substituting with ‘the regulations’;
  - (iii) ‘the order’ and substituting with ‘the regulations’; and
  - (iv) ‘order is’ and substituting with ‘regulations are’.

**6 Amendment of Part 3**

Part 3 is amended by:

- (a) renumbering it as Part 4;
- (b) renumbering Section 16 as Section 17;
- (c) renumbering Section 17 as Section 18;
- (d) deleting reference to ‘Section 16(1)’ in the renumbered Section 18, and substituting with ‘Section 17(1)’; and
- (e) inserting a new Part 3 as follows:

**‘PART 3 – SIMPLIFIED PROCEDURE FOR EXTRADITION**

**‘16 Simplified procedure for extradition**

- (1) A simplified procedure may be considered by the Minister for the returning of an offender to a designated country under Part 2, where:
- (a) a person who is accused or convicted of a relevant offence voluntarily consents to be returned to a designated country having been informed of a request being made by the designated country for the return of the person;
  - (b) the request is made by a Pacific Islands Forum Country and which is a designated country under this Act; or
  - (c) any other circumstances which the Cabinet may deem necessary.
- (2) In considering an application under subsection (1), the Minister shall consider:
- (a) the person accused or convicted of a relevant offence is given a fair hearing and opportunity to take legal advice; and
  - (b) that a person accused or convicted of a relevant offence to whom Section 6 and Section 12 applies is not extradited from the Republic.’.

**7 Amendment of Part 4**

Part 4 is amended by:

- (a) renumbering it as Part 5;
- (b) renumbering Section 18 as Section 19; and
- (c) deleting Section 19 and substituting as follows:

**‘20 Power to make regulations**

- (1) The Cabinet may make regulations as are necessary or expedient to give effect to this Act.
- (2) Without limiting subsection (1), regulations may give effect to this Act by prescribing the following matters:
- (a) designating any foreign country with which the Republic may have mutual arrangements for extradition;
  - (b) procedure for receiving applications for extradition, considering applications for extradition and extraditing persons under this Act;
  - (c) establishing simplified procedure for the purposes of Part 3 of this Act or any other written law;

- (d) amending the Schedule in relation to the offences for which extradition applications may be considered by the Republic;
- (e) rules and procedure for taking evidence by a foreign country in the Republic either through the court procedures or any other arrangement with the law enforcement agencies;
- (f) providing the list of designated countries; and
- (g) prescribing the form of any warrant or order to be issued or made under the provisions of this Act.’.

**8 Insertion of Section 21**

A new Section 21 is inserted as follows:

**‘21 Savings and transitional provision’**

An act, decision, undertaking, arrangement, understanding entered into or order or other subsidiary legislation made under the provisions that are amended by the *Extradition (Amendment) Act 2024*, shall be deemed to have been made under this Act and shall remain valid unless it is varied, suspended or revoked under this Act.’.