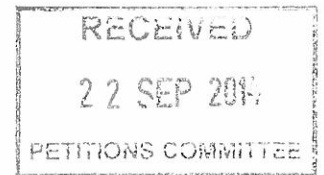




**THE HON MICHAEL KEENAN MP**  
**Minister for Justice**

Your Ref: 921/1387

MC14/12585



Dr Dennis Jensen MP  
Chair  
Standing Committee on Petitions  
Parliament House  
CANBERRA ACT 2600

Dear Dr Jensen,

Thank you for your letter dated 5 June 2014 concerning the petition received by the Standing Committee on Petitions regarding a request to extradite Ms Adriana Rivas to the Republic of Chile.

Your correspondence has been referred to me by the Attorney-General as I have general portfolio responsibility for international crime cooperation matters, including international extradition.

The Australian Government is committed to giving effect to international crime cooperation obligations, including extraditing persons where they are wanted in another country. It is critical that Australia plays its part in bringing people to justice regardless of where the crime occurs, just as Australia would expect cooperation by other countries.

However, as a matter of longstanding policy, the Australian Government does not comment publicly on extradition matters, including whether it has received an extradition request, until a person is arrested or brought before a court pursuant to such a request. This reflects the sensitive law-enforcement context in which extradition requests are made.

I can confirm that Australia is able to consider extradition requests from the Republic of Chile. Any request would be considered in accordance with the *Extradition Act 1988* (Cth) and the *Treaty on Extradition Between Australia and the Republic of Chile* done at Canberra on 6 October 1993.

Extradition requests made to Australia are considered in accordance with these two instruments and must be assessed on a case-by-case basis, taking into account all relevant considerations. There are a number of sequential administrative and legal steps in Australia's extradition regime and it involves decisions by the executive and Australian courts. The extradition process does not involve any adjudication of a person's guilt or innocence. Rather, it enables that adjudication to take place in the country seeking extradition.

With respect to the clarification sought in the petition regarding Ms Rivas's residency in Australia, I note this matter falls within the purview of the *Migration Act 1958* (the Migration Act) and the *Australian Citizenship Act 2007* (the Citizenship Act). Also, the release of Ms Rivas' personal information is governed by the *Privacy Act 1988*, which does not permit the disclosure of Ms Rivas' information without her consent.

I trust this information is of assistance to you. Thank you again for writing on this matter.

Yours sincerely

**Michael Keenan**

28 JUL 2014