

12 Extradition arrest warrants

- (1) Where:
 - (a) an application is made, in the statutory form, on behalf of an extradition country to a magistrate or eligible Federal Circuit Court Judge for the issue of a warrant for the arrest of a person; and
 - (b) the magistrate or Judge is satisfied, on the basis of information given by affidavit, that the person is an extraditable person in relation to the extradition country;the magistrate or Judge shall issue a warrant, in the statutory form, for the arrest of the person.
- (2) The magistrate or Judge shall forthwith send to the Attorney-General a report stating that the magistrate or Judge has issued the warrant, together with a copy of the affidavit.
- (3) Where:
 - (a) the Attorney-General has received the report under subsection (2) or has otherwise become aware of the issue of the warrant;
 - (b) the person has not been arrested under the warrant; and
 - (c) either:
 - (i) the Attorney-General decides not to give a notice under subsection 16(1) in relation to the person; or
 - (ii) the Attorney-General considers for any other reason that the warrant should be cancelled;the Attorney-General shall, by notice in writing in the statutory form, direct a magistrate or eligible Federal Circuit Court Judge to cancel the warrant.
- (4) A notice given under subsection (3) is not a legislative instrument.