



Fact sheet - Making a mutual assistance request to Australia

This fact sheet provides an overview of the process of making a mutual assistance request to Australia. In this factsheet, you will find:

- information relating to [what information should be included](#) in a mutual assistance request
- a [checklist](#) for requests from foreign countries to Australia
- tips to ensure a request can be [executed effectively](#)
- information relating to [when Australia will refuse a request](#) for mutual assistance
- advice for [specific types](#) of mutual assistance.

The International Crime Cooperation Central Authority is responsible for casework arising from the *Mutual Assistance in Criminal Matters Act 1987* (Cth) (the *Mutual Assistance Act*). For further information or advice about particular matters please contact the Central Authority at mutualassistance@ag.gov.au.

For a step-by-step guide to making mutual assistance requests to Australia, see the United Nations Office of Drugs and Crime (UNODC) [G20 Mutual Legal Assistance Guide](#).

What information should be included in a request to Australia?

The Mutual Assistance Act sets out the required form of mutual assistance requests. Requests should:

- be in writing
- include a description of the nature of the criminal matter
- include a summary of the relevant facts, and

- include a summary of the applicable law (including the penalty for the offence(s) under investigation).

Checklist for requests from foreign countries to Australia

Mutual assistance requests should contain any other information that would assist Australian authorities in considering the request. This may include, for example, whether Australian law enforcement authorities are aware of the investigation.

Before you send a mutual assistance request to Australia, please ensure that you have provided the following information.

Mutual assistance requests should include:



Authority	<ul style="list-style-type: none"> • the name of the authority investigating or prosecuting the criminal matter 	<input type="checkbox"/>
Alleged offence	<ul style="list-style-type: none"> • the text of the alleged offence(s) under investigation • the maximum penalties for the offence(s) 	<input type="checkbox"/>
Description	<ul style="list-style-type: none"> • a description of the nature of the criminal matter • a statement setting out a summary of the relevant facts, circumstance and conduct of the investigation • reasonable grounds for suspicion 	<input type="checkbox"/>
Assistance sought	<ul style="list-style-type: none"> • a detailed description of the assistance sought, preferably in the form of a list • a statement confirming whether the material is sought in an investigation, 	<input type="checkbox"/>

	prosecution or an action to recover the proceeds of crime.	
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Purpose	• a description of the purpose of the request	<input type="checkbox"/>
	• a short description of why the material is requested	<input type="checkbox"/>

Tips to ensure a request is executed effectively

Australian authorities endeavour to assist in urgent cases. However, the mutual assistance process can be lengthy depending on the nature and extent of the assistance sought.

Providing additional information in your request can assist Australian authorities in executing it as quickly as possible. If your request is urgent, **please provide details about why it is urgent** and **supply relevant deadlines**.

The list below identifies the additional information that may be useful to ensure that Australia can progress your request.

Additional information should be included for urgent requests		
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Legal basis	• the basis upon which the request is made (such as a convention or treaty)	<input type="checkbox"/>
	• any additional information required under the treaty or a statement of reciprocity	<input type="checkbox"/>
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Offender details	• if known, identification of the person or people who are the subject of the request (including full name, aliases, gender, address, nationality, passport number and location)	<input type="checkbox"/>

Travel	<ul style="list-style-type: none"> • whether permission is sought for foreign law enforcement authorities to travel to Australia to assist in the execution of the request 	<input type="checkbox"/>
Form	<ul style="list-style-type: none"> • details of any procedural requirements or form in which the material is to be provided (for example, if the material needs to be in a particular form to be admissible) 	<input type="checkbox"/>
Contact details	<ul style="list-style-type: none"> • the name and address (including email address) of the person in the foreign country who Australian authorities should contact in relation to the request • the address where the material should be sent 	<input type="checkbox"/> <input type="checkbox"/>

When will Australia refuse a request for mutual assistance?

The Attorney-General must consider the grounds for refusing requests under the Mutual Assistance Act before providing the mutual assistance requested. For a complete list of the limitations on what assistance can be provided by Australia see [section 8](#) of the Mutual Assistance Act.

A request **must** be refused if:

- the offence is a political offence or relates to a foreign order in relation to a political offence
- the request has been made with a view to investigating, prosecuting or punishing a person for a political offence
- the request was made for the purpose of investigating, prosecuting, punishing or otherwise causing prejudice to a person because of their race, sex, sexual orientation, religion, nationality or political opinions

- if the request was granted, the person would be in danger of being subjected to torture
- the offence is a military offence only or relates to a foreign order in relation to a military offence only
- the granting of the request would prejudice the sovereignty, security or national interest of Australia, or the essential interests of a State or Territory, or
- the request relates to the investigation, prosecution or punishment of a person arrested or detained on suspicion of having committed a death penalty offence or a person charged with or convicted of a death penalty offence.

A request **may** be refused if

- the request relates to an offence which would not be an offence in Australia (dual criminality)
- the request relates to the investigation, prosecution or punishment of a person for an offence for which the person has been acquitted, pardoned or punished in the foreign country, Australia or another country
- the provision of assistance could prejudice an Australian investigation or proceeding
- the provision of assistance would, or would be likely to, prejudice a person's safety
- the provision of assistance would impose an excessive burden on Commonwealth or State or Territory resources
- it is appropriate, in all the circumstances of the case, that the request should not be granted, or
- the Attorney-General believes that the provision of assistance may result in the death penalty being imposed on a person.

Advice for specific types of assistance

Certain types of assistance require specific information from the requesting country. These include:

- **witness statements:** specify whether the statement is to be obtained voluntarily or by proceedings conducted on oath before a court

- **take evidence proceedings:** specify whether the evidence is required for a proceeding before a judicial officer or jury, and
- **registration of proceeds of crime orders:** for the registration of a forfeiture order, pecuniary penalty order or restraining order include a statement asking that this be done.

For further information, please consult the UNODC [G20 Mutual Legal Assistance Guide](#) or contact the Central Authority by email at mutualassistance@ag.gov.au.