



HIGH COURT OF AUSTRALIA

Public Information Officer

15 June 2006

DRAGAN VASILJKOVIC v COMMONWEALTH OF AUSTRALIA; MINISTER FOR JUSTICE
AND CUSTOMS; THE GOVERNOR, PARKLEA CORRECTIONAL CENTRE; AND
MAGISTRATE MOORE, CENTRAL LOCAL COURT

ACTING CHIEF JUSTICE GUMMOW:

This matter was heard in Canberra on 13 April 2006 by a Bench constituted by the Chief Justice, Justices Kirby, Hayne and Heydon and myself. The Court now announces what, by majority, are its answers to the questions stated by the parties in the Special Case. The Court's reasons will be published at a later date.

1. The questions stated by the parties in the Special Case for the opinion of the Full Court are answered as follows:
 - (a) Q. Is Part II of the *Extradition Act* 1988 (Cth) invalid to the extent, if any, to which it purports to confer a power to deprive an Australian citizen of liberty otherwise than in the exercise of the judicial power of the Commonwealth?

A. No.
 - (b) Q. Is Part II of the *Extradition Act* 1988 (Cth) read together with the Extradition (Croatia) Regulations 2004 (Cth) invalid to the extent to which it purports to confer a power to deprive an Australian citizen of liberty otherwise than upon a finding that there exists a prima facie case against that person of the commission of the offences alleged by the State requesting extradition?

A. No.
 - (c) Q. Is regulation 4 of the Extradition (Croatia) Regulations 2004 (Cth) invalid because it was not made pursuant to the power conferred by section 51(xxix) of the Constitution or any other legislative power of the Commonwealth?

A. No.
2. The costs of the Special Case be costs in the action.