

No. 31153

**AUSTRALIA
and
FINLAND**

**Agreement on mutual assistance in criminal matters. Signed
at Canberra on 22 June 1992**

Authentic texts: English and Finnish.

Registered by Australia on 18 August 1994.

**AUSTRALIE
et
FINLANDE**

**Accord relatif à l'assistance mutuelle en matière pénale.
Signé à Canberra le 22 juin 1992**

Textes authentiques : anglais et finnois.

Enregistré par l'Australie le 18 août 1994.

AGREEMENT¹ BETWEEN AUSTRALIA AND FINLAND ON MUTUAL ASSISTANCE IN CRIMINAL MATTERS

Australia and Finland

DESIRING to extend to each other the widest measure of co-operation in criminal matters,

HAVE AGREED as follows:

ARTICLE 1

Scope of application

1. The Contracting States undertake to afford each other, in accordance with the provisions of this Agreement, the widest measure of mutual assistance in proceedings or investigations in respect of offences the punishment of which, at the time of the request for assistance, falls within the jurisdiction of the judicial authorities of the Requesting State.

2. Authorities on whose behalf requests may be made are courts and prosecutors as well as authorities responsible for investigations related to criminal matters.

3. Criminal matter includes matters connected with offences against a law relating to taxation, customs duties, foreign exchange control and other revenue matters.

¹ Came into force on 30 April 1994, i.e., 30 days after the date on which the Contracting Parties had notified each other (on 31 January and 31 March 1994) of the completion of their respective constitutional requirements, in accordance with article 20 (1).

4. Such assistance may consist of:

- (a) taking of evidence and obtaining of statements of persons including the execution of letters rogatory;
- (b) provision of documents and other records;
- (c) location and identification of persons;
- (d) execution of requests for search and seizure;
- (e) inviting persons to be available to give evidence or to assist in investigations in the Requesting State;
- (f) service of documents; and
- (g) other assistance consistent with the objects of this Agreement which is not inconsistent with the law of the Requested State.

5. Assistance shall not include:

- (a) the extradition of any person;
- (b) the execution in the Requested State of criminal judgments imposed in the Requesting State; and
- (c) the transfer of persons in custody to serve sentences.

ARTICLE 2

Central authority

1. Requests for assistance shall be made through the Central Authorities.
2. For the purposes of this Agreement the Central Authority of Australia shall be the Attorney-General's Department, Canberra and the Central Authority of Finland shall be the Ministry of Justice, Helsinki. The Contracting States shall advise each other of any change of Central Authorities.

ARTICLE 3

Refusal of assistance

1. Assistance may be refused if:
 - (a) the request relates to the prosecution or punishment of a person for an offence that is regarded by the Requested State as:
 - (i) an offence of a political character; or
 - (ii) an offence under military law of the Requested State which is not also an offence under the ordinary criminal law of the Requested State;
 - (b) the request relates to the prosecution or punishment of a person for an offence in respect of which the offender has been finally acquitted or pardoned or has served the sentence imposed;

- (c) there are substantial grounds for believing that a consequence of providing assistance would be prejudice to any person on account of that person's race, sex, religion, nationality or political opinions or to the safety of any person;
- (d) the Requested State is of the opinion that the request, if granted, would prejudice its sovereignty, security, national interest or other essential interests;
- (e) the request relates to the prosecution or punishment of a person for an offence where the acts or omissions alleged to constitute that offence would not, if they had taken place in similar circumstances within the jurisdiction of the Requested State, have constituted an offence;
- (f) the request relates to the prosecution or punishment of a person for an offence which is committed outside the territory of the Requesting State and the law of the Requested State does not provide for the punishment of an offence committed outside its territory in similar circumstances;
- (g) the request relates to the prosecution or punishment of a person for an offence which, had it been committed in the Requested State, could no longer be prosecuted by reason of lapse of time or any other reason;
- (h) the provision of the assistance sought could prejudice an investigation or proceeding in the Requested State or impose an excessive burden on the resources of that State;