



## HIGH COURT OF AUSTRALIA

Public Information Officer

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### ANTHONY GORDON OATES v THE ATTORNEY-GENERAL FOR THE COMMONWEALTH AND THE COMMONWEALTH OF AUSTRALIA

The High Court of Australia dismissed Oates's appeal against extradition from Poland on March 4 and today handed down its reasons for judgment.

Oates, a former Bond Corporation executive, is accused under the Western Australian Criminal Code of one count of conspiracy to defraud, and under the WA Companies Code of eight counts of improper use of his position as a company director and eight counts of acting dishonestly as a company director. He has lived in Poland since 1991.

In response to Australia's extradition request, Oates was arrested by Polish authorities in October 1996 and held in custody for seven months.

He sought leave to appeal in the High Court from a decision of the Full Court of the Federal Court that the extradition request was valid. In his application for special leave to appeal, Oates sought a declaration that the extradition request was invalid. He claimed the offences were not among those listed in the 1932 extradition treaty between Poland and the United Kingdom on Australia and New Zealand's behalf. (A new Australia- Poland treaty took effect in 1999, but the relevant events took place when the first treaty was in operative.) The High Court found it unnecessary to decide that issue.

The Court held that neither a UK Order in Council (by which the 1932 treaty became applicable in Australia), nor the treaty itself, nor Australia's Extradition (Foreign States) Act imposed any limitations, conditions, exceptions or qualifications which affected the Attorney-General's power to request Oates's extradition.

- *This statement is not intended to be a substitute for the reasons of the High Court or to be used in any later consideration of the Court's reasons.*