

## EXPLANATORY STATEMENT

Subject - Mutual Assistance in Criminal Matters Act 1990  
Mutual Assistance in Criminal Matters (Canada)  
Regulations  
1990 No. 22

Section 44 of the Mutual Assistance in Criminal Matters Act provides that the Governor-General may make regulations, not inconsistent with the Act, prescribing matters required or permitted by the Act to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to the Act. Paragraph 7(2)(a) of the Act provides that regulations may apply the Act to a specified foreign country to give effect to a bilateral mutual assistance treaty.

A Treaty on Mutual Assistance in Criminal Matters between the Government of Australia and the Government of Canada was signed by the Minister for Justice on 19 June 1989. A copy of the English text of the Treaty is set out in the Schedule to the regulations.

Article XX, paragraph 1 of the Treaty provides for the Treaty to enter into force one month after the date on which the Parties have notified each other in writing of the accomplishment of the procedure required for the entry into force of the Treaty. Australia's requirement for entry into force of the Treaty is the making of regulations applying the Act to Canada subject to the Treaty.

Details of the regulations are as follows:

Clause 1 is a citation provision.

Clause 2 provides for the proposed regulations to commence on 14 March 1990 (on the basis that Canada will be notified of the making of the Regulations a month beforehand in accordance with Article XX, paragraph 1 of the Treaty and that it is expected that Canada will inform Australia of the accomplishment of the necessary Canadian procedures on or before 14 February).

Clause 3 is an interpretation provision.

Clause 4 applies the Act to Canada subject to the Treaty which is reproduced as a Schedule to the Regulations.