

Mutual Assistance in Criminal Matters (Sweden) Amendment Regulations 2001 (No. 1) 2001 No. 304

EXPLANATORY STATEMENT

STATUTORY RULES 2001 No. 304

Issued by the Authority of the Minister for Justice and Customs

Mutual Assistance in Criminal Matters Act 1987

Mutual Assistance in Criminal Matters (Sweden) Amendment Regulations 2001 (No. 1)

Section 44 of the *Mutual Assistance in Criminal Matters Act 1987* (the Act) provides that the Governor-General may make regulations prescribing all 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 provide that the Act applies to a specified foreign country subject to any mutual assistance treaty between that country and Australia that is referred to in the regulations.

The Act enables Australia to grant or request the following kinds of international mutual assistance in criminal matters: taking of evidence, search and seizure, arrangements for witnesses to give evidence or assist in investigations and the location, restraint and forfeiture of proceeds of crime.

The Regulations postpone the commencement date of the Mutual Assistance in Criminal Matters (Sweden) Regulations 2001 (Statutory Rules 2001 No. 120) (the principal Regulations). This has been necessitated by a postponement of the date of entry into force of the Treaty between the Government of Australia and the Government of Sweden on Mutual Assistance in Criminal Matters, signed at Stockholm on 18 December 1998 (the Treaty).

The principal Regulations are expressed to commence on 1 November 2001. This was intended to ensure that the principal Regulations commence on the same date as the Treaty enters into force. Article 22 of the Treaty provides that the Treaty shall enter into force on the first day of the second month after the exchange of instruments of ratification by the Parties. When the principal Regulations were made it was anticipated that the instruments of ratification would be exchanged during September 2001. However, it has become necessary to postpone exchange of the instruments of ratification until early October 2001. Accordingly, the Treaty will not enter into force until 1 December 2001.

Details of the Regulations are as follows:

Regulation 1 specifies the name of the Regulations.

Regulation 2 provides for the Regulations to commence on gazettal.

Regulation 3 provides that the principal Regulations are amended by Schedule 1.

Schedule 1 to the Regulations amends regulation 2 of the principal Regulations to provide that the principal Regulations commence on 1 December 2001.