

## EXPLANATORY STATEMENT

Subject - Extradition Act 1988  
Extradition (Swiss Confederation) Regulations  
1990 No. 135

Section 55 of the Extradition Act 1988 (the 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 11(1)(a) of the Act provides that regulations may apply the Act to a specified extradition country to give effect to a bilateral extradition treaty.

On 29 July 1988, the then Attorney-General signed a Treaty between Australia and Switzerland on Extradition (the Treaty). A copy of the English text of the Treaty is set out in the Schedule to the Extradition (Swiss Confederation) Regulations (the Regulations).

Article 19, paragraph 2, of the Treaty provides that on its entry into force former bilateral treaties with regard to extradition relations between Australia and the Swiss Confederation shall, except in relation to current proceedings, cease to have effect.

Article 19, paragraph 1, of the Treaty provides for each Contracting Party to notify the other in writing of the accomplishment of the procedure required for the entry into force of the Treaty and for the Treaty to enter into force one hundred and eighty days after the date of receipt of such notification. The Swiss Confederation has recently advised Australia that the processes necessary under its law to ratify the Treaty have been completed. Australia's requirement for entry into force of the Treaty is the making of Regulations applying the Act to the Swiss confederation subject to the Treaty.

Details of the Regulations are as follows:

Clause 1 is a citation provision.

Clause 2 provides for the Regulations to commence on 1 January 1991 (on the basis that the Swiss Confederation will be notified of the making of the Regulations one hundred and eighty days beforehand in accordance with Article 19, paragraph 1 of the Treaty).

Clause 3 is an interpretation provision.

Clause 4 declares the Swiss Confederation to be an extradition country for the purposes of the Act.

Clause 5 applies the Act to the Swiss Confederation subject to the Treaty which is reproduced as a Schedule to the Regulations.