

# Mutual Assistance in Criminal Matters (Republic of Italy) Regulations 1993 No. 357

## EXPLANATORY STATEMENT

### Statutory Rules 1993 No. 357

Issued by the Authority of the Attorney-General

*Mutual Assistance in Criminal Matters Act 1987*

Mutual Assistance in Criminal Matters (Republic of Italy) Regulations

Section 44 of the *Mutual Assistance in Criminal Matters Act 1987* (the Act) provides that the Governor-General may make regulations 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 subject to such limitations, conditions, exceptions, or qualifications as are necessary to give effect to a bilateral mutual assistance treaty between Australia and that country, being a treaty a copy of which is set out 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, service of documents and the restraint, forfeiture and confiscation of the proceeds of crime. For Australia to grant or request assistance under the Act, with the exception of the taking of evidence, the Act must apply by regulations to the country concerned. The regulations may give effect to a treaty or otherwise.

Australia and Italy signed a mutual assistance in criminal matters treaty on 28 October 1988. The Treaty, once in force, binds the two countries under international law to provide each other with the kinds of assistance listed above. On 29 October 1993 the Republic of Italy notified Australia, in accordance with Article 20 of the Treaty, that its requirements for the Treaty's entry into force had been satisfied. The Regulations enable Australia to give domestic effect to the Treaty. The Treaty enters into force on the first day of the month following the period of three months after each party has notified the other that its requirements for entry into force have been completed. A note will be provided to Italy on or before the end of 31 December 1993, notifying Italy that Australia's requirements for the Treaty's entry into force have been complied with, three complete months before the Regulations commence, and the Treaty enters into force, on 1 April 1994.

Details of the Regulations are as follows:

**Regulation 1** is a citation provision.

**Regulation 2** provides that the Regulations commence on 1 April 1994 on which date the Treaty comes into force between Australia and Italy.

**Regulation 3** is an interpretation provision.

**Regulation 4** applies the Act to Italy subject to the Treaty, a copy of the English language text of which is set out in the Schedule.