

FOREIGN PROCEEDINGS (PROHIBITION OF CERTAIN EVIDENCE) AMENDMENT ACT 1976

No. 202 of 1976

An Act to amend the *Foreign Proceedings (Prohibition of Certain Evidence) Act 1976*.

BE IT ENACTED by the Queen, and the Senate and House of Representatives of the Commonwealth of Australia, as follows:—

1. (1) This Act may be cited as the *Foreign Proceedings (Prohibition of Certain Evidence) Amendment Act 1976*.¹ Short title,
&c.

(2) The *Foreign Proceedings (Prohibition of Certain Evidence) Act 1976*² is in this Act referred to as the Principal Act.

2. This Act shall come into operation on the day on which it receives the Royal Assent.¹ Commence-
ment.

3. Section 3 of the Principal Act is amended by adding at the end of the definition of “foreign tribunal” the words “, but does not include the Judicial Committee of the Privy Council in the exercise of jurisdiction in respect of appeals from any court in Australia”.

Definitions.

4. Section 4 of the Principal Act is amended—

(a) by inserting in paragraph (a) of sub-section (1), after the word “relate”, the words “, being the only proceedings of a foreign tribunal in relation to which the restrictions are to have effect”; and

(b) by omitting sub-section (2) and substituting the following sub-section:—

“(2) A reference in this section to the imposition of restrictions is a reference to the making of an order under section 5 or the refusing of consent under that section.”

Exercise of
powers.

5. Section 6 of the Principal Act is amended by omitting paragraph (a) of sub-section (1) and substituting the following paragraph:— Service of
orders.

“(a) may be served on the person or persons to whom it is directed by publication of the order in the *Gazette*; or”

6. After section 6 of the Principal Act the following section is inserted:—

Tabling and
disallowance
of orders.

“6A. (1) The provisions of section 48 of the *Acts Interpretation Act* 1901 (except paragraphs (1) (a) and (b) and sub-section (2)) apply, by force of this section, to an order under this Act in like manner as those provisions apply in relation to a regulation.

“(2) Nothing in the provisions applied by this section affects the operation of an order at any time before it becomes void, or is disallowed, in accordance with those provisions.”

7. After section 7 of the Principal Act the following section is added:—

Persons not
to be
required to
act in
contravention
of orders.

“8. Nothing contained in any law of the Commonwealth or of a State or Territory or in any Imperial Act in force in a State or Territory shall have the effect of requiring, or empowering any tribunal to require, a person to do an act or thing that would be a contravention by that person of an order under this Act.”

NOTES

1. Act No. 202, 1976; assented to 20 December 1976.
2. Act No. 121, 1976.