

Foreign Judgments Regulations (Amendment) 1998 No. 16

EXPLANATORY STATEMENT

Statutory Rules 1998 No. 16

Issued by the Authority of the Attorney-General

Foreign Judgments Act 1991

Foreign Judgments Regulations (Amendment)

Section 16 of the *Foreign Judgments Act* 1991 (the Act) provides that the Governor-General may make regulations prescribing all matters required or permitted by the Act to be prescribed.

Part 2 of the Act provides, amongst other matters, for the registration and enforcement in Australia of judgments given in foreign courts to which the Act has been extended.

Subsection 5(1) of the Act provides that the regulations may provide that Part 2 of the Act extends in relation to a country if the Governor-General is satisfied that, in the, event of the benefits conferred by Part 2 being applied to money judgments given in the superior courts of that country, substantial reciprocity of treatment will be assured in relation to the enforcement in that country of money judgments given in Australian superior courts. Subsection 5(3) makes similar provision in respect of money judgments given in inferior courts.

The purpose of these Regulations is to extend Part 2 of the Act in relation to specified inferior and superior courts of Poland. The Polish Civil Code provides for the recognition and execution of decisions of foreign courts based on reciprocity.

Details of the Regulations are as follows:

Regulation 1 is formal.

Regulation 2 inserts a new subregulation 5(6) in the principal regulations, providing that Part 2 of the Act extends to each District Court of the Republic of Poland.

Regulation 3 amends the Schedule to the principal regulations, by inserting a new item 19A, providing in effect that Part 2 of the Act extends to specified superior courts of Poland, including the Supreme Court, Commercial Courts, Courts of Appeal and Provincial Courts.

The Regulations commenced on gazettal.

Authority Section 16 of the

Foreign Judgments Act 1991