

EXPLANATORY STATEMENT

Select Legislative Instrument No. 207, 2015

Issued by the authority of the Attorney-General

Foreign Judgments Act 1991

Foreign Judgments Amendment (Miscellaneous) Regulation 2015

The *Foreign Judgments Act 1991* (the Act) provides a streamlined procedure for the recognition and enforcement of certain judgments of courts prescribed in the *Foreign Judgments Regulations 1992* (the Regulations) based upon reciprocity of enforcement. Under the Act, a foreign judgment may be registered and then enforced as if it was a judgment of a local court. However, the Act only applies to judgments rendered by superior and specified inferior courts in countries nominated in the Regulations.

The Act provides that the legislation will be applied with respect to judgments of courts of a particular country, by regulations, where the Governor General is satisfied that substantial reciprocity of treatment will be given to the enforcement in that country of corresponding Australian judgments.

Section 16 of the Act provides that the Governor-General may make regulations, not inconsistent with the Act, 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.

The Regulation removes the reference to New Zealand from the Regulations since recognition of judgments from New Zealand's courts in Australia is now wholly governed by the *Trans-Tasman Proceedings Act 2010*. In addition, the Regulation corrects the names of the United Kingdom courts listed in the Schedule as the names of the courts have changed.

Details of the Regulation are set out in the Attachment.

The Act does not specify any conditions that need to be satisfied before the power to make the proposed Regulation may be exercised.

The Regulation is a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

The Office of Best Practice Regulation was consulted and a Regulation Impact Statement was not required.

The Regulation commenced on the day after the instrument was registered.

Authority: Section 16 of the
Foreign Judgments Act 1991