



Foreign Evidence (Foreign Material—Criminal and Related Civil Proceedings) Regulations 2018

I, General the Honourable Sir Peter Cosgrove AK MC (Ret'd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 16 August 2018

Peter Cosgrove
Governor-General

By His Excellency's Command

Christian Porter
Attorney-General

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Part 1—Preliminary

1 Name

This instrument is the *Foreign Evidence (Foreign Material—Criminal and Related Civil Proceedings) Regulations 2018*.

2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	The day after this instrument is registered.	21 August 2018

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under the *Foreign Evidence Act 1994*.

4 Schedule 2

Each instrument that is specified in Schedule 2 to this instrument is amended or repealed as set out in the applicable items in that Schedule, and any other item in that Schedule has effect according to its terms.

5 Definitions

In this instrument:

Act means the *Foreign Evidence Act 1994*.

Part 2—Use of foreign material in proceedings in a court of a State or Territory

6 Application of Part 3 of the Act to proceedings in a court of a State or Territory

- (1) For the purposes of subsection 20(2) of the Act, the following States and Territories are specified:
 - (a) New South Wales;
 - (b) Victoria;
 - (c) Queensland;
 - (d) Western Australia;
 - (e) South Australia;
 - (f) Tasmania;
 - (g) the Australian Capital Territory;
 - (h) the Northern Territory.
- (2) For the purposes of paragraph 20(2)(b) of the Act, Schedule 1 specifies kinds of related civil proceedings in respect of States and Territories.

Note: For the definition of *related civil proceeding*, see subsection 3(1) of the Act.

Schedule 1—Related civil proceedings for a State or Territory

Note: See subsection 6(2).

1 Related civil proceedings for a State or Territory

For the purposes of paragraph 20(2)(b) of the Act, a related civil proceeding of a kind described in column 2 of an item of the following table is specified in respect of the State or Territory referred to in column 1 of the item.

Related civil proceedings for a State or Territory		
Item	Column 1 State or Territory	Column 2 Related civil proceeding
1	New South Wales	<p>A related civil proceeding of any kind, including any of the following:</p> <ul style="list-style-type: none"> (a) a proceeding under the <i>Confiscation of Proceeds of Crime Act 1989</i> (NSW); (b) a proceeding under the <i>Criminal Assets Recovery Act 1990</i> (NSW) (formerly the <i>Drug Trafficking (Civil Proceedings) Act 1990</i> (NSW)); (c) a proceeding under the <i>Victims Rights and Support Act 2013</i> (NSW); (d) a proceeding for the recovery of tax, or of any duty, levy or charge, payable to New South Wales; (e) a proceeding under a law of New South Wales for the recovery of compensation in relation to an offence committed against a law of the State.
2	Victoria	<p>A related civil proceeding of any kind, including any of the following:</p> <ul style="list-style-type: none"> (a) a proceeding under the <i>Confiscation Act 1997</i> (Vic.) or the <i>Crimes (Confiscation of Profits) Act 1986</i> (Vic.) (now repealed); (b) a proceeding under the <i>Victims of Crime Assistance Act 1996</i> (Vic.) or the <i>Criminal Injuries Compensation Act 1983</i> (Vic.) (now repealed); (c) a proceeding for the recovery of tax, or of any duty, levy or charge, payable to Victoria; (d) a proceeding under a law of Victoria for the recovery of compensation in relation to an offence committed against a law of the State.
3	Queensland	<p>A related civil proceeding of any kind, including any of the following:</p> <ul style="list-style-type: none"> (a) a proceeding under the <i>Criminal Proceeds Confiscation Act 2002</i> (Qld) or the <i>Crimes (Confiscation) Act 1989</i> (Qld) (now repealed and formerly the <i>Crimes (Confiscation of Profits) Act 1989</i> (Qld));

Schedule 1 Related civil proceedings for a State or Territory

Clause 1

Related civil proceedings for a State or Territory

Item	Column 1 State or Territory	Column 2 Related civil proceeding
		(b) a proceeding under the <i>Drugs Misuse Act 1986</i> (Qld).
4	Western Australia	A related civil proceeding of any kind, including any of the following: <ul style="list-style-type: none"> (a) a proceeding under the <i>Crimes (Confiscation of Profits) Act 1988</i> (WA) (now repealed), as in force immediately before 1 January 2001, or under the <i>Criminal Property Confiscation Act 2000</i> (WA); (b) a proceeding under the <i>Misuse of Drugs Act 1981</i> (WA); (c) a proceeding for the recovery of tax, or of any duty, levy or charge, payable to Western Australia; (d) a proceeding under a law of Western Australia for the recovery of compensation in relation to an offence committed against a law of the State.
5	South Australia	A related civil proceeding of any kind, including any of the following: <ul style="list-style-type: none"> (a) a proceeding under the <i>Criminal Assets Confiscation Act 2005</i> (SA), the <i>Criminal Assets Confiscation Act 1996</i> (SA) (now repealed) or the <i>Crimes (Confiscation of Profits) Act 1986</i> (SA) (now repealed); (b) a proceeding under the <i>Victims of Crime Act 2001</i> (SA) or the <i>Criminal Injuries Compensation Act 1978</i> (SA) (now repealed); (c) a proceeding for the recovery of tax, or of any duty, levy or charge, payable to South Australia; (d) a proceeding under a law of South Australia for the recovery of compensation in relation to an offence committed against a law of the State.
6	Tasmania	A related civil proceeding of any kind, including a proceeding under the <i>Crime (Confiscation of Profits) Act 1993</i> (Tas.).
7	Australian Capital Territory	A related civil proceeding of any kind, including any of the following: <ul style="list-style-type: none"> (a) a proceeding under the <i>Confiscation of Criminal Assets Act 2003</i> (ACT) or the <i>Proceeds of Crime Act 1991</i> (ACT) (now repealed); (b) a proceeding under the <i>Drugs of Dependence Act 1989</i> (ACT); (c) a proceeding under the <i>Victims of Crime (Financial Assistance) Act 2016</i> (ACT) or the <i>Victims of Crime (Financial Assistance) Act 1983</i> (ACT) (now repealed and formerly the <i>Criminal Injuries Compensation Act 1983</i> (ACT)); (d) a proceeding under a tax law (within the meaning of the <i>Taxation Administration Act 1999</i> (ACT)).
8	Northern Territory	A related civil proceeding of any kind, including any of the following: <ul style="list-style-type: none"> (a) a proceeding under the <i>Criminal Property Forfeiture Act</i> (NT); (b) a proceeding under the <i>Misuse of Drugs Act</i> (NT); (c) a proceeding under the <i>Taxation Administration Act</i> (NT);

Related civil proceedings for a State or Territory

Item	Column 1	Column 2
	State or Territory	Related civil proceeding
		(d) a proceeding under the <i>Unlawful Betting Act</i> (NT);
		(e) a proceeding under the <i>Victims of Crime Assistance Act</i> (NT);
		(f) a proceeding for the recovery of tax, or of any duty, levy or charge, payable to the Northern Territory;
		(g) a proceeding under a law of the Northern Territory for the recovery of compensation in relation to an offence committed against a law of the Territory.

Schedule 2—Repeals

Foreign Evidence (Foreign Material — Criminal and Related Civil Proceedings) Regulations 1994

1 The whole of the instrument

Repeal the instrument.