

# AUSTRALIAN CAPITAL TERRITORY

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## Foreign Judgments (Reciprocal Enforcement) (Amendment) Ordinance 1988

No. 24 of 1988

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Ordinance under the *Seat of Government (Administration) Act 1910*.

Dated 25 May 1988.

N. M. STEPHEN  
Governor-General

By His Excellency's Command,

MICHAEL TATE  
Minister of State for Justice for and on behalf of the  
Attorney-General

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An Ordinance to amend the *Foreign Judgments (Reciprocal Enforcement) Ordinance 1954*

### Short title

1. This Ordinance may be cited as the *Foreign Judgments (Reciprocal Enforcement) (Amendment) Ordinance 1988*.<sup>1</sup>

### Principal Ordinance

2. In this Ordinance, "Principal Ordinance" means the *Foreign Judgments (Reciprocal Enforcement) Ordinance 1954*.<sup>2</sup>

### Registered judgments—setting aside

3. Section 8 of the Principal Ordinance is amended—

(Ord. 2/88)—Cat. No.

Authorised by the ACT Parliamentary Counsel—also accessible at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)

*Foreign Judgments (Reciprocal Enforcement)*  
(Amendment) No. 24, 1988

- (a) by omitting subparagraph (2) (a) (i) and substituting the following subparagraph:

“(i) if the judgment debtor voluntarily submitted to the jurisdiction of the original court;”; and

- (b) by adding at the end the following subsection:

“(4) For the purposes of subparagraph (2) (a) (i), a person does not voluntarily submit to the jurisdiction of a court by—

- (a) entering an appearance in proceedings in the court; or
- (b) participating in proceedings in the court only to such extent as is necessary;

for the purpose only of one or more of the following:

- (c) protecting, or obtaining the release of—
  - (i) property seized, or threatened with seizure, in the proceedings; or
  - (ii) property subject to an order restraining its disposition or disposal;
- (d) contesting the jurisdiction of the court;
- (e) inviting the court in its discretion not to exercise its jurisdiction in the proceedings.”.

### **Insertion**

4. Before section 11 of the Principal Ordinance the following section is inserted in Part III:

#### **Judgments to which Part II does not apply**

“10A. For the purpose of proceedings brought in the Territory for the recovery of a sum payable under a judgment given in an action *in personam* by a court of a Commonwealth country or a foreign country, not being a judgment to which Part II applies, the court shall not be taken to have had jurisdiction to give the judgment by reason only that the judgment debtor—

- (a) entered an appearance in proceedings in the court; or
- (b) participated in proceedings in the court only to such extent as was necessary;

for the purpose only of one or more of the following:

- (c) protecting, or obtaining the release of—
  - (i) property seized, or threatened with seizure, in the proceedings;  
or
  - (ii) property subject to an order restraining its disposition or disposal;
- (d) contesting the jurisdiction of the court;
- (e) inviting the court in its discretion not to exercise its jurisdiction in the proceedings.”.

**Judgments unenforceable if no reciprocity**

**5.** Section 12 of the Principal Ordinance is amended by omitting from subsection (1) “or” and substituting “to”.

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**NOTES**

1. Notified in the *Commonwealth of Australia Gazette* on 8 June 1988.
2. No. 11, 1954 as amended by No. 65, 1977; No. 36, 1982.