



NORTHERN TERRITORY OF AUSTRALIA

No. 2 of 1988

AN ACT

to amend the *Foreign Judgments (Reciprocal Enforcement) Act*

[Assented to 21 March 1988]

BE it enacted by the Legislative Assembly of the Northern Territory of Australia, with the assent as provided by the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, as follows:

1. SHORT TITLE

This Act may be cited as the *Foreign Judgments (Reciprocal Enforcement) Amendment Act 1988*.

2. COMMENCEMENT

This Act shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.

3. CASES IN WHICH REGISTRATION JUDGMENTS SHALL OR MAY BE SET ASIDE

Section 8 of the *Foreign Judgments (Reciprocal Enforcement) Act* is amended -

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

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

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

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"(4) For the purposes of subsection (2)(a), 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 reasonably necessary,

for the purposes 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; or
- (e) inviting the court in its discretion not to exercise its jurisdiction in the proceedings."

4. NEW PART

The *Foreign Judgments (Reciprocal Enforcement) Act* is amended by adding at the end the following:

"PART IV - ENFORCEMENT OF JUDGMENTS TO WHICH
PART II DOES NOT APPLY

"16. CERTAIN JUDGMENTS NOT ENFORCEABLE AT COMMON LAW

"For the purposes of proceedings brought in the Territory for the recovery of an amount payable under a judgment given in an action *in personam* by a court of a Commonwealth country (other than Australia) 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 that court; or
- (b) participated in proceedings in that court only to such extent as was reasonably 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

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- (ii) property subject to an order restraining its disposition or disposal;
 - (d) contesting the jurisdiction of the court; or
 - (e) inviting the court in its discretion not to exercise its jurisdiction in the proceedings."
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