

WESTERN AUSTRALIA

---

**FOREIGN JUDGMENTS  
(RECIPROCAL ENFORCEMENT)  
AMENDMENT ACT**

---

**No. 62 of 1986**

---

**AN ACT to make provision with respect to the restriction of the enforcement of certain judgments whether under the *Foreign Judgments (Reciprocal Enforcement) Act 1963* or at common law and for that purpose to amend the *Foreign Judgments (Reciprocal Enforcement) Act 1963*.**

[Assented to 26 November 1986.]

**BE** it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

**Short title**

**1.** This Act may be cited as the *Foreign Judgments (Reciprocal Enforcement) Amendment Act 1986*.

### **Commencement**

2. This Act shall come into operation on such day as is fixed by proclamation.

### **Principal Act**

3. In this Act, the *Foreign Judgments (Reciprocal Enforcement) Act 1963\** is referred to as the principal Act.

[\**Reprinted as approved 19 November 1984 and amended by Act No. 109 of 1985.*]

### **Long title amended**

4. The long title to the principal Act is amended by inserting, after “this State,” where it last occurs, the following—

“ to restrict the Enforcement in this State of certain Judgments, ”.

### **Short title repealed and substituted**

5. Section 1 of the principal Act is amended by repealing the short title and substituting the following short title—

“ Foreign Judgments Act 1963 ”.

### **Section 3 repealed**

6. Section 3 of the principal Act is repealed.

### **Section 6 amended**

7. Section 6 (1) (b) of the principal Act is amended by deleting “the Court of Chancery of the County Palatine of Lancaster or the Court of Chancery of the County Palatine of Durham,”.

### **Section 9 amended**

8. Section 9 of the principal Act is amended—

(a) in subsection (2) by deleting subparagraph (i) of paragraph (a) and substituting the following subparagraph—

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

(b) by inserting after subsection (3) the following subsection—

“ (4) For the purposes of paragraph (a) of subsection (2), 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 purpose only of one or more of the following—

(aa) 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 or in relation to which such an order is sought;

(bb) contesting the jurisdiction of the court;

(cc) inviting the court in its discretion not to exercise its jurisdiction in the proceedings. ”.

#### **Part IV inserted**

9. After Part III of the principal Act the following part is inserted—

“ PART IV—ENFORCEMENT OF JUDGMENTS TO WHICH PART II DOES NOT APPLY

Certain judgments not enforceable at common law

16. For the purposes of proceedings brought in Western Australia for the recovery of a sum 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—

- (aa) 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 or in relation to which such an order is sought;
  - (bb) contesting the jurisdiction of the court;
  - (cc) inviting the court in its discretion not to exercise its jurisdiction in the proceedings. ”.
-