



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

**Statutory Rules 1994 No. 333 as amended**

made under the

*Foreign Evidence Act 1994*

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This compilation was prepared on 19 April 2004  
taking into account amendments up to SR 2004 No. 63

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**1 Name of Regulations** [see Note 1]

These Regulations are the *Foreign Evidence (Foreign Material — Criminal and Related Civil Proceedings) Regulations 1994*.

**2 Commencement** [see Note 1]

These Regulations commence on the day on which Part 3 of the *Foreign Evidence Act 1994* commences.

**3 Interpretation**

In these Regulations:

*the Act* means the *Foreign Evidence Act 1994*.

**4 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) South Australia;
  - (e) Western Australia;
  - (f) Tasmania;
  - (g) the Australian Capital Territory;
  - (h) the Northern Territory.
- (2) For the purposes of paragraph 20 (2) (b) of the Act, a related civil proceeding of a kind described in column 3 of an item in the Schedule is specified in respect of the State or Territory referred to in column 2 of that item.

## Schedule

(subregulation 4 (2))

### Related civil proceedings

Column 1	Column 2	Column 3
Item no.	State or Territory	Related civil proceedings
1.	New South Wales	<p>A related civil proceeding of any kind, including, in particular:</p> <ul style="list-style-type: none"> <li>(a) a proceeding under the Confiscation of Proceeds of Crime Act 1989 of the State of New South Wales; or</li> <li>(b) a proceeding under the Drug Trafficking (Civil Proceedings) Act 1990 of that State.</li> </ul>
2.	Victoria	<p>A related civil proceeding of any kind, including, in particular:</p> <ul style="list-style-type: none"> <li>(a) a proceeding under the <i>Crimes (Confiscation of Profits) Act 1986</i> of the State of Victoria; or</li> <li>(b) a proceeding under the <i>Criminal Injuries Compensation Act 1983</i> of that State; or</li> <li>(c) a proceeding for the recovery of a tax, duty, levy or charge payable to that State; or</li> <li>(d) a proceeding under a law of that State for the recovery of compensation payable, in respect of an offence against such a law, to that State or to a person in respect of whom the offence was committed.</li> </ul>
3.	Queensland	<p>A related civil proceeding of any kind, including, in particular:</p> <ul style="list-style-type: none"> <li>(a) a proceeding under the <i>Drugs Misuse Act 1986</i> of the State of Queensland; or</li> <li>(b) a proceeding under the <i>Crimes (Confiscation of Profits) Act 1989</i> of that State.</li> </ul>

Column 1	Column 2	Column 3
Item no.	State or Territory	Related civil proceedings
4.	South Australia	<p>A related civil proceeding of any kind, including, in particular:</p> <ul style="list-style-type: none"> <li>(a) a proceeding under the <i>Criminal Injuries Compensation Act 1978</i> of the State of South Australia; or</li> <li>(b) a proceeding under the <i>Crimes (Confiscation of Profits) Act 1986</i> of that State; or</li> <li>(c) a proceeding for the recovery of a tax, duty, levy or charge payable to that State; or</li> <li>(d) a proceeding under a law of that State for the recovery of compensation payable, in respect of an offence against such a law, to that State or to a person in respect of whom the offence was committed.</li> </ul>
5.	Western Australia	<p>A related civil proceeding of any kind, including, in particular:</p> <ul style="list-style-type: none"> <li>(a) a proceeding under the <i>Misuse of Drugs Act 1981</i> of the State of Western Australia; or</li> <li>(b) a proceeding under the <i>Crimes (Confiscation of Profits) Act 1988 (WA)</i>, as in force immediately before 1 January 2001, or under the <i>Criminal Property Confiscation Act 2000 (WA)</i>; or</li> <li>(c) a proceeding for the recovery of a tax, duty, levy or charge payable to that State; or</li> <li>(d) a proceeding under a law of that State for the recovery of compensation payable, in respect of an offence against such a law, to that State or to a person in respect of whom the offence was committed.</li> </ul>
6.	Tasmania	<p>A related civil proceeding of any kind, including, in particular, a proceeding under the <i>Crimes (Confiscation of Profits) Act 1993</i> of the State of Tasmania.</p>

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<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Item no.</b>	<b>State or Territory</b>	<b>Related civil proceedings</b>
7.	Australian Capital Territory	A related civil proceeding of any kind, including, in particular: <ul style="list-style-type: none"><li>(a) a proceeding under the <i>Criminal Injuries Compensation Act 1983</i> of the Australian Capital Territory; or</li><li>(b) a proceeding under an enactment that is defined as a tax law in section 3 of the <i>Taxation Administration Act 1987</i> of that Territory; or</li><li>(c) a proceeding under the <i>Drugs of Dependence Act 1989</i> of that Territory; or</li><li>(d) a proceeding under the <i>Proceeds of Crime Act 1991</i> of that Territory.</li></ul>
8.	Northern Territory	A related civil proceeding of any kind, including, in particular, a proceeding under the <i>Unlawful Betting Act 1989</i> of the Northern Territory.

**Table of Statutory Rules**

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**Notes to the *Foreign Evidence (Foreign Material — Criminal and Related Civil Proceedings) Regulations 1994***

**Note 1**

The *Foreign Evidence (Foreign Material — Criminal and Related Civil Proceedings) Regulations 1994* (in force under the *Foreign Evidence Act 1994*) as shown in this compilation comprise Statutory Rules 1994 No. 333 amended as indicated in the Tables below.

**Table of Statutory Rules**

<b>Year and number</b>	<b>Date of notification in Gazette</b>	<b>Date of commencement</b>	<b>Application, saving or transitional provisions</b>
1994 No. 333	7 Oct 1994	(a)	
2004 No. 63	19 Apr 2004	19 Apr 2004	—

(a) Regulation 2 provides as follows:

These Regulations commence on the day on which Part 3 of the *Foreign Evidence Act 1994* commences.

Part 3 of the *Foreign Evidence Act 1994* commenced on 9 October 1994.

**Table of Amendments**

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**Table of Amendments**

ad. = added or inserted    am. = amended    rep. = repealed    rs. = repealed and substituted

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<b>Provision affected</b>	<b>How affected</b>
R. 1 .....	rs. 2004 No. 63
<b>Schedule</b>	
Schedule.....	am. 2004 No. 63

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