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Statutory Rules 1994 No. L¹

333/

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

I, THE ADMINISTRATOR of the Government of the Commonwealth of Australia, acting with the advice of the Federal Executive Council and under section 4 of the *Acts Interpretation Act 1901*, make the following Regulations under the *Foreign Evidence Act 1994*.

Dated L 1994.

4 October/

L P. BENNETT/
Administrator

By His Excellency's Command,

L
Minister for Justice

D. KERRY/

Citation

1. These Regulations may be cited as the Foreign Evidence (Foreign Material—Criminal and Related Civil Proceedings) Regulations.

Commencement

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

Interpretation

3. In these Regulations:
“the Act” means the *Foreign Evidence Act 1994*.

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

4. (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 Item no.	Column 2 State or Territory	Column 3 Related civil proceedings
1.	New South Wales	A related civil proceeding of any kind, including, in particular: (a) a proceeding under the Confiscation of Proceeds of Crime Act 1989 of the State of New South Wales; or (b) a proceeding under the Drug Trafficking (Civil Proceedings) Act 1990 of that State.
2.	Victoria	A related civil proceeding of any kind, including, in particular: (a) a proceeding under the <i>Crimes (Confiscation of Profits) Act 1986</i> of the State of Victoria; or (b) a proceeding under the <i>Criminal Injuries Compensation Act 1983</i> of that State; or (c) a proceeding for the recovery of a tax, duty, levy or charge payable to that State; or (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.

SCHEDULE—continued

Column 1 Item no.	Column 2 State or Territory	Column 3 Related civil proceedings
3.	Queensland	<p>A related civil proceeding of any kind, including, in particular:</p> <p>(a) a proceeding under the <i>Drugs Misuse Act 1986</i> of the State of Queensland; or</p> <p>(b) a proceeding under the <i>Crimes (Confiscation of Profits) Act 1989</i> of that State.</p>
4.	South Australia	<p>A related civil proceeding of any kind, including, in particular:</p> <p>(a) a proceeding under the <i>Criminal Injuries Compensation Act 1978</i> of the State of South Australia; or</p> <p>(b) a proceeding under the <i>Crimes (Confiscation of Profits) Act 1986</i> of that State; or</p> <p>(c) a proceeding for the recovery of a tax, duty, levy or charge payable to that State; or</p> <p>(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.</p>

SCHEDULE—continued

Column 1 Item no.	Column 2 State or Territory	Column 3 Related civil proceedings
5.	Western Australia	A related civil proceeding of any kind, including, in particular: (a) a proceeding under the <i>Misuse of Drugs Act 1981</i> of the State of Western Australia; or (b) a proceeding under the <i>Crimes (Confiscation of Profits) Act 1988</i> of that State; or (c) a proceeding for the recovery of a tax, duty, levy or charge payable to that State; or (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.
6.	Tasmania	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.

SCHEDULE—continued

Column 1 Item no.	Column 2 State or Territory	Column 3 Related civil proceedings
7.	Australian Capital Territory	A related civil proceeding of any kind, including, in particular: (a) a proceeding under the <i>Criminal Injuries Compensation Act 1983</i> of the Australian Capital Territory; or (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 (c) a proceeding under the <i>Drugs of Dependence Act 1989</i> of that Territory; or (d) a proceeding under the <i>Proceeds of Crime Act 1991</i> of that Territory.
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.

NOTE

1. Notified in the *Commonwealth of Australia Gazette* on *L* 1994.

7 October