Enforcement of Foreign Judgments in Australia

A recent judgment of the Supreme Court of Victoria provides a useful short summary of the operation of the *Foreign Judgments Act 1991* (Cth) and the circumstances in which registration of a foreign judgment can be set aside on public policy grounds: *Jenton Overseas Investment Pte Ltd v v Townsing* [2008] VSC 470 (11 November 2008).

Whelan J refused an application to set aside the registration of a judgment of the Singapore Court of Appeal, and observed that:

> *"the courts are slow to invoke public policy as a ground for refusing recognition or enforcement of a foreign judgment. There are few instances in which a foreign judgment has not been recognised or enforced on this ground. There are good reasons for this. There are … the "interests of comity" to maintain. The respect and recognition of other sovereign states' institutions is important. This is especially so when acting under the Foreign Judgments Act where the registration and enforcement procedures apply on the basis that there is "substantial reciprocity of treatment" for Australian judgments in the foreign forum. There is also a need for caution because of the inherent volatility of the notion of "public policy"." At [20]*
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> *"[S]ubstantial injustice, either because of the existence of a repugnant law or because of a repugnant application of the law in a particular case, may invoke the public policy ground. But it will only do so where the offence to public policy is fundamental and of a high order. For the public policy ground to be invoked in this context enforcement must offend some principle of Australian public policy so sacrosanct as to require its maintenance at all costs." At*