

Federal Courts (Consequential Provisions) Bill 2000

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The High Court held in 1999 that the schemes for cross-vesting jurisdiction between federal and State courts were constitutionally invalid (*Re Wakim, Ex parte McNally* 163 ALR 270). As a consequence of that decision, the *Federal Courts (State Jurisdiction) Act 1999* was enacted to enable State courts to deal with applications under the schemes that would otherwise have been dealt with by a federal court, and to provide:

- (a) that the rights and liabilities of persons under ineffective judgments of a federal court in the purported exercise of State jurisdiction were taken to be rights and liabilities under judgments of the Supreme Court, and
- (b) for the transfer of proceedings before a federal court in relation to State matters to the Supreme Court.

The objects of this Bill are as follows:

- (a) to remove from State Acts any provisions that purport to confer jurisdiction on a federal court,
- (b) to remove from State Acts any provisions that purport to apply the *Administrative Decisions (Judicial Review) Act 1977* of the Commonwealth as a law of the State,
- (c) to make changes to the State cross-vesting schemes that are complementary to amendments to Commonwealth legislation proposed by the *Jurisdiction of Courts Legislation Amendment Bill 2000* that was assented to on 30 May 2000,
- (d) to make minor amendments to the *Corporations (New South Wales) Act 1990* as a result of reforms implemented by the *Corporate Law Economic Reform Program Act 1999* of the Commonwealth, and
- (e) to make other changes to State Acts of a minor, consequential or ancillary nature.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent.

Clause 3 is a formal provision giving effect to the amendments to various Acts, as set out in Schedule 1.

Schedule 1 amends the following Acts so as to achieve the objects of the Bill referred to above:

Agricultural and Veterinary Chemicals (New South Wales) Act 1994

Competition Policy Reform (New South Wales) Act 1995

Co-operatives Act 1992

Corporations (New South Wales) Act 1990

Gas Pipelines Access (New South Wales) Act 1998

Jurisdiction of Courts (Cross-vesting) Act 1987

National Crime Authority (State Provisions) Act 1984

Price Exploitation Code (New South Wales) Act 1999