



New South Wales

# 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*

First print



New South Wales

# Federal Courts (Consequential Provisions) Bill 2000

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New South Wales

# Federal Courts (Consequential Provisions) Bill 2000

No. , 2000

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## A Bill for

An Act to amend certain Acts so as to omit provisions that purport to confer State jurisdiction on federal courts; and for other purposes.

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<b>The Legislature of New South Wales enacts:</b>	1
<b>1 Name of Act</b>	2
This Act is the <i>Federal Courts (Consequential Provisions) Act 2000</i> .	3
<b>2 Commencement</b>	4
This Act commences on the date of assent.	5
<b>3 Amendments</b>	6
Each Act listed in Schedule 1 is amended as set out in that Schedule.	7

<b>Schedule 1</b>	<b>Amendments</b>	1
	(Section 3)	2
<b>1.1</b>	<b>Agricultural and Veterinary Chemicals (New South Wales) Act 1994 No 53</b>	3 4
<b>[1]</b>	<b>Section 3 Definitions</b>	5
	Insert “(excluding Part IVA)” after “Commonwealth” in paragraph (a) (i) of the definition of <i>Commonwealth administrative laws</i> in section 3 (1).	6 7
<b>[2]</b>	<b>Section 3 (1), definition of “Commonwealth administrative laws”</b>	8
	Omit paragraph (a) (ii) from the definition.	9
<b>[3]</b>	<b>Section 8 Ancillary offences (aiding, abetting, accessories, attempts, incitement or conspiracy)</b>	10 11
	Omit “because of paragraph (a) of that subsection” from section 8 (1) (b).	12
<b>[4]</b>	<b>Section 16 Application of Commonwealth administrative laws in relation to applicable provisions</b>	13 14
	Omit “, or section 13 of the <i>Administrative Decisions (Judicial Review) Act 1977</i> , of the Commonwealth as those sections apply as laws” from section 16 (2).	15 16 17
	Insert instead “of the Commonwealth as that section applies as a law”.	18
<b>[5]</b>	<b>Section 18A</b>	19
	Insert after section 18:	20
	<b>18A Construction of references to Part IVA of Commonwealth AAT Act</b>	21 22
	For the purposes of section 16, a reference in a provision of the <i>Administrative Appeals Tribunal Act 1975</i> of the Commonwealth (as that provision applies as a law of this jurisdiction) to the whole or any part of Part IVA of that Act is	23 24 25 26

	taken to be a reference to the whole or any part of that Part as it has effect as a law of the Commonwealth.	1 2
<b>[6]</b>	<b>Part 6 Jurisdiction of courts</b>	3
	Omit the Part.	4
<b>1.2</b>	<b>Competition Policy Reform (New South Wales) Act 1995 No 8</b>	5
<b>[1]</b>	<b>Part 5, Division 3 Jurisdiction of courts</b>	6
	Omit the Division.	7
<b>[2]</b>	<b>Section 29 Definition</b>	8
	Insert “(excluding Part IVA)” after “Commonwealth” in paragraph (a) (i) of the definition of <i>Commonwealth administrative laws</i> .	9 10
<b>[3]</b>	<b>Section 29</b>	11
	Omit paragraph (a) (ii).	12
<b>[4]</b>	<b>Section 33A</b>	13
	Insert after section 33:	14
<b>33A</b>	<b>Construction of references to Part IVA of Commonwealth AAT Act</b>	15 16
	For the purposes of sections 30 and 31, a reference in a provision of the <i>Administrative Appeals Tribunal Act 1975</i> of the Commonwealth (as that provision applies as a law of this jurisdiction) to the whole or any part of Part IVA of that Act is taken to be a reference to the whole or any part of that Part as it has effect as a law of the Commonwealth.	17 18 19 20 21 22

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<b>1.3 Co-operatives Act 1992 No 18</b>	1
<b>Schedule 4 Receivers, and other controllers, of property of co-operatives</b>	2 3
Omit “a federal court or” from clause 4 (3) (c).	4
<b>1.4 Corporations (New South Wales) Act 1990 No 83</b>	5
<b>[1] Section 3 Definitions</b>	6
Insert “(excluding Part IVA)” after “Commonwealth” in paragraph (a) of the definition of <i>Commonwealth administrative laws</i> in section 3 (1).	7 8
<b>[2] Section 3 (1), definition of “Commonwealth administrative laws”</b>	9
Omit paragraph (b) from the definition.	10
<b>[3] Section 3 (1), definition of “Family Court”</b>	11
Omit the definition.	12
<b>[4] Section 15 Corporations Law of New South Wales</b>	13
Insert after section 15 (1):	14
(1A) Chapters 6, 6A, 6B, 6C and 6D of the <i>Corporations Law</i> of New South Wales:	15 16
(a) bind the Crown in right of the Commonwealth so far as the legislative power of the Parliament permits, but	17 18
(b) do not bind the Crown in right of the State of New South Wales, of any other State, of the Capital Territory, of the Northern Territory or of Norfolk Island.	19 20 21



<b>[5] Section 36A</b>	1
Insert after section 36:	2
<b>36A Construction of references to Part IVA of Commonwealth AAT Act</b>	3
	4
For the purposes of sections 35 and 36, a reference in a provision of the <i>Administrative Appeals Tribunal Act 1975</i> of the Commonwealth (as that provision applies as a law of this jurisdiction) to the whole or any part of Part IVA of that Act is taken to be a reference to the whole or any part of that Part as it has effect as a law of the Commonwealth.	5
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<b>[6] Section 40 Operation of Division</b>	11
Insert at the end of section 40 (1) (b):	12
and	13
(c) the jurisdiction of courts in respect of matters arising under the <i>Administrative Decisions (Judicial Review) Act 1977</i> of the Commonwealth involving or related to decisions made under the <i>Corporations Law</i> of a State or the Capital Territory by Commonwealth authorities and officers of the Commonwealth, and	14
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(d) the jurisdiction of courts in civil matters in respect of decisions made by officers of the Commonwealth to prosecute persons for offences against the <i>Corporations Law</i> of a State or the Capital Territory and related criminal justice process decisions,	20
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	24
<b>[7] Section 41 Interpretation</b>	25
Insert in alphabetical order in section 41 (1):	26
<b><i>Commonwealth authority</i></b> means an authority or body (whether incorporated or not) that is established or continued in existence by or under an Act of the Commonwealth.	27
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	29
<b><i>officer of the Commonwealth</i></b> has the same meaning as in section 75 (v) of the Commonwealth Constitution.	30
	31

<b>[8] Section 41 (1), definition of “superior court”</b>	1
Omit the definition. Insert instead:	2
<i>superior court</i> means the Supreme Court of a State or Territory or a State Family Court.	3 4
<b>[9] Section 41 (2) (a) (viii)</b>	5
Omit the subparagraph.	6
<b>[10] Section 42 Jurisdiction of Federal Court and State and Territory Supreme Courts</b>	7 8
Omit “as it applies as a law of New South Wales,” from section 42 (1).	9
<b>[11] Section 42 (1A) and (1B)</b>	10
Insert after section 42 (1):	11
(1A) Despite section 9 of the <i>Administrative Decisions (Judicial Review) Act 1977</i> of the Commonwealth, jurisdiction is conferred on the Supreme Court of New South Wales and of each other State and the Capital Territory with respect to matters arising under that Act involving or related to decisions made, or proposed to be made, under the <i>Corporations Law</i> of a State or the Capital Territory by a Commonwealth authority or an officer of the Commonwealth.	12 13 14 15 16 17 18 19
(1B) Subsection (1A) applies to a decision made, or proposed or required to be made:	20 21
(a) whether or not in the exercise of a discretion, and	22
(b) whether before or after the commencement of Schedule 1 [11] to the <i>Federal Courts (Consequential Provisions) Act 2000</i> .	23 24 25
<b>[12] Section 42 (2)</b>	26
Insert “or (1A)” after “subsection (1)”.	27
<b>[13] Section 42 (3)</b>	28
Omit the subsection. Insert instead:	29
(3) This section has effect subject to section 42AA.	30

<b>[14]</b>	<b>Section 42A Jurisdiction of Family Court and State Family Courts</b>	1
	Omit section 42A (1).	2
<b>[15]</b>	<b>Section 42A (2)</b>	3
	Omit “as it applies as a law of New South Wales,”.	4
<b>[16]</b>	<b>Section 42A (4)</b>	5
	Insert after section 42A (3):	6
	(4) This section has effect subject to section 42AA.	7
<b>[17]</b>	<b>Section 42AA</b>	8
	Insert after section 42A:	9
<b>42AA</b>	<b>Jurisdiction of Supreme Court in relation to certain decisions made by Commonwealth officers</b>	10
		11
	(1) If a decision to prosecute a person for an offence against the <i>Corporations Law</i> of New South Wales has been made by an officer or officers of the Commonwealth and the prosecution is proposed to be commenced in a court of New South Wales, jurisdiction is conferred on the Supreme Court with respect to any matter in which a person seeks a writ of mandamus or prohibition or an injunction against the officer or officers in relation to that decision.	12 13 14 15 16 17 18 19
	(2) At any time when:	20
	(a) a prosecution for an offence against the <i>Corporations Law</i> of New South Wales is before a court of New South Wales, or	21 22 23
	(b) an appeal arising out of such a prosecution is before a court of New South Wales,	24 25
	jurisdiction is conferred on the Supreme Court with respect to any matter in which the person who is or was the defendant in the prosecution seeks a writ of mandamus or prohibition or an injunction against an officer or officers of the Commonwealth in relation to a related criminal justice process decision.	26 27 28 29 30
	(3) Subsections (1) and (2) have effect despite anything in this Act or in any other law.	31 32

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(4) In this section:	1
<i>appeal</i> includes an application for a new trial and a proceeding to review or call in question the proceedings, decision or jurisdiction of a court or judge.	2 3 4
<i>related criminal justice process decision</i> , in relation to an offence, means a decision (other than a decision to prosecute) made in the criminal justice process in relation to the offence, including:	5 6 7 8
(a) a decision in connection with the investigation, committal for trial or prosecution of the defendant, and	9 10
(b) a decision in connection with the appointment of investigators or inspectors for the purposes of such an investigation, and	11 12 13
(c) a decision in connection with the issue of a warrant, including a search warrant or a seizure warrant, and	14 15
(d) a decision requiring the production of documents, the giving of information or the summoning of persons as witnesses, and	16 17 18
(e) a decision in connection with an appeal arising out of the prosecution.	19 20
<b>[18] Section 42B Jurisdiction of lower courts</b>	21
Omit “as it applies as a law of New South Wales,” from section 42B (1).	22
<b>[19] Section 43 Appeals</b>	23
Omit “or to the Federal Court or to the Family Court” from section 43 (1).	24
<b>[20] Section 43 (2) and (3)</b>	25
Omit the subsections.	26
<b>[21] Section 43 (4)</b>	27
Omit “to the Federal Court, to the Family Court,”.	28
<b>[22] Section 43 (5)</b>	29
Omit “or to the Family Court”.	30

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<b>[23] Section 43 (6)</b>	1
Omit “to the Federal Court,”.	2
<b>[24] Section 44 Transfer of proceedings</b>	3
Omit section 44 (1). Insert instead:	4
(1) This section applies to the following:	5
(a) a proceeding with respect to a civil matter arising under the <i>Corporations Law</i> of New South Wales that is in a court having jurisdiction under section 42 (1) or (2),	6 7 8
(b) a proceeding with respect to a matter referred to in section 42 (1A) that is in a court having jurisdiction under that subsection or in the Federal Court.	9 10 11
<b>[25] Section 44 (2)</b>	12
Omit “Where”. Insert instead “Subject to subsections (3), (4) and (5), if”.	13
<b>[26] Section 44 (3)–(7)</b>	14
Insert after section 44 (2):	15
(3) If a proceeding with respect to a matter referred to in section 42 (1A) is pending in the Supreme Court of a State or the Capital Territory (the <i>relevant jurisdiction</i> ), the court must transfer the proceeding to the Federal Court unless the matter for determination in it arises out of, or relates to, another proceeding pending in any court of the relevant jurisdiction:	16 17 18 19 20 21
(a) that arises, or a substantial part of which arises, under the <i>Corporations Law</i> of a State or the Capital Territory, and	22 23 24
(b) that is not with respect to a matter referred to in section 42 (1A),	25 26
regardless of which proceeding was commenced first.	27
(4) Even if the Supreme Court of a State or the Capital Territory is not required by subsection (3) to transfer a proceeding with respect to a matter referred to in section 42 (1A) to the Federal	28 29 30

	Court, it may nevertheless do so if it considers that to be appropriate, having regard to the interests of justice, including the desirability of related proceedings being heard in the same jurisdiction.	1 2 3 4
(5)	If a proceeding with respect to a matter referred to in section 42 (1A) is pending in the Federal Court, the Federal Court may only transfer the proceeding, or an application in the proceeding, to the Supreme Court of a State or the Capital Territory (the <i>relevant jurisdiction</i> ) if:	5 6 7 8 9
(a)	the matter arises out of, or relates to, another proceeding pending in any court of the relevant jurisdiction:	10 11
(i)	that arises, or a substantial part of which arises, under the <i>Corporations Law</i> of a State or the Capital Territory, and	12 13 14
(ii)	that is not a proceeding with respect to a matter referred to in section 42 (1A),	15 16
	regardless of which proceeding was commenced first, and	17 18
(b)	the Federal Court considers the transfer to be appropriate, having regard to the interests of justice, including the desirability of related proceedings being heard in the same jurisdiction.	19 20 21 22
(6)	Nothing in this section confers on a court jurisdiction that the court would not otherwise have.	23 24
(7)	The fact that some references in this section to the interests of justice include the desirability of related proceedings being heard in the same jurisdiction does not of itself mean that other references to the interests of justice, in this section or elsewhere in this Act, do not include that matter.	25 26 27 28 29
<b>[27]</b>	<b>Section 44A Transfer of proceedings by Family Court and State Family Courts</b>	30 31
	Omit “a court” from section 44A (1).	32
	Insert instead “a State Family Court”.	33
<b>[28]</b>	<b>Section 44A (2) (a)</b>	34
	Omit “in the Federal Court, or”.	35

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<b>[29] Section 44A (2) (b)</b>	1
Omit “the Federal Court, or”.	2
<b>[30] Section 44A (2) (c)</b>	3
Omit the paragraph. Insert instead:	4
(c) it is otherwise in the interests of justice that another court of a State or of the Capital Territory determine the proceeding,	5 6 7
<b>[31] Section 44A (2)</b>	8
Omit “to the Federal Court, or to that other court, as the case may be”.	9
Insert instead “to that other court”.	10
<b>[32] Section 44A (3) (a) and (b)</b>	11
Omit “another court” wherever occurring.	12
Insert instead “another State Family Court”.	13
<b>[33] Section 44A (5)</b>	14
Insert after section 44A (4):	15
(5) Nothing in this section confers on a court jurisdiction that the court would not otherwise have.	16 17
<b>[34] Section 44AA Transfer of proceedings in lower courts</b>	18
Insert after section 44AA (6):	19
(6A) Nothing in this section confers on a court jurisdiction that the court would not otherwise have.	20 21
<b>[35] Section 45 Conduct of proceedings</b>	22
Omit paragraphs (a) and (b) from the definition of <i>relevant jurisdiction</i> in section 45 (3).	23 24

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<b>[36] Section 45 (3), definition of “relevant jurisdiction”</b>	1
Insert after paragraph (d) of the definition:	2
, or	3
(e) jurisdiction conferred on a court of a State or the Capital Territory with respect to matters referred to in section 42 (1A).	4 5 6
<b>[37] Section 46 Courts to act in aid of each other</b>	7
Insert “, or in matters referred to in section 42 (1A)” after “New South Wales”.	8 9
<b>[38] Section 50 Enforcement of judgments</b>	10
Omit section 50 (1). Insert instead:	11
(1) A judgment of a court of New South Wales that is entirely or partly given in the exercise of jurisdiction conferred by this Division, or by a law of another State that corresponds to this Division, is enforceable in New South Wales as if the judgment had been given by that court entirely in the exercise of the jurisdiction of that court apart from this Division or any such law.	12 13 14 15 16 17 18
<b>[39] Section 50 (2)</b>	19
Omit “the Federal Court, the Family Court,” wherever occurring.	20
<b>[40] Section 52 Rules of the Federal Court</b>	21
Omit the section.	22
<b>[41] Section 52A Rules of a State Family Court</b>	23
Omit section 52A (1).	24
<b>[42] Section 54 Interpretation</b>	25
Omit “, and rules of court applied by the Federal Court because of a provision of this Act,” from section 54 (2) (a) (vii).	26 27



<b>[43]</b>	<b>Section 60 Interpretation of some expressions in the ASIC Law, and the ASIC Regulations, of New South Wales</b>	1 2
	Insert in alphabetical order in section 60 (1):	3
	<i>Panel proceedings</i> means proceedings before the Panel on:	4
	(a) an application made to the Panel under the <i>Corporations Law</i> , or	5 6
	(b) a reference of a decision to the Panel for review under the <i>Corporations Law</i> .	7 8
<b>[44]</b>	<b>Section 60 (1)</b>	9
	Omit the definition of <i>witness</i> . Insert instead:	10
	<i>witness</i> means:	11
	(a) in relation to a hearing before the Commission—a person appearing at the hearing to give evidence, or	12 13
	(b) in relation to Panel proceedings—a person appearing in the proceedings to give evidence.	14 15
<b>[45]</b>	<b>Schedule 2 Savings and transitional provisions (amending Acts)</b>	16
	Insert after the heading to the Schedule:	17
	<b>Part 1</b>	18
<b>[46]</b>	<b>Schedule 2, clause 1 (Interpretation)</b>	19
	Omit “Schedule” where firstly occurring. Insert instead “Part”.	20

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<b>[47] Schedule 2, Part 2</b>	1
Insert at the end of the Schedule:	2
<b>Part 2</b>	3
<i>Federal Courts (Consequential Provisions) Act 2000</i>	4
<b>5 Application of section 42AA</b>	5
(1) Section 42AA applies in relation to:	6
(a) a decision made on or after the commencement of that section to prosecute a person for an offence, even if the conduct alleged to give rise to the offence occurred before that commencement, or	7 8 9 10
(b) a related criminal justice process decision made on or after the commencement of that section in relation to an offence, even if either or both of the following apply:	11 12 13
(i) the conduct alleged to give rise to the offence occurred before that commencement,	14 15
(ii) the prosecution of the offence, or an appeal arising out of the prosecution, was commenced before that commencement.	16 17 18
(2) Section 42AA also applies in relation to:	19
(a) a decision made before the commencement of that section to prosecute a person for an offence, even if that decision is the subject of an application that is before a court at that commencement, or	20 21 22 23
(b) a related criminal process decision made before the commencement of that section in relation to an offence, even if either or both of the following apply:	24 25 26
(i) the decision is the subject of an application that is before a court at that commencement,	27 28
(ii) the prosecution of the offence, or an appeal arising out of that prosecution, was commenced before that commencement.	29 30 31

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<b>1.5 Gas Pipelines Access (New South Wales) Act 1998 No 41</b>	1
<b>[1] Section 9 Interpretation of some expressions in Gas Pipelines Access (New South Wales) Law and Gas Pipelines Access (New South Wales) Regulations</b>	2 3 4
Omit “or the Federal Court” from the definition of <i>the Court</i> in section 9 (1).	5 6
<b>[2] Part 3, Divisions 2 (Federal Court) and 3 (Administrative decisions)</b>	7
Omit the Divisions.	8
<b>[3] Section 21 Actions in relation to cross-boundary pipelines</b>	9
Omit “the Federal Court, or by” from section 21 (1) (c).	10
<b>[4] Section 21 (1) (f)</b>	11
Omit “the Federal Court, or by”.	12
<b>[5] Section 21 (1A)</b>	13
Insert after section 21 (1):	14
(1A) Despite subsection (1), the Supreme Court does not have jurisdiction to make a declaration or order about the validity, or affecting the operation, of a decision of a relevant Minister, relevant Regulator or arbitrator in relation to a cross-boundary distribution pipeline unless this State has been determined to be the scheme participant most closely connected to the pipeline.	15 16 17 18 19 20
<b>1.6 Jurisdiction of Courts (Cross-vesting) Act 1987 No 125</b>	21
<b>[1] Section 4 Vesting of additional jurisdiction in certain courts</b>	22
Omit section 4 (1) and (2).	23

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<b>[2] Section 4 (5)</b>	1
Omit the subsection. Insert instead:	2
(5) Subsection (3) or (4) does not:	3
(a) invest a Supreme Court or a State Family Court with, or	4
(b) confer on any such court,	5
jurisdiction with respect to criminal matters.	6
<b>[3] Section 5 Transfer of proceedings</b>	7
Omit section 5 (1) (b) (i) and (iii).	8
<b>[4] Section 5 (1) (b) (ii) (A)</b>	9
Omit “this Act and”.	10
<b>[5] Section 5 (1) (b) (ii)</b>	11
Omit “or” where lastly occurring.	12
<b>[6] Section 5 (4) (b) (ii)</b>	13
Omit the subparagraph. Insert instead:	14
(ii) having regard to:	15
(A) whether, in the opinion of the first court,	16
the relevant proceeding or a substantial	17
part of it would have been incapable of	18
being instituted in that court, apart from	19
any law of the Commonwealth or	20
another State relating to cross-vesting of	21
jurisdiction, and	22
(B) whether, in the opinion of the first court,	23
the relevant proceeding or a substantial	24
part of it would have been capable of	25
being instituted in the Supreme Court,	26
apart from any law of the	27
Commonwealth or another State relating	28
to cross-vesting of jurisdiction, and	29

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	(C)	the extent to which, in the opinion of the first court, the matters for determination in the relevant proceeding are matters arising under or involving questions as to the application, interpretation or validity of a law of the State and not within the jurisdiction of the first court apart from any law of the Commonwealth or another State relating to cross-vesting of jurisdiction, and	1 2 3 4 5 6 7 8 9 10
	(D)	the interests of justice, it is more appropriate that the relevant proceeding be determined by the Supreme Court, or	11 12 13 14
<b>[7]</b>	<b>Section 5 (5)</b>		15
		Omit the subsection.	16
<b>[8]</b>	<b>Section 5 (9)</b>		17
		Insert after section 5 (8):	18
		(9) Nothing in this section confers on a court jurisdiction that the court would not otherwise have.	19 20
<b>[9]</b>	<b>Section 6 Special federal matters</b>		21
		Insert after section 6 (1):	22
		(1A) However, the court must only transfer so much of the proceeding as is, in the opinion of the court, within the jurisdiction (including the accrued jurisdiction) of the Federal Court, or the court mentioned in subsection (2) (b), as the case may be.	23 24 25 26 27
<b>[10]</b>	<b>Section 6 (2)</b>		28
		Omit “be transferred, the proceeding”.	29
		Insert instead “or part of a proceeding be transferred, the proceeding or part of the proceeding”.	30 31

<b>[11] Section 6A</b>	1
Insert after section 6:	2
<b>6A Special federal matters: Commonwealth authorities or officers acting under the laws of States</b>	3 4
(1) This section applies to a proceeding (in this section referred to as the <i>federal matter proceeding</i> ) if:	5 6
(a) a matter for determination in the proceeding is covered by paragraph (c) or (e) of the definition of <i>special federal matter</i> in section 3 (1) of the <i>Jurisdiction of Courts (Cross-vesting) Act 1987</i> of the Commonwealth, and	7 8 9 10 11
(b) the matter for determination in the proceeding involves or relates to the exercise, or purported or proposed exercise, of functions or powers conferred on a Commonwealth authority, or an officer of the Commonwealth, by an enactment (in this subsection referred to as <i>the State enactment</i> ) referred to in paragraph (ca) or (cb) of the definition of <i>enactment</i> in section 3 (1) of the <i>Administrative Decisions (Judicial Review) Act 1977</i> of the Commonwealth, and	12 13 14 15 16 17 18 19 20
(c) the matter for determination in the proceeding arises out of, or relates to, another proceeding (in this section referred to as the <i>State matter proceeding</i> ) pending in any court of this State:	21 22 23 24
(i) that arises, or a substantial part of which arises, under the State enactment or a corresponding enactment of another State, and	25 26 27
(ii) none of the matters for determination in which are covered by paragraph (c) or (e) of the definition of <i>special federal matter</i> in section 3 (1) of the <i>Jurisdiction of Courts (Cross-vesting) Act 1987</i> of the Commonwealth,	28 29 30 31 32
regardless of which proceeding was commenced first.	33
(2) If:	34
(a) the federal matter proceeding is pending in the Federal Court or the Family Court, and	35 36

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(b)	having regard to the interests of justice, including the desirability of related proceedings being heard in the same jurisdiction, the Federal Court or the Family Court considers it appropriate to transfer the proceedings to the Supreme Court,	1 2 3 4 5
	the Federal Court or the Family Court may transfer the proceeding to the Supreme Court. Section 5 (4) does not apply to the federal matter proceeding.	6 7 8
(3)	If:	9
(a)	the federal matter proceeding is pending in the Supreme Court, and	10 11
(b)	the State matter proceeding is pending in any court of this State,	12 13
	neither section 5 (1) nor section 6 applies to require the Supreme Court to transfer the federal matter proceeding to the Federal Court or the Family Court. However, the Supreme Court may do so if it considers that to be appropriate, having regard to the interests of justice, including the desirability of related proceedings being heard in the same jurisdiction.	14 15 16 17 18 19
(4)	Nothing in this section confers on a court jurisdiction that the court would not otherwise have.	20 21
(5)	The fact that references in this section to the interests of justice include the desirability of related proceedings being heard in the same jurisdiction does not of itself mean that references to the interests of justice elsewhere in this Act do not include that matter.	22 23 24 25 26
(6)	In this section:	27
	<i>Commonwealth authority</i> means an authority or other body (whether incorporated or not) that is established or continued in existence by or under an Act of the Commonwealth.	28 29 30
	<i>officer of the Commonwealth</i> has the same meaning as in section 75 (v) of the Commonwealth Constitution.	31 32
<b>[12]</b>	<b>Section 10 Transfer of matters arising under Division 1 or 1A of Part V of the Trade Practices Act</b>	33 34
	Omit “the Federal Court, the Family Court,” from section 10 (a).	35

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<b>[13] Section 11 Conduct of proceedings</b>	1
Omit section 11 (2).	2
<b>[14] Section 14 Enforcement and effect of judgments</b>	3
Omit section 14 (1).	4
<b>1.7 National Crime Authority (State Provisions) Act 1984 No 157</b>	5
<b>[1] Section 12 Search warrants</b>	6
Omit section 12 (11) (a).	7
<b>[2] Section 15 Order for delivery to Authority of passport of witness</b>	8
Omit the section.	9
<b>[3] Section 20 Warrant for arrest of witness</b>	10
Omit “a Judge of the Federal Court sitting in chambers or” from section 20 (1).	11 12
<b>[4] Section 20 (1) (a)</b>	13
Omit “section 15”. Insert instead “section 24 of the Commonwealth Act”.	14
<b>[5] Section 20 (1)</b>	15
Omit “the Judge or”.	16
<b>[6] Section 20 (3)</b>	17
Omit “before a Judge of the Federal Court or the Supreme Court and the Judge or the Supreme Court may”.	18 19
Insert instead “before the Supreme Court, and the Supreme Court may”.	20
<b>[7] Section 20 (3)</b>	21
Omit “the Judge or” wherever occurring.	22



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Schedule 1 Amendments

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<b>[8] Section 20 (4)</b>	1
Omit “a Judge of the Federal Court or”.	2
<b>[9] Section 20 (4)</b>	3
Omit “a Judge or” wherever occurring.	4
<b>[10] Section 20 (4)</b>	5
Omit “the Judge or”.	6
<b>[11] Section 21 Applications to Federal Court of Australia</b>	7
Omit section 21 (2)–(5).	8
<b>[12] Section 21 (6) (b)</b>	9
Omit “subsection (2)”.	10
Insert instead “section 32 (2) of the Commonwealth Act (as it has effect because of section 32B of that Act)”.	11 12
<b>[13] Section 21 (7)–(11), (13), (14), (16) and (17)</b>	13
Omit the subsections.	14
<b>[14] Section 21 (12) (a)</b>	15
Omit “sub-section (9)”.	16
Insert instead “section 32 (8A) of the Commonwealth Act (as it has effect because of section 32B of that Act)”.	17 18
<b>[15] Section 21 (12) (b)</b>	19
Omit “subsection (8)”.	20
Insert instead “section 32 (8) of the Commonwealth Act (as it has effect because of section 32B of that Act)”.	21 22
<b>[16] Section 21 (15), definition of “prescribed notice”</b>	23
Omit “section 22 (2) (c)”.	24
Insert instead “section 32A (2) (c) of the Commonwealth Act”.	25

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<b>[17]</b>	<b>Section 21 (15), paragraph (a) of the definition of “relevant day”</b>	1
	Omit “or”.	2
<b>[18]</b>	<b>Section 21 (15), paragraph (b) of the definition of “relevant day”</b>	3
	Omit the paragraph.	4
<b>[19]</b>	<b>Section 22 Applications to Supreme Court of State</b>	5
	Omit the section.	6
<b>1.8</b>	<b>Price Exploitation Code (New South Wales) Act 1999 No 55</b>	7
<b>[1]</b>	<b>Section 26 Definition</b>	8
	Insert “(excluding Part IVA)” after “Commonwealth” in paragraph (a) (i) of the definition of <i>Commonwealth administrative laws</i> .	9 10
<b>[2]</b>	<b>Section 30A</b>	11
	Insert after section 30:	12
<b>30A</b>	<b>Construction of references to Part IVA of Commonwealth AAT Act</b>	13 14
	For the purposes of sections 27 and 28, a reference in a provision of the <i>Administrative Appeals Tribunal Act 1975</i> of the Commonwealth (as that provision applies as a law of this jurisdiction) to the whole or any part of Part IVA of that Act is taken to be a reference to the whole or any part of that Part as it has effect as a law of the Commonwealth.	15 16 17 18 19 20