

#### Explanatory note

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

#### Overview of Bill

Currently, Division 2A of Part 9 of the Civil Procedure Act 2005 enables the Supreme Court to transfer proceedings to the Land and Environment Court if it is satisfied that those proceedings could properly have been commenced in the Land and Environment Court.

The object of this Bill is to amend the Civil Procedure Act 2005 so as to enable either the Supreme Court or the Land and Environment Court to transfer proceedings to the other court if:

- (a) the court is satisfied that it is more appropriate for proceedings before it to be heard in the other court, or
- (b) there are related proceedings pending in the other court and the court is satisfied that it is more appropriate for all the proceedings to be heard together in the other court.

#### Outline of provisions

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

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

#### Schedule 1 Amendment of Civil Procedure Act 2005

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Schedule 1 to the proposed Act substitutes Division 2A of Part 9 of the Civil Procedure Act 2005 to give effect to the objects set out in the Overview above. More specifically:

- (a) proposed section 149A contains definitions for the purposes of the proposed new Division, and
- (b) proposed section 149B contains provisions to enable the Supreme Court and the Land and Environment Court to make orders to transfer proceedings between the courts as referred to in the Overview above, and
- (c) proposed section 149C deals with the operation of those transfer orders, and
- (d) proposed section 149D deals with the conduct of proceedings after such a transfer, and
- (e) proposed section 149E provides that the transferee court has, and may exercise, all of the jurisdiction of the transferor court in relation to any proceedings to which such a transfer order relates, including jurisdiction to determine any question arising in any such proceedings.