

Second Reading

The Hon. HENRY TSANG (Parliamentary Secretary) [3.44 p.m.], on behalf of the Hon. John Hatzistergos: I move:

That this bill be now read a second time.

I seek leave to have the second reading speech incorporated in *Hansard*.

Leave granted.

This bill provides for amendments to institute a cross-vesting scheme between the Supreme Court and the Land and Environment Court (LEC) to give each court the power to transfer civil proceedings to the other court where concurrent proceedings are running in each of the courts, or where it is more appropriate for proceedings to be heard in the other court.

On occasions, the same set of circumstances give rise to litigation in both the Supreme Court and the LEC. There is limited scope in the Land and Environment Court Act to allow the proceedings to be consolidated and dealt with by one court. This can lead to added expense for litigants who are effectively forced to proceed in two courts at the same time, with both courts examining the same issues—or, at the least—the same set of facts.

Currently, the Supreme Court can transfer proceedings to the LEC and the LEC is given ancillary jurisdiction to deal with the proceedings under sections 149A to 149E of the Civil Procedure Act 2005. However the LEC does not have an equivalent power to transfer proceedings to the Supreme Court.

The bill addresses this issue with a scheme that has been agreed to by the Chief Justice of the Supreme Court and the Chief Judge of the LEC. The bill will 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: the court is satisfied that it is more appropriate for proceedings before it to be heard in the other court, or 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.

The cross vesting provisions only apply in civil proceedings at first instance (that is, not to appellate proceedings or criminal proceedings).

The proposal will reduce unnecessary litigation by enabling one court to deal with the same set of issues instead of having concurrent proceedings running in each court.

I commend the bill to the House.