

Queensland



**FEDERAL COURTS
(CONSEQUENTIAL
AMENDMENTS) BILL 2001**

Queensland



FEDERAL COURTS (CONSEQUENTIAL AMENDMENTS) BILL 2001

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2001

A BILL

FOR

An Act to make further amendments consequential on the matters dealt with by the *Federal Courts (State Jurisdiction) Act 1999* or by Commonwealth legislation relating to federal courts and tribunals

*Federal Courts (Consequential Amendments)
Bill 2001*

The Parliament of Queensland enacts— 1

PART 1—PRELIMINARY 2

Clause 1 Short title 3

This Act may be cited as the *Federal Courts (Consequential Amendments) Act 2001*. 4
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**PART 2—AMENDMENT OF AGRICULTURAL AND
VETERINARY CHEMICALS (QUEENSLAND) ACT 1994** 6
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Clause 2 Act amended in pt 2 8

This part amends the *Agricultural and Veterinary Chemicals (Queensland) Act 1994*. 9
10

Clause 3 Amendment of s 3 (Definitions) 11

(1) Section 3, definition “**Commonwealth administrative laws**”, 12
paragraph (a)(i), after ‘1975’— 13

insert— 14

‘, excluding part IVA’. 15

(2) Section 3, definition “**Commonwealth administrative laws**”, 16
paragraph (a)(ii)— 17

omit. 18

(3) Section 3, definition “**Commonwealth administrative laws**”, 19
paragraphs (a)(iii) to (v)— 20

renumber as paragraphs (a)(ii) to (iv). 21

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Clause	4	Amendment of s 8 (Ancillary offences (aiding, abetting, accessories, attempts, incitement or conspiracy))	1 2
		Section 8(1), definition “ Commonwealth ancillary criminal laws ”, paragraph (b), from ‘because’—	3 4
		<i>omit.</i>	5
Clause	5	Amendment of s 16 (Application of Commonwealth administrative laws in relation to applicable provisions)	6 7
		Section 16(2), from ‘or the’ to ‘section 13,’—	8
		<i>omit.</i>	9
Clause	6	Insertion of new s 19	10
		Part 5—	11
		<i>insert</i> —	12
		‘19 Construction of references to pt IVA of AAT Act (Cwlth)	13
		‘For the purposes of section 16, a reference in a provision of the <i>Administrative Appeals Tribunal Act 1975</i> (Cwlth), as the 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.’	14 15 16 17 18
Clause	7	Omission of pt 6 (Jurisdiction of courts)	19
		Part 6—	20
		<i>omit.</i>	21
		PART 3—AMENDMENT OF COMPETITION POLICY REFORM (QUEENSLAND) ACT 1996	22 23
Clause	8	Act amended in pt 3	24
		This part amends the <i>Competition Policy Reform (Queensland) Act 1996</i> .	25 26

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Clause 9	Omission of pt 5, div 3	1
	Part 5, division 3—	2
	<i>omit.</i>	3
Clause 10	Amendment of s 29 (Definition)	4
	(1) Section 29, definition “ Commonwealth administrative laws ”, paragraph (a)(i), after ‘(Cwlth)’—	5 6
	<i>insert</i> —	7
	‘, excluding part IVA’.	8
	(2) Section 29, definition “ Commonwealth administrative laws ”, paragraph (a)(ii)—	9 10
	<i>omit.</i>	11
	(3) Section 29, definition “ Commonwealth administrative laws ”, paragraph (a)(iii) to (v)—	12 13
	<i>renumber</i> as paragraph (a)(ii) to (iv).	14
Clause 11	Insertion of new s 33A	15
	Part 5—	16
	<i>insert</i> —	17
	‘33A Construction of references to part IVA of AAT Act (Cwlth)	18
	‘For the purposes of sections 30 and 31, a reference in a provision of the <i>Administrative Appeals Tribunal Act 1975</i> (Cwlth), 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.’.	19 20 21 22 23

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**PART 4—AMENDMENT OF CORPORATIONS
(QUEENSLAND) ACT 1990**

	1	2
Clause 12 Act amended in pt 4		3
This part amends the <i>Corporations (Queensland) Act 1990</i> .		4
Clause 13 Amendment of s 3 (Definitions)		5
(1) Section 3(1), definition “ Family Court ”—		6
<i>omit.</i>		7
(2) Section 3(1)—		8
<i>insert—</i>		9
‘ “ Commonwealth authority ” means an authority or body (whether incorporated or not) that is established or continued in existence by or under an Act of the Commonwealth.		10 11 12
“ officer of the Commonwealth ” has the same meaning as in section 75(v) of the Constitution of the Commonwealth.’		13 14
(3) Section 3(1), definition “ Commonwealth administrative laws ”, paragraphs (a) and (b)—		15 16
<i>omit, insert—</i>		17
‘(a) the <i>Administrative Appeals Tribunal Act 1975</i> (Cwlth), excluding part IVA;’.		18 19
(4) Section 3(1), definition “ Commonwealth administrative laws ”, paragraphs (c) to (e)—		20 21
<i>renumber</i> as paragraphs (b) to (d).		22
Clause 14 Insertion of new s 36A		23
After section 36—		24
<i>insert—</i>		25
‘36A Construction of references to part IVA of Commonwealth AAT Act		26 27
‘For the purposes of sections 35 and 36, a reference in a provision of the <i>Administrative Appeals Tribunal Act 1975</i> (Cwlth) (as that provision		28 29

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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.’. 1
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Clause 15 Amendment of s 40 (Operation of division) 4

Section 40(1)— 5

insert— 6

‘(c) the jurisdiction of courts in respect of matters arising under the *Administrative Decisions (Judicial Review) Act 1977* (Cwlth) involving or related to decisions made under the Corporations Law of a State or the Capital Territory by Commonwealth authorities and officers of the Commonwealth; and 7
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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 Corporations Law of a State or the Capital Territory and related criminal justice process decisions;’. 12
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Clause 16 Amendment of s 41 (Interpretation) 16

(1) Section 41(1), definition “superior court”— 17

omit. 18

(2) Section 41(1)— 19

insert— 20

‘ “superior court” means the Supreme Court of a State or Territory or a State Family Court.’. 21
22

(3) Section 41(2)(a)(viii)— 23

omit. 24

(4) Section 41(2)(a)(ix)— 25

renumber as section 41(2)(a)(viii). 26

**Clause 17 Amendment of s 42 (Jurisdiction of Federal Court and State and Territory Supreme Courts) 27
28**

(1) Section 42, heading, ‘Federal Court and’— 29

omit. 30

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(2) Section 42(1), ‘as it applies as a law of Queensland,’—	1
<i>omit.</i>	2
(3) Section 42—	3
<i>insert—</i>	4
‘(1A) Despite section 9 of the <i>Administrative Decisions (Judicial Review) Act 1977</i> (Cwlth), jurisdiction is conferred on the Supreme Court of Queensland 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 Corporations Law of a State or the Capital Territory by a Commonwealth authority or an officer of the Commonwealth.	5 6 7 8 9 10 11
‘(1B) Subsection (1A) applies to a decision made, or proposed or required to be made—	12 13
(a) whether or not in the exercise of a discretion; and	14
(b) whether before or after the commencement of this subsection.’.	15
(4) Section 42(2), after ‘subsection (1)’—	16
<i>insert—</i>	17
‘or (1A)’.	18
(5) Section 42(3)—	19
<i>omit, insert—</i>	20
‘(3) This section has effect subject to section 42AA.’.	21
Clause 18 Amendment of s 42A (Jurisdiction of Family Court and State Family Courts)	22 23
(1) Section 42A, heading, ‘ Family Court and ’—	24
<i>omit.</i>	25
(2) Section 42A(1)—	26
<i>omit.</i>	27
(3) Section 42A(2), ‘as it applies as a law of Queensland,’—	28
<i>omit.</i>	29
(4) Section 42A—	30

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insert—

1

‘(4) This section has effect subject to section 42AA.’.

2

Clause 19 Insertion of new s 42AA

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After section 42A—

4

insert—

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**‘42AA Jurisdiction of Supreme Court in relation to certain decisions
made by Commonwealth officers**

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‘(1) If a decision to prosecute a person for an offence against the Corporations Law of Queensland has been made by an officer or officers of the Commonwealth and the prosecution is proposed to be commenced in a court of Queensland, jurisdiction is conferred on the Supreme Court with respect to any matter in which a person seeks a prerogative order or an injunction against the officer or officers in relation to that decision.

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‘(2) At any time when—

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(a) a prosecution for an offence against the Corporations Law of Queensland is before a court of Queensland; or

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(b) an appeal arising out of such a prosecution is before a court of Queensland;

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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 prerogative order or an injunction against an officer or officers of the Commonwealth in relation to a related criminal justice process decision.

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‘(3) Subsections (1) and (2) have effect despite anything in this Act or in any other law.

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‘(4) In this section—

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“**appeal**” 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.

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“**prerogative order**” means an order the relief or remedy under which is in the nature of, and to the same effect as, a writ of mandamus or prohibition.

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“**related criminal justice process decision**”, 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—

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|---|---------|
| (a) a decision in connection with the investigation, committal for trial or prosecution of the defendant; and | 1
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| (b) a decision in connection with the appointment of investigators or inspectors for the purposes of such an investigation; and | 3
4 |
| (c) a decision in connection with the issue of a warrant, including a search warrant or a seizure warrant; and | 5
6 |
| (d) a decision requiring the production of documents, the giving of information or the summoning of persons as witnesses; and | 7
8 |
| (e) a decision in connection with an appeal arising out of the prosecution.’. | 9
10 |

Clause 20 Amendment of s 42B (Jurisdiction of lower courts) 11
 Section 42B(1), ‘as it applies as a law of Queensland’— 12
omit. 13

Clause 21 Amendment of s 43 (Appeals) 14
 (1) Section 43(1), ‘or to the Federal Court or to the Family Court’— 15
omit. 16
 (2) Section 43(2) and (3)— 17
omit. 18
 (3) Section 43(4), ‘to the Federal Court, to the Family Court,’— 19
omit. 20
 (4) Section 43(5), ‘or to the Family Court’— 21
omit. 22
 (5) Section 43(6), ‘to the Federal Court,’— 23
omit. 24

Clause 22 Amendment of s 44 (Transfer of proceedings by the Federal Court and State and Territory Supreme Courts) 25
 (1) Section 44, heading— 26
omit, insert— 27
 28

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'44 Transfer of proceedings'.	1
(2) Section 44(1)—	2
<i>omit, insert—</i>	3
'(1) This section applies to the following—	4
(a) a proceeding with respect to a civil matter arising under the Corporations Law of Queensland that is in a court having jurisdiction under section 42(1) or (2);	5 6 7
(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.'	8 9 10
(3) Section 44(2), 'Where'—	11
<i>omit, insert—</i>	12
'Subject to subsections (3), (4) and (5), if'.	13
(4) Section 44—	14
<i>insert—</i>	15
'(3) If a proceeding with respect to matter referred to in section 42(1A) is pending in the Supreme Court of a State or the Capital Territory (the "relevant jurisdiction"), 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 Corporations Law of a State or the Capital Territory; and	22 23
(b) that is not with respect to a matter referred to in section 42(1A);	24
regardless of which proceeding was commenced first.	25
'(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 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.	26 27 28 29 30 31
'(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 "relevant jurisdiction") if—	32 33 34 35

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- (a) the matter arises out of, or relates to, another proceeding pending in any court of the relevant jurisdiction—
- (i) that arises, or a substantial part of which arises, under the Corporations Law of a State or the Capital Territory; and
- (ii) that is not a proceeding with respect to a matter referred to in section 42(1A);
- regardless of which proceeding was commenced first; and
- (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.

‘(6) Nothing in this section confers on a court jurisdiction that the court would not otherwise have.

‘(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.’.

- Clause 23 Amendment of s 44A (Transfer of proceedings by Family Court and State Family Courts)**
- (1) Section 44A, heading, ‘**Family Court and**’—
omit.
- (2) Section 44A(1), ‘a court’—
omit, insert—
‘a State Family Court’.
- (3) Section 44A(2)(a), ‘in the Federal Court, or’—
omit.
- (4) Section 44A(2)(b), ‘the Federal Court, or’—
omit.
- (5) Section 44A(2)(c), ‘the Federal Court, or’—
omit.
- (6) Section 44A(2), ‘to the Federal Court, or’—

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	<i>omit.</i>	1
	(7) Section 44A(2), ‘, as the case may be’—	2
	<i>omit.</i>	3
	(8) Section 44A(3), ‘another court’—	4
	<i>omit, insert</i> —	5
	‘another State Family Court’.	6
	(9) Section 44A—	7
	<i>insert</i> —	8
	‘(5) Nothing in this section confers on a court jurisdiction that the court would not otherwise have.’.	9 10
Clause 24	Amendment of s 44AA (Transfer of proceedings in lower courts)	11
	Section 44AA—	12
	<i>insert</i> —	13
	‘(6A) Nothing in this section confers on a court jurisdiction that the court would not otherwise have.’.	14 15
Clause 25	Amendment of s 45 (Conduct of proceedings)	16
	(1) Section 45(1), ‘51 to 52A’—	17
	<i>omit, insert</i> —	18
	‘51 and 52A’.	19
	(2) Section 45(3), definition “ relevant jurisdiction ”, paragraphs (a) and (b)—	20 21
	<i>omit.</i>	22
	(3) Section 45(3), definition “ relevant jurisdiction ”, paragraphs (c) and (d)—	23 24
	<i>renumber</i> as paragraphs (a) and (b).	25
	(4) Section 45(3), definition “ relevant jurisdiction ”—	26
	<i>insert</i> —	27
	‘(c) jurisdiction conferred on a court of a State or the Capital Territory with respect to matters referred to in section 42(1A).’.	28 29

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Clause 26	Amendment of s 46 (Courts to act in aid of each other)	1
	Section 46, after ‘Queensland’—	2
	<i>insert</i> —	3
	‘, or in matters referred to in section 42(1A),’.	4
Clause 27	Amendment of s 50 (Enforcement of judgments etc.)	5
	(1) Section 50(1)—	6
	<i>omit, insert</i> —	7
	‘(1) A judgment of a court of Queensland 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 Queensland 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.’.	8 9 10 11 12 13
	(2) Section 50(2), ‘the Federal Court, the Family Court,’—	14
	<i>omit.</i>	15
Clause 28	Omission of s 52 (Rules of the Federal Court)	16
	Section 52—	17
	<i>omit.</i>	18
Clause 29	Amendment of s 52A (Rules of the Family Court or State Family Court)	19 20
	(1) Section 52A, heading, ‘the Family Court or’—	21
	<i>omit, insert</i> —	22
	‘a’.	23
	(2) Section 52A(1)—	24
	<i>omit.</i>	25
	(3) Section 52A(2) and (3)—	26
	<i>renumber</i> as subsections (1) and (2).	27

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Clause 30	Amendment of s 54 (Interpretation)	1
	Section 54(2)(a)(vii), ‘, and rules of court applied by the Federal Court because of a provision of this Act,’—	2 3
	<i>omit.</i>	4
Clause 31	Insertion of new s 96E	5
	In part 13, division 6, after section 96D—	6
	<i>insert—</i>	7
	‘96E Application of section 42AA	8
	‘(1) In this section—	9
	“commencement” means the commencement of section 42AA.	10
	“related criminal justice process decision” , in relation to an offence, has the same meaning as in section 42AA.	11 12
	‘(2) Section 42AA applies in relation to—	13
	(a) a decision made on or after the commencement to prosecute a person for an offence, even if the conduct alleged to give rise to the offence occurred before that commencement; or	14 15 16
	(b) a related criminal justice process decision made on or after the commencement in relation to an offence, even if either or both of the following apply—	17 18 19
	(i) the conduct alleged to give rise to the offence occurred before the commencement;	20 21
	(ii) the prosecution of the offence, or an appeal arising out of the prosecution, was commenced before the commencement.	22 23 24
	‘(3) Section 42AA also applies in relation to—	25
	(a) a decision made before the commencement to prosecute a person for an offence, even if that decision is the subject of an application that is before a court at the commencement; or	26 27 28
	(b) a related criminal process decision made before the commencement in relation to an offence, even if either or both of the following apply—	29 30 31

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|--|---|-------------|
| | (i) the decision is the subject of an application that is before a court at the commencement; | 1
2 |
| | (ii) the prosecution of the offence, or an appeal arising out of that prosecution, was commenced before the commencement.’. | 3
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PART 5—AMENDMENT OF GAS PIPELINES ACCESS (QUEENSLAND) ACT 1998	6 7
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|------------------|--|----------------|
| Clause 32 | Act amended in pt 5 | 8 |
| | This part amends the <i>Gas Pipelines Access (Queensland) Act 1998</i> . | 9 |
| Clause 33 | Amendment of s 11 (Interpretation of some expressions in the Gas Pipelines Access (Queensland) Law and the Gas Pipelines Access (Queensland) Regulations) | 10
11
12 |
| | Section 11(1), definition “ court ”, ‘or the Federal Court’— | 13 |
| | <i>omit.</i> | 14 |
| Clause 34 | Omission of pt 3, div 1 hdg | 15 |
| | Part 3, division 1 heading— | 16 |
| | <i>omit.</i> | 17 |
| Clause 35 | Omission of pt 3, divs 2 and 3 | 18 |
| | Part 3, divisions 2 and 3— | 19 |
| | <i>omit.</i> | 20 |
| Clause 36 | Amendment of s 55 (Actions in relation to cross-boundary pipelines) | 21
22 |
| | (1) Section 55(1)(c) and (f), ‘by the Federal Court, or by the Supreme Court,’— | 23
24 |

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<i>omit, insert—</i>	1
‘by the Supreme Court’.	2
(2) Section 55—	3
<i>insert—</i>	4
‘(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 pipeline unless the State has been determined to be the scheme participant with which the pipeline is most closely connected.’ ¹ .	5 6 7 8 9 10

PART 6—AMENDMENT OF JURISDICTION OF COURTS (CROSS-VESTING) ACT 1987	11 12
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Clause 37 Act amended in pt 6	13
This part amends the <i>Jurisdiction of Courts (Cross-vesting) Act 1987</i> .	14
Clause 38 Amendment of s 3 (Interpretation)	15
Section 3(2), ‘section 4(3)’—	16
<i>omit, insert—</i>	17
‘section 4(1)’.	18
Clause 39 Amendment of s 4 (Vesting of additional jurisdiction in certain courts)	19 20
(1) Section 4(1) and (2)—	21
<i>omit.</i>	22
(2) Section 4(3) and (4)—	23

1 For provisions about determination of scheme participant with which a pipeline is most closely connected, see the South Australian Act, appendix to schedule 1, part 3 (Terms and references).

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<i>renumber</i> as section 4(1) and (2).	1
(3) Section 4(5)—	2
<i>omit, insert</i> —	3
‘ (3) Subsection (1) or (2) does not—	4
(a) invest a Supreme Court or a State Family Court with; or	5
(b) confer on any such court;	6
jurisdiction with respect to criminal matters.’.	7
Clause 40 Amendment of s 5 (Transfer of proceedings)	8
(1) Section 5(1)—	9
<i>omit, insert</i> —	10
‘ (1) If—	11
(a) a proceeding (the “ relevant proceeding ”) is pending in the Supreme Court; and	12 13
(b) it appears to the Supreme Court that, having regard to—	14
(i) whether, in the opinion of the Supreme Court, apart from any law of the Commonwealth or another State relating to cross-vesting of jurisdiction and apart from any accrued jurisdiction of the Federal Court or the Family Court, the relevant proceeding or a substantial part of the relevant proceeding would have been incapable of being instituted in the Supreme Court and capable of being instituted in the Federal Court or the Family Court; and	15 16 17 18 19 20 21 22
(ii) the extent to which, in the opinion of the Supreme 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 Commonwealth and not within the jurisdiction of the Supreme Court apart from this Act and any law of the Commonwealth or another State relating to cross-vesting of jurisdiction; and	23 24 25 26 27 28 29 30
(iii) the interests of justice;	31
it is more appropriate that the relevant proceeding be determined by the Federal Court or the Family Court, as the case may be;	32 33

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the Supreme Court must transfer the relevant proceeding to the Federal Court or the Family Court, as the case may be.’.	1 2
(2) Section 5(4)(b)(ii)—	3
<i>omit, insert—</i>	4
‘(ii) having regard to—	5
(A) whether, in the opinion of the first court, the relevant proceeding or a substantial part of it would have been incapable of being instituted in that court, apart from any law of the Commonwealth or another State relating to cross-vesting of jurisdiction; and	6 7 8 9 10
(B) whether, in the opinion of the first court, the relevant proceeding or a substantial part of it would have been capable of being instituted in the Supreme Court, apart from any law of the Commonwealth or another State relating to cross-vesting of jurisdiction; and	11 12 13 14 15
(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	16 17 18 19 20 21 22
(D) the interests of justice;	23
it is more appropriate that the relevant proceeding be determined by the Supreme Court; or’.	24 25
(3) Section 5(5)—	26
<i>omit.</i>	27
(4) Section 5—	28
<i>insert—</i>	29
‘(9) Nothing in this section confers on a court jurisdiction that the court would not otherwise have.’.	30 31

Clause 41 Amendment of s 6 (Special federal matters)	32
(1) Section 6—	33

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insert—

‘(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.’.

(2) Section 6(2), ‘be transferred, the proceeding’—

omit, insert—

‘or part of a proceeding be transferred, the proceeding or part of the proceeding’.

Clause 42 Insertion of new s 6A

After section 6—

insert—

‘6A Special federal matters—Commonwealth authorities or officers acting under the laws of States

‘(1) This section applies to a proceeding (the “**federal matter proceeding**”) if—

(a) a matter for determination in the proceeding is covered by paragraph (c) or (e) of the definition “special federal matter” in section 3(1) of the *Jurisdiction of Courts (Cross-vesting) Act 1987* (Cwlth); and

(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 officer of the Commonwealth, by an enactment (the “**State enactment**”) referred to in paragraph (ca) or (cb) of the definition “enactment” in section 3(1) of the *Administrative Decisions (Judicial Review) Act 1977* (Cwlth); and

(c) the matter for determination in the proceeding arises out of, or relates to, another proceeding (the “**State matter proceeding**”) pending in any court of this State—

(i) that arises, or a substantial part of which arises, under the State enactment or a corresponding enactment of another State; and

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(ii) none of the matters for determination in which are covered	1
by paragraph (c) or (e) of the definition “special federal	2
matter” in section 3(1) of the <i>Jurisdiction of Courts (Cross-</i>	3
<i>vesting) Act 1987 (Cwlth)</i> ;	4
regardless of which proceeding was commenced first.	5
‘(2) If—	6
(a) the federal matter proceeding is pending in the Federal Court or	7
the Family Court; and	8
(b) having regard to the interests of justice, including the desirability	9
of related proceedings being heard in the same jurisdiction, the	10
Federal Court or the Family Court considers it appropriate to	11
transfer the proceeding to the Supreme Court;	12
the Federal Court or the Family Court may transfer the proceeding to the	13
Supreme Court, and section 5(4) does not apply to the proceeding.	14
‘(3) If—	15
(a) the federal matter proceeding is pending in the Supreme Court;	16
and	17
(b) the State matter proceeding is pending in any court of this State;	18
neither section 5(1) nor section 6 applies to require the Supreme Court to	19
transfer the federal matter proceeding to the Federal Court or the Family	20
Court, but the Supreme Court may do so if it considers that to be	21
appropriate, having regard to the interests of justice, including the	22
desirability of related proceedings being heard in the same jurisdiction.	23
‘(4) Nothing in this section confers on a court jurisdiction that the court	24
would not otherwise have.	25
‘(5) The fact that references in this section to the interests of justice	26
include the desirability of related proceedings being heard in the same	27
jurisdiction does not of itself mean that references to the interests of justice	28
elsewhere in this Act do not include that matter.	29
‘(6) In this section—	30
“ Commonwealth authority ” means an authority or other body (whether	31
incorporated or not) that is established or continued in existence by or	32
under an Act of the Commonwealth.	33
“ officer of the Commonwealth ” has the same meaning as in section 75(v)	34
of the Constitution of the Commonwealth.’	35

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Clause 43	Amendment of s 10 (Transfer of matters arising under Part V, Division 1 or 1A of the Trade Practices Act)	1 2
	Section 10(a), ‘the Federal Court, the Family Court,’—	3
	<i>omit.</i>	4
Clause 44	Amendment of s 11 (Conduct of proceedings)	5
	Section 11(2)—	6
	<i>omit.</i>	7
Clause 45	Amendment of s 14 (Enforcement and effect of judgments)	8
	(1) Section 14(1)—	9
	<i>omit.</i>	10
	(2) Section 14(2) and (3)—	11
	<i>renumber</i> as section 14(1) and (2).	12
	PART 7—AMENDMENT OF NATIONAL CRIME AUTHORITY (STATE PROVISIONS) ACT 1985	13 14
Clause 46	Act amended in pt 7	15
	This part amends the <i>National Crime Authority (State Provisions) Act 1985</i> .	16 17
Clause 47	Amendment of s 12 (Search warrants)	18
	Section 12(11), from ‘a reference to’—	19
	<i>omit, insert—</i>	20
	‘a reference to a judge of the Supreme Court.’.	21

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Clause 48	Amendment of s 20 (Warrant for arrest of witness)	1
	Section 20(1), (3) and (4), ‘Federal Court or’—	2
	<i>omit.</i>	3
Clause 49	Amendment of s 21 (Applications to Federal Court of Australia)	4
	(1) Section 21(2) to (5)—	5
	<i>omit.</i>	6
	(2) Section 21(6)(b), ‘subsection (2)’—	7
	<i>omit, insert—</i>	8
	‘section 32(2) of the Commonwealth Act (as it has effect because of section 32B of that Act)’.	9
	(3) Section 21(6)—	10
	<i>renumber</i> as section 21(2).	11
	(4) Section 21(7) to (11)—	12
	<i>omit.</i>	13
	(5) Section 21(12)(a), ‘subsection (9)’—	14
	<i>omit, insert—</i>	15
	‘section 32(8A) of the Commonwealth Act (as it has effect because of section 32B of that Act)’.	16
	(6) Section 21(12)(b), ‘subsection (8)’—	17
	<i>omit, insert—</i>	18
	‘section 32(8) of the Commonwealth Act (as it has effect because of section 32B of that Act)’.	19
	(7) Section 21(12)—	20
	<i>renumber</i> as section 21(3).	21
	(8) Section 21(13) and (14)—	22
	<i>omit.</i>	23
	(9) Section 21(15), definition “ prescribed notice ”—	24
	<i>omit, insert—</i>	25
		26
		27
		28

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‘ “prescribed notice” means a notice stating as mentioned in section 32A(2)(c) of the Commonwealth Act (as it has effect because of section 32C of that Act).’.	1 2 3
(10) Section 21(15), definition “relevant day”, paragraph (b)— <i>omit, insert—</i>	4 5
‘(b) in relation to a notice given by a person in accordance with section 32(8A) of the Commonwealth Act (as it has effect because of section 32B of that Act)—the day on which the Authority gives to the person a prescribed notice relating to the notice so given by the person.’.	6 7 8 9 10
(11) Section 21(15)— <i>renumber</i> as section 21(4).	11 12
(12) Section 21(16) and (17)— <i>omit.</i>	13 14
Clause 50 Omission of s 22 (Applications to Supreme Court of Queensland)	15
Section 22— <i>omit.</i>	16 17
PART 8—AMENDMENT OF NEW TAX SYSTEM PRICE EXPLOITATION CODE (QUEENSLAND) ACT 1999	18 19
Clause 51 Act amended in pt 8	20
This part amends the <i>New Tax System Price Exploitation Code (Queensland) Act 1999</i> .	21 22
Clause 52 Amendment of s 26 (Definition)	23
Section 26, definition “Commonwealth administrative laws”, paragraph (a)(i), after ‘(Cwlth)’— <i>insert—</i> ‘, excluding part IVA’.	24 25 26 27

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Clause 53	Amendment of s 27 (Application of Commonwealth administrative laws to New Tax System Price Exploitation Code of this jurisdiction)	1 2 3
	Section 27(4)—	4
	<i>omit.</i>	5
 Clause 54	 Amendment of s 28 (Application of Commonwealth administrative laws to New Tax System Price Exploitation Codes of other jurisdictions)	 6 7 8
	(1) Section 28(4)—	9
	<i>omit.</i>	10
	(2) Section 28(5)—	11
	<i>renumber</i> as section 28(4).	12
 Clause 55	 Insertion of new s 30A	 13
	Part 5—	14
	<i>insert</i> —	15
	‘30A Construction of references to part IVA of AAT Act (Cwlth)	16
	‘For the purposes of sections 27 and 28, a reference in a provision of the <i>Administrative Appeals Tribunal Act 1975</i> (Cwlth), 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