

# ORGANISATION MONDIALE DU COMMERCE

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Conseil des aspects des droits de propriété  
intellectuelle qui touchent au commerce

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## PRINCIPALES LOIS ET REGLEMENTATIONS CONSACREES A LA PROPRIETE INTELLECTUELLE NOTIFIEES AU TITRE DE L'ARTICLE 63:2 DE L'ACCORD

### Australie

Le présent document contient le texte<sup>1</sup> des lois et réglementations ci-après, notifiées par l'Australie au titre de l'article 63:2 de l'Accord (voir le document IP/N/1/AUS/1/Rev.1):

	<u>Page</u>
- Loi de 1984 sur la protection du logo "Advance Australia"	2
- Loi (n° 1) de 1986 sur la législation (dispositions diverses)	11
- Loi de 1987 sur la compétence des tribunaux (modifications diverses)	13

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<sup>1</sup>Anglais seulement.



## Advance Australia Logo Protection Act 1984

No. 20 of 1984

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### An Act to make provision for the protection of the Advance Australia logo, and for related purposes

[Assented to 26 April 1984]

BE IT ENACTED by the Queen, and the Senate and the House of Representatives of the Commonwealth of Australia, as follows:

#### Short title

1. This Act may be cited as the *Advance Australia Logo Protection Act 1984*.

#### Commencement

2. (1) Sections 1, 2 and 3 and Schedule 1 shall come into operation on the day on which this Act receives the Royal Assent.

(2) The remaining provisions of this Act shall come into operation on a day to be fixed by Proclamation, being a day not earlier than the day on which the Company delivers to the Governor-General an instrument in writing under its common seal in the form set out in Schedule 1, but upon those provisions so coming into operation, those provisions and section 3 shall be deemed to have had effect on and from 13 October 1983.

*Advance Australia Logo Protection No. 20, 1984*

**Interpretation**

3. (1) In this Act, unless the contrary intention appears—

“Australia”, when used in a geographical sense, includes the external Territories;

“Company” means Advance Australia, being a company incorporated on 29 June 1981 under the law in force in the Australian Capital Territory;

“charge” means a charge created in any way and includes a mortgage and an agreement to give or execute a charge or mortgage, whether upon demand or otherwise;

“logo” means the logo an outline of which is set out in Schedule 2;

“monopoly”, in relation to the design of the logo, means the exclusive right to apply the design to any article to which the design is capable of being applied;

“owner”, in relation to the design of the logo, means the person who, under this Act, or by virtue of a disposition not in contravention of this Act, is the owner of the design of the logo;

“prescribed period” means the period of 16 years that commenced on 13 October 1983.

(2) Where, by virtue of regulations in force for the purposes of sub-section 17 (2) of the *Designs Act 1906*, a design is not capable of being registered under that Act for an article specified in those regulations, a reference in this Act to an article does not include a reference to an article so specified.

(3) A reference in this Act to the design of the logo is a reference to the design that, when applied to an article, results in a reproduction of the logo.

(4) Unless the contrary intention appears, an expression used in this Act and the *Designs Act 1906* has the same meaning in this Act as in the *Designs Act 1906*.

**Act to bind Crown**

4. Subject to Part VII of the *Copyright Act 1968*, this Act binds the Crown in right of the Commonwealth, of each of the States, of the Northern Territory and of Norfolk Island.

**Extension of Act to external Territories**

5. This Act extends to the external Territories.

**Ownership, &c., of copyright in the logo**

6. For the purposes of the *Copyright Act 1968*—

- (a) the logo shall be taken to be, and to have been from the time when it was created, an original artistic work;
- (b) the Commonwealth shall be taken to have been the owner of the copyright in the logo from the time it was created until and including 28 June 1981; and

*Advance Australia Logo Protection No. 20. 1984*

- (c) subject to section 10, the Company shall be taken to be, and to have been, on and from 29 June 1981, the owner of the copyright in the logo.

**Ownership of design of the logo**

7. Subject to section 10, the Company shall be taken to be, and to have been, with effect from 13 October 1983, the owner of the design of the logo.

**Monopoly of design in the logo, &c.**

8. (1) The owner of the design of the logo has, and shall be taken at all material times to have had, a monopoly in that design.

(2) The rights of an owner with respect to the design of the logo are personal property and, subject to this Act, the laws applicable to ownership of personal property apply in relation to the monopoly in the design of the logo as they apply in relation to other choses in action.

**Certain purported dispositions or charges relating to copyright in, or design of, the logo to be void**

9. (1) A disposition, by assignment, declaration of trust or by any other means, purporting to be made by the Company of the whole or any part of its interest in the copyright in the logo or of its interest in the design of the logo to a person other than the Commonwealth is void.

(2) A charge purporting to be given by the Company with respect to an asset of the Company that consists of, or includes, the whole or any part of its interest in the copyright in the logo or the whole or any part of its interest in the design of the logo is void.

**Ownership of copyright in, and design of, the logo to vest in Commonwealth in certain circumstances**

10. (1) If—

- (a) the Company passes a resolution for its winding up;
- (b) an order is made for the winding up of the Company; or
- (c) the Minister, by notice published in the *Gazette*, declares that he is satisfied that it is no longer in the public interest for the Company to own any interest in the copyright in the logo or any interest in the design of the logo by reason that—
  - (i) the Company has refused or failed to comply with a direction under section 17;
  - (ii) the Company has done, or is doing, an act or thing that the Company was or is without the capacity or power to do; or
  - (iii) there has been a change in the objects, powers, constitution, management, membership, beneficial ownership or control of the Company,

then, by force of this sub-section—

- (d) the interest of the Company in—
  - (i) the copyright in the logo; and

*Advance Australia Logo Protection No. 20, 1984*

- (ii) the design of the logo,  
is assigned to the Commonwealth; and
- (e) the interest, rights and benefits of the Company under any licence granted by the Company in respect of the copyright in, and the design of, the logo are assigned to the Commonwealth.

(2) Where, whether by force of sub-section (1) or otherwise, the Commonwealth acquires an interest in the copyright in the logo or an interest in the design of the logo, a purported assignment by the Commonwealth of the whole or any part of that interest to a person (in this section referred to as the "assignee") is void unless—

- (a) the assignee is an incorporated company; and
- (b) the assignee agrees that, as a condition of the assignment, it is not entitled to compensation from the Commonwealth by reason of the operation of any provision of this Act.

(3) Where the Commonwealth assigns the whole or any part of its interest in the copyright in, or the design of, the logo to a company, section 9, sub-section (1) of this section and sections 17 and 18 have effect as if a reference in those provisions to the Company were a reference to the assignee.

(4) A person is not entitled to compensation from the Commonwealth by reason of the operation of sub-section (1) or (3).

**Infringement of monopoly in the design of the logo**

**11. (1)** A person shall be deemed to infringe the monopoly in the design of the logo if, during the prescribed period, the person—

- (a) without the licence of the owner of the design, applies the design or any fraudulent or obvious imitation of it to any article;
- (b) without the licence of the owner of the design, sells, or offers or keeps for sale, or hires, or offers or keeps for hire, any article to which the design or any fraudulent or obvious imitation of it has been applied in infringement of the monopoly in the design;
- (c) imports into Australia for sale, or for use for the purposes of any trade or business, any article in respect of which the design or any fraudulent or obvious imitation of it has been applied outside Australia; or
- (d) sells, or offers or keeps for sale, or hires, or offers or keeps for hire, any article that has been imported into Australia and to which the design or any fraudulent or obvious imitation of it has been applied, whether in or outside Australia.

(2) Subject to sub-section (3), if a person infringes the monopoly in the design of the logo—

- (a) the owner of the design; or
- (b) a holder of a licence in relation to the design whose interests have been, are or would be affected by the infringement,

may bring an action or proceeding against the person in the Supreme Court of a State or a Territory for infringement of the monopoly in the design.

*Advance Australia Logo Protection No. 20, 1984*

(3) An action or proceeding for infringement of the monopoly in the design of the logo shall not be instituted by the holder of a licence in relation to the design without the consent of the owner of the design.

(4) Where—

- (a) a person, being the holder of a licence in relation to the design of the logo, applies, by notice in writing served on the owner of the design, for the consent of the owner under sub-section (3) to the institution by the person of an action or proceeding for infringement of the monopoly in the design of the logo; and
- (b) the owner of the design does not grant or refuse that consent before the expiration of the period of 7 days after the day on which the notice was served,

the owner of the design shall, upon the expiration of that period, be deemed to have granted that consent under sub-section (3).

(5) Consent under sub-section (3) to the institution of an action or proceeding shall not be unreasonably refused.

(6) Sub-section (3) does not affect the granting of an interlocutory injunction on the application of a holder of a licence in relation to the design of the logo.

**Remedies for infringement of monopoly in the design of the logo**

12. The relief that a court may grant in an action or proceeding for the infringement of the monopoly in the design of the logo includes an injunction (subject to such terms, if any, as the court thinks fit) and, at the option of the plaintiff, either damages or an account of profits.

**Jurisdiction of courts**

13. (1) The Supreme Court of each State is invested with federal jurisdiction, and to the extent that the Constitution permits, jurisdiction is conferred on the Supreme Court of each Territory, with respect to all matters arising under section 11 or 16.

(2) The jurisdiction of a Supreme Court of a State or Territory under this section shall be exercised by a single Judge.

(3) The inferior courts of each State are invested with federal jurisdiction, and jurisdiction is conferred on the inferior courts of each Territory, within the limits, other than limits as to subject-matter, of their several jurisdictions, with respect to matters arising under section 16.

(4) An appeal lies to the Federal Court of Australia from a judgment or order of a court of a State or Territory exercising jurisdiction under this Act.

(5) An appeal lies to the High Court, with special leave of the High Court, from a judgment or order referred to in sub-section (4).

(6) Except as provided in sub-section (4) or (5), no appeal lies from a judgment or order referred to in sub-section (4).

*Advance Australia Logo Protection No. 20, 1984*

- (7) A reference in sub-section (3) to an inferior court is a reference to—
- (a) a County Court, District Court or Local Court; or
  - (b) a court of summary jurisdiction exercising civil jurisdiction,
- being a court having jurisdiction in actions for the recovery of debts up to an amount not less than the amount of compensation claimed.

**Validation of certain licences**

14. Where, before 13 October 1983, the Company purported to grant a licence for a particular period expiring after that date in respect of the design of the logo, the licence is as valid and effectual as it would have been if it had been granted on that date for the part of that period that commenced on that date.

**Immunity from suit**

15. (1) No action or proceeding, whether civil or criminal, lies against the Commonwealth or the Company for or in relation to any matter or thing arising out of or incidental to the grant before 13 October 1983 of any purported licence in respect of the design of the logo.

(2) No action or proceeding, whether civil or criminal, lies against the Commonwealth, the Company or a person acting in accordance with any purported licence in respect of the design of the logo for or in relation to the use of the logo before 13 October 1983.

(3) Nothing in this section shall be taken to affect a right to compensation conferred upon a person by section 16.

**Compensation for acquisition of property**

16. (1) Where, but for this sub-section, the operation of a provision of this Act would result in the acquisition of property from a person by another person otherwise than on just terms, there is payable to the first-mentioned person by that other person such amount of compensation as is agreed upon between those persons, or, failing agreement, as is determined by a court of competent jurisdiction.

(2) Any compensation recovered in proceedings that are instituted under this section shall be taken into account in assessing damages or compensation or giving any other remedy in proceedings that are instituted otherwise than by virtue of this Act and that arise out of the same event or transaction.

(3) Any damages or compensation recovered or other remedy given in proceedings that are instituted otherwise than by virtue of this Act shall be taken into account in assessing compensation payable in proceedings that are instituted under this section and that arise out of the same event or transaction.

(4) In this section, "acquisition of property" and "just terms" have the same respective meanings as in paragraph 51. (xxxi) of the Constitution.

**Directions by Minister**

17. (1) The Minister may, by instrument in writing served on the Company, give directions to the Company in connection with the exercise of its

*Advance Australia Logo Protection No. 20, 1984*

powers in relation to the copyright in, and the design of, the logo and the Company shall comply with any directions so given.

(2) The Minister shall cause a copy of a direction given under sub-section (1) to be laid before each House of the Parliament within 15 sitting days of that House after the day on which the direction is given.

(3) Without limiting the generality of sub-section (1), a direction under that sub-section may require the Company—

- (a) to furnish to the Minister, by writing signed by a competent officer of the Company, within the time and in the manner specified in the direction, such information relating to—
  - (i) licences granted by the Company in respect of copyright in, or the design of, the logo;
  - (ii) amounts received by the Company by way of consideration for any such licences; or
  - (iii) the application by the Company of any such amounts, as is specified in the direction;
- (b) to produce to the Minister or a person specified in the direction acting on his behalf, in accordance with the direction, such documents relating to a matter referred to in sub-paragraph (a) (i), (ii) or (iii) as are specified in the direction;
- (c) to keep a separate account of the receipt and application of amounts referred to in sub-paragraph (a) (ii); or
- (d) to permit a person specified in the direction to audit any such account.

(4) A person is not entitled to compensation from the Commonwealth by reason of the operation of sub-section (1).

**Annual report by Company**

18. (1) The Company shall, as soon as practicable after each 30 June, prepare and furnish to the Minister a report relating to the exercise of its powers during the year that ended on that 30 June with respect to the copyright in, and the design of, the logo.

(2) The Minister shall cause a copy of a report furnished to him under sub-section (1) to be laid before each House of the Parliament within 15 sitting days of that House after the day on which he receives the report.

(3) A report under sub-section (1) in respect of a year shall set out details of—

- (a) licences granted by the Company during that year in respect of copyright in, or the design of, the logo;
- (b) any amounts received by the Company during that year by way of consideration for any licences in respect of copyright in, or the design of, the logo;
- (c) the application by the Company during that year of any such amounts;



*Advance Australia Logo Protection No. 20, 1984*

(d) such other matters (if any) as are prescribed.

(4) A report under sub-section (1) in respect of a year ending on a 30 June before the expiration of the prescribed period shall include a statement—

(a) setting out the views of the Company—

(i) with respect to the question whether or not this Act should be amended so as to shorten the duration of the prescribed period; and

(ii) if—

(A) the views of the Company with respect to the question referred to in sub-paragraph (i) are that the Act should not be amended as mentioned in that sub-paragraph; and

(B) that 30 June is within the period commencing 5 years before the expiration of the prescribed period,

with respect to the question whether or not this Act should be amended so as to lengthen the duration of the prescribed period; and

(b) giving reasons for those views.

(5) The first report under sub-section (1) shall relate to the period commencing on 13 October 1983 and ending on 30 June 1984.

**Application of Copyright Act and Designs Act**

19. (1) Division 8 of Part III of the *Copyright Act 1968* does not apply in relation to the copyright in the logo.

(2) During the prescribed period, it is not an infringement of the copyright in the logo to do any act or thing that, at the time when it is done, is an act or thing that, by virtue of this Act, the owner of the design of the logo has the exclusive right to do.

(3) After the expiration of the prescribed period, it is not an infringement of the copyright in the logo to do any act or thing that, had it been done immediately before the expiration of the prescribed period, would have been an act or thing that, by virtue of this Act, the owner of the design of the logo would have had the exclusive right to do if a reference in this Act to the design of the logo had, immediately before the expiration of the prescribed period, included a reference to another design that when applied to an article differs from the design of the logo only in immaterial details or in features commonly used in a relevant trade.

(4) Any registration of the design of the logo that was purported to be made under the *Designs Act 1906*, whether before or after this sub-section commenced to have effect, is void and shall be deemed never to have been made.

*Advance Australia Logo Protection*    No. 20, 1984

**Severability of certain provisions**

20. If, but for this section, the enactment of sub-section 10 (4) or of sub-section 17 (4) would result in the invalidity, in whole or in part, of any other provision of this Act, this Act has effect as if that sub-section had not been enacted.

**Regulations**

21. The Governor-General may make regulations, not inconsistent with this Act, prescribing matters—

- (a) required or permitted by this Act to be prescribed; or
- (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.

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**SCHEDULE 1**

Sub-section 2 (2)

ADVANCE AUSTRALIA LOGO PROTECTION ACT 1984

Sub-section 2 (2)

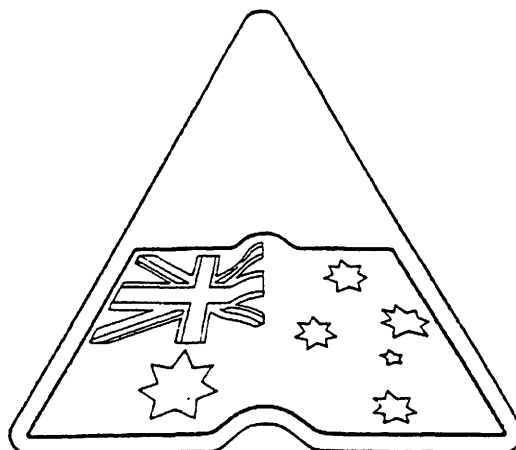
The Company agrees that, as a condition of the conferral on it of benefits by or under the *Advance Australia Logo Protection Act 1984*, it will not be entitled to any compensation from the Commonwealth by reason of the operation of any provision of that Act.

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**SCHEDULE 2**

Sub-section 3 (1)

OUTLINE OF THE ADVANCE AUSTRALIA LOGO





# Statute Law (Miscellaneous Provisions) Act (No. 1) 1986

No. 76 of 1986

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**An Act to make various amendments of the statute law of  
the Commonwealth, and for related purposes**

*[Assented to 24 June 1986]*

BE IT ENACTED by the Queen, and the Senate and the House of  
Representatives of the Commonwealth of Australia, as follows:

## **Short title**

1. This Act may be cited as the *Statute Law (Miscellaneous Provisions)  
Act (No. 1) 1986*.

## **Commencement**

2. (1) Subject to this section, this Act shall come into operation on the  
day on which it receives the Royal Assent.

(2) The amendment of the *Air Navigation (Charges) Act 1952* made  
by this Act shall come into operation, or shall be deemed to have come

*Statute Law (Miscellaneous Provisions) (No. 1) No. 76, 1986*

**SCHEDULE 1**

Section 3

**AMENDMENTS OF ACTS**

***Administrative Decisions (Judicial Review) Act 1977***

**Schedule 1—**

Omit paragraph (k).

***Advance Australia Logo Protection Act 1984***

**Paragraph 18 (3) (b)—**

Omit “any amounts”, substitute “the total of the amounts”.

***Air Navigation (Charges) Act 1952***

**Sub-section 5 (1)—**

Omit “services maintained, operated or provided by the Commonwealth.”, substitute—  
“services—

- (a) that are maintained, operated or provided by the Commonwealth; or
- (b) in respect of the maintenance or operation of which financial assistance is provided by the Commonwealth.”.

***Antarctic Treaty (Environment Protection) Act 1980***

**Paragraph 19 (1) (e)—**

Omit the paragraph, substitute the following paragraphs:

- “(e) drive a vehicle in a specially protected area;
- “(ea) land or drive an aircraft in a specially protected area;”.

***Archives Act 1983***

**Sub-section 26 (1)—**

Omit “without the approval of the Archives”.

**Sub-section 56 (2)—**

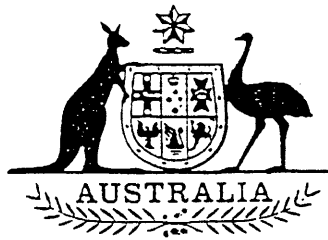
Omit the sub-section, substitute the following sub-section:

“(2) The Minister or a person authorised by the Minister may, in accordance with arrangements approved by the Prime Minister, cause Commonwealth records to be made available to a person in such circumstances as are specified in the regulations notwithstanding that the Commonwealth records concerned are not otherwise available for public access under this Act.”.

***Audit Act 1901***

**After section 63M—**

Insert the following Division:



## Jurisdiction of Courts (Miscellaneous Amendments) Act 1987

No. 23 of 1987

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**An Act to amend provisions of certain Acts relating to  
jurisdiction of courts, and for related purposes**

*[Assented to 26 May 1987]*

BE IT ENACTED by the Queen, and the Senate and the House of Representatives of the Commonwealth of Australia, as follows:

### **Short title**

1. This Act may be cited as the *Jurisdiction of Courts (Miscellaneous Amendments) Act 1987*.

### **Commencement**

2. (1) Section 1, this section and sections 3, 4 and 5 shall come into operation on the day on which this Act receives the Royal Assent.

(2) The amendments made by this Act to an Act specified in the Schedule shall come into operation on such day as is fixed by Proclamation in relation to those amendments.

*Jurisdiction of Courts (Miscellaneous Amendments)*  
*No. 23, 1987*

**Amendments of Acts**

3. The Acts specified in the Schedule are amended as set out in the Schedule.

**Transitional provisions relating to taxation laws**

4. (1) In this section—

“commencement day” means the day on which the amendments made by this Act to the *Income Tax Assessment Act 1936* come into operation;

“objection” means an objection under a relevant tax law, being an objection—

- (a) as defined by section 3 of the *Taxation (Interest on Overpayments) Act 1983*; or
- (b) under sub-section 40 (2) or (4) of the *Sales Tax Assessment Act (No. 1) 1930* or either of those sub-sections as applied for the purposes of any other Act providing for the assessment of sales tax;

“relevant tax law” means—

- (a) the *Bank Account Debits Tax Administration Act 1982*;
- (b) the *Estate Duty Assessment Act 1914*;
- (c) the *Fringe Benefits Tax Assessment Act 1986*;
- (d) the *Gift Duty Assessment Act 1941*;
- (e) the *Income Tax Assessment Act 1936*;
- (f) an Act providing for the assessment of sales tax;
- (g) the *Taxation (Unpaid Company Tax) Assessment Act 1982*;
- or
- (h) the *Trust Recoupment Tax Assessment Act 1985*;

“Supreme Court” means the Supreme Court of a State or of the Northern Territory or the Australian Capital Territory.

(2) Where, under a provision of a relevant tax law as in force before the commencement day—

- (a) the Commissioner of Taxation had received a request to refer a decision on an objection to a Supreme Court; or
- (b) the Commissioner of Taxation had received a request to treat an objection as an appeal to a Supreme Court and the request was, under section 226 of the *Taxation: Boards of Review (Transfer of Jurisdiction) Act 1986*, treated as a request to refer the decision on the objection to a Supreme Court,

and the request had not been forwarded to a Supreme Court before the commencement day, the request shall, on and after the commencement day, be treated as a request to refer the decision on the objection to the Federal Court of Australia.

*Jurisdiction of Courts (Miscellaneous Amendments)*  
No. 23, 1987

(3) Where, under a provision of a relevant tax law as in force before the commencement day, a decision on an objection, or an objection, had been forwarded to a Supreme Court but the hearing, other than an interlocutory hearing, of proceedings in respect of the decision or objection had not begun before the commencement day—

- (a) the proceedings are, by force of this Act, transferred to the Federal Court of Australia on the commencement day;
- (b) the proceedings shall continue in the Federal Court of Australia as if the decision or objection had been forwarded to the Federal Court of Australia under a provision of a relevant tax law as amended by this Act;
- (c) the Federal Court of Australia has jurisdiction to hear and determine the proceedings;
- (d) all documents filed of record in the Supreme Court in the proceedings, or lodged with that Court in connection with the proceedings, shall be transmitted to the Registrar of the Federal Court of Australia;
- (e) any moneys lodged with the Supreme Court in relation to the proceedings shall be transferred to the Federal Court of Australia and dealt with as if they had been lodged with that Court; and
- (f) all things done in or in relation to the proceedings in the Supreme Court shall be deemed to have been done in or in relation to the proceedings in the Federal Court of Australia.

(4) The Federal Court of Australia has the same powers (including powers in respect of contempt of court and enforcing of orders) in respect of an order of a Supreme Court made in or in relation to proceedings referred to in sub-section (3) as if it were an order of the Federal Court of Australia.

(5) Subject to sub-section (3), the provisions of the relevant tax laws that are amended or repealed by this Act continue to apply to—

- (a) a decision on an objection, or an objection, that was forwarded to a Supreme Court before the commencement day; and
- (b) an order made by the Supreme Court in relation to the decision or objection,

as if those amendments and repeals had not been made.

(6) Sub-section (5) has effect notwithstanding the operation of sub-section 7.(3) of the *Jurisdiction of Courts (Cross-vesting) Act 1987* on its commencement.

**Transitional provisions relating to intellectual property laws**

5. (1) The amendments made by this Act to the *Advance Australia Logo Protection Act 1984*, the *Copyright Act 1968*, the *Designs Act 1906*, the *Patents Act 1952* and the *Trade Marks Act 1955* apply only in relation

*Jurisdiction of Courts (Miscellaneous Amendments)*  
*No. 23, 1987*

to actions or proceedings commenced after the commencement of those amendments.

(2) The provisions of the Acts referred to in sub-section (1) as in force immediately before the commencement of the amendments made by this Act to those Acts continue to apply in relation to actions or proceedings commenced under those Acts before that commencement.

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*Jurisdiction of Courts (Miscellaneous Amendments)*  
*No. 23, 1987*

**SCHEDULE**

Section 3

**AMENDMENTS OF ACTS**

***Advance Australia Logo Protection Act 1984***

**Sub-section 11 (2)—**

Insert "Federal Court of Australia or the" before "Supreme Court".

**After sub-section 13 (1)—**

Insert the following sub-section:

"(1A) The Federal Court of Australia has jurisdiction with respect to all matters arising under section 11 or 16."

***Bank Account Debts Tax Administration Act 1982***

**Section 20—**

Before the definition of "objector", insert the following definition:  
" 'Federal Court' means the Federal Court of Australia;".

**Section 20 (definition of "Supreme Court")—**

Omit the definition.

**Paragraph 23 (b)—**

Omit "a specified Supreme Court", substitute "the Federal Court".

**Paragraph 25A (1) (b)—**

Omit the paragraph, substitute the following paragraph:

"(b) if the application relates to a request to refer a decision to the Federal Court—  
send the application to that Court."

**Sub-section 25A (3)—**

- (a) Omit "a Supreme Court", substitute "the Federal Court".
- (b) Omit all the words after "Commissioner".

**Sub-section 25A (4)—**

Omit "Supreme Court", substitute "Federal Court".

**Sub-section 25B (3)—**

- (a) Omit "a Supreme Court", substitute "the Federal Court".
- (b) Omit all the words after "the decision".

**Sub-section 26 (1)—**

Omit "A Supreme Court hearing an appeal under this Part", substitute "Where the Federal Court hears an appeal under this Part, the Court".

**Sub-sections 26 (3), (4) and (5)—**

Omit the sub-sections.

**Sections 28 and 29—**

Repeal the sections.

**Sub-section 29A (2)—**

Omit the sub-section, substitute the following sub-section:

*Jurisdiction of Courts (Miscellaneous Amendments)*  
*No. 23, 1987*

**SCHEDULE—continued**

“(2) For the purposes of determining when a decision of the Tribunal or of the Federal Court becomes final—

- (a) if that decision is a decision of the Tribunal, or of the Federal Court constituted by a single Judge, and no appeal is lodged within the period for lodging an appeal—that decision becomes final at the end of that period; or
- (b) if that decision is a decision of the Full Court of the Federal Court and an application is not made for special leave to appeal to the High Court within the period of 30 days after the making of the decision—that decision becomes final at the end of that period.”.

**Section 62—**

Omit the word and paragraphs after “may make” (second occurring), substitute the following:  
“regulations prescribing penalties not exceeding a fine of \$500 for offences against the regulations.”.

***Copyright Act 1968***

**Heading to Division 4A of Part V—**

Omit the heading, substitute the following heading:  
“Division 4A—Jurisdiction and Appeals”.

**Sub-sections 131B (1) and (2)—**

Insert “of a State or Territory” after “a court”.

**After section 131B—**

Insert the following section:

**Jurisdiction of Federal Court of Australia**

“131C. Jurisdiction is conferred on the Federal Court of Australia with respect to actions under this Part.”.

***Designs Act 1906***

**Sub-section 4 (1)—**

After the definition of “design”, insert the following definition:  
“‘Federal Court’ means the Federal Court of Australia;”.

**Sub-section 4 (1) (definition of “prescribed court”)—**

Insert “the Federal Court,” after “means”.

**Sub-section 22B (2)—**

Omit “a prescribed court”, substitute “the Federal Court”.

**Sub-section 24 (3)—**

Omit “a prescribed court”, substitute “the Federal Court”.

**Sub-section 27A (11)—**

Omit “a prescribed court”, substitute “the Federal Court”.

**Sub-section 40G (1)—**

Omit the sub-section, substitute the following sub-sections:

*Jurisdiction of Courts (Miscellaneous Amendments)*  
*No. 23, 1987*

**SCHEDULE—continued**

“(1) The Federal Court has jurisdiction with respect to matters arising under this Act.

“(1A) The jurisdiction of the Federal Court to hear and determine appeals from decisions of the Registrar is exclusive of the jurisdiction of any other court, other than the jurisdiction of the High Court under section 75 of the Constitution.

“(1B) Subject to sub-section (2), each prescribed court (other than the Federal Court) has jurisdiction with respect to matters arising under this Act in respect of which actions or proceedings may, under a provision of this Act, be instituted in a prescribed court.

“(1C) A prosecution for an offence against this Act shall not be instituted in the Federal Court.”.

**Sub-section 40G (2)—**

Omit “sub-section (1)”, substitute “sub-section (1B)”.

**Sub-sections 40I (1) and (2)—**

Omit the sub-sections, substitute the following sub-sections:

“(1) An appeal lies to the Federal Court from a judgment or order of:

- (a) another prescribed court exercising jurisdiction under this Act; or
- (b) any other court in an action or proceeding referred to in section 31.

“(2) Except with the leave of the Federal Court, an appeal does not lie to the Full Court of the Federal Court from a judgment or order of a single judge of the Federal Court in the exercise of its jurisdiction to hear and determine appeals from decisions of the Registrar.”.

**Section 40J—**

Omit “prescribed court”, substitute “Federal Court”.

**Sub-section 46B (1)—**

Omit “a prescribed court”, substitute “the Federal Court”.

**Sub-section 46B (2)—**

Omit “prescribed court”, substitute “Federal Court”.

***Estate Duty Assessment Act 1914***

**Sub-section 3 (1)—**

After the definition of “estate”, insert the following definition:

“‘Federal Court’ means the Federal Court of Australia;”.

**Paragraph 25 (1) (b)—**

Omit “a specified Supreme Court”, substitute “the Federal Court”.

**Paragraph 27A (1) (b)—**

Omit the paragraph, substitute the following paragraph:

“(b) if the application relates to a request to refer a decision to the Federal Court—  
send the application to that Court.”.

**Sub-section 27A (3)—**

- (a) Omit “a Supreme Court”, substitute “the Federal Court”.
- (b) Omit all the words after “Commissioner”.

*Jurisdiction of Courts (Miscellaneous Amendments)*  
*No. 23, 1987*

**SCHEDULE—continued**

**Sub-section 27A (4)—**

Omit “Supreme Court”, substitute “Federal Court”.

**Sub-section 27B (3)—**

- (a) Omit “a Supreme Court”, substitute “the Federal Court”.
- (b) Omit all the words after “the decision”.

**Section 27E—**

Repeal the section, substitute the following section:

**Powers of Federal Court on appeal**

“27E. Where the Federal Court hears an appeal under this Part, the Court may make such order in relation to the decision to which the appeal relates as it thinks fit, including an order confirming or varying the decision.”.

**Sections 28, 28A, 28AA and 28AB—**

Repeal the sections.

**Sub-section 28AC (2)—**

Omit the sub-section, substitute the following sub-section:

“(2) For the purposes of determining when a decision of the Tribunal or of the Federal Court becomes final—

- (a) if that decision is a decision of the Tribunal, or of the Federal Court constituted by a single Judge, and no appeal is lodged within the period for lodging an appeal—that decision becomes final at the end of that period; or
- (b) if that decision is a decision of the Full Court of the Federal Court and an application is not made for special leave to appeal to the High Court within the period of 30 days after the making of the decision—that decision becomes final at the end of that period.”.

**Section 28D—**

Repeal the section.

**Section 50—**

Omit the word and paragraphs after “may make” (second occurring), substitute the following:

“regulations prescribing penalties not exceeding a fine of \$500 for offences against the regulations.”.

***Fringe Benefits Tax Assessment Act 1986***

**Sections 79 and 79A—**

Repeal the sections, substitute the following section:

**Interpretation**

“79. In this Part, ‘Federal Court’ means the Federal Court of Australia.”.

**Paragraph 81 (b)—**

Omit “a specified Supreme Court”, substitute “the Federal Court”.

*Jurisdiction of Courts (Miscellaneous Amendments)*  
*No. 23, 1987*

**SCHEDULE—continued**

**Paragraph 84 (1) (b)—**

Omit the paragraph, substitute the following paragraph:

“(b) if the application relates to a request to refer a decision to the Federal Court—  
send the application to that Court.”.

**Sub-section 84 (3)—**

- (a) Omit “a Supreme Court”, substitute “the Federal Court”.
- (b) Omit all the words after “Commissioner”.

**Sub-section 84 (4)—**

Omit “Supreme Court”, substitute “Federal Court”.

**Sub-section 85 (3)—**

- (a) Omit “a Supreme Court”, substitute “the Federal Court”.
- (b) Omit all the words after “the decision”.

**Section 86B—**

Repeal the section.

**Sub-section 86C (1)—**

Omit “A Supreme Court hearing an appeal under this Part”, substitute “Where the Federal Court hears an appeal under this Part, the Court”.

**Sub-section 86C (2)—**

Omit the sub-section.

**Section 86D—**

Repeal the section.

**Sub-section 86E (2)—**

Omit the sub-section, substitute the following sub-section:

“(2) For the purposes of determining when a decision of the Tribunal or of the Federal Court becomes final—

- (a) if that decision is a decision of the Tribunal, or of the Federal Court constituted by a single Judge, and no appeal is lodged within the period for lodging an appeal—that decision becomes final at the end of that period; or
- (b) if that decision is a decision of the Full Court of the Federal Court and an application is not made for special leave to appeal to the High Court within the period of 30 days after the making of the decision—that decision becomes final at the end of that period.”.

**Section 87—**

Repeal the section.

***Gift Duty Assessment Act 1941***

**Sub-section 4 (1)—**

After the definition of “donor”, insert the following definition:  
“‘Federal Court’ means the Federal Court of Australia;”.

**Sub-section 4 (1) (definition of “Supreme Court”)—**

Omit the definition.

*Jurisdiction of Courts (Miscellaneous Amendments)*  
*No. 23, 1987*

**SCHEDULE—continued**

**Paragraph 32 (b)—**

Omit “a specified Supreme Court”, substitute “the Federal Court”.

**Paragraph 34A (1) (b)—**

Omit the paragraph, substitute the following paragraph:

“(b) if the application relates to a request to refer a decision to the Federal Court—  
send the application to that Court.”.

**Sub-section 34A (3)—**

(a) Omit “a Supreme Court”, substitute “the Federal Court”.

(b) Omit all the words after “Commissioner”.

**Sub-section 34A (4)—**

Omit “Supreme Court”, substitute “Federal Court”.

**Sub-section 34B (3)—**

(a) Omit “a Supreme Court”, substitute “the Federal Court”.

(b) Omit all the words after “the decision”.

**Sub-section 34E (1)—**

Omit “A Supreme Court hearing an appeal under this Part”, substitute “Where the Federal Court hears an appeal under this Part, the Court”.

**Sub-section 34E (2)—**

Omit the sub-section.

**Sections 35, 36, 36A and 36B—**

Repeal the sections.

**Sub-section 36C (2)—**

Omit the sub-section, substitute the following sub-section:

“(2) For the purposes of determining when a decision of the Tribunal or of the Federal Court becomes final—

(a) if that decision is a decision of the Tribunal, or of the Federal Court constituted by a single Judge, and no appeal is lodged within the period for lodging an appeal—that decision becomes final at the end of that period; or

(b) if that decision is a decision of the Full Court of the Federal Court and an application is not made for special leave to appeal to the High Court within the period of 30 days after the making of the decision—that decision becomes final at the end of that period.”.

**Section 38A—**

Repeal the section.

**Section 47—**

Omit all the words and paragraphs after “Act” (last occurring), substitute the following:

“, and, in particular, for prescribing penalties not exceeding a fine of \$500 for offences against the regulations.”.

*Jurisdiction of Courts (Miscellaneous Amendments)*  
*No. 23, 1987*

**SCHEDULE—continued**  
***Income Tax Assessment Act 1936***

**Sub-section 177 (1)—**

Omit “(except in proceedings on appeal against the assessment)”, substitute “, except in proceedings under Part V on a review or appeal relating to the assessment,”.

**Sections 184A and 184C—**

Repeal the sections, substitute the following section:

**Interpretation**

“184. In this Division, ‘Federal Court’ means the Federal Court of Australia.”.

**Paragraph 187 (b)—**

Omit “a specified Supreme Court”; substitute “the Federal Court”.

**Paragraph 188B (1) (b)—**

Omit the paragraph, substitute the following paragraph:

“(b) if the application relates to a request to refer a decision to the Federal Court—  
send the application to that Court.”.

**Sub-section 188B (3)—**

- (a) Omit “a Supreme Court”, substitute “the Federal Court”.
- (b) Omit all the words after “Commissioner”.

**Sub-section 188B (4)—**

Omit “Supreme Court”, substitute “Federal Court”.

**Sub-section 189 (3)—**

- (a) Omit “a Supreme Court”, substitute “the Federal Court”.
- (b) Omit all the words after “the decision”.

**Sections 196A and 198—**

Repeal the sections.

**Sub-section 199 (1)—**

Omit “A Supreme Court hearing an appeal under this Part”, substitute “Where the Federal Court hears an appeal under this Part, the Court”.

**Sub-section 199 (2)—**

Omit the sub-section.

**Sections 200 and 200A—**

Repeal the sections.

**Sub-section 200B (2)—**

Omit the sub-section, substitute the following sub-section:

“(2) For the purposes of determining when a decision of the Tribunal or of the Federal Court becomes final—

- (a) if that decision is a decision of the Tribunal, or of the Federal Court constituted by a single Judge, and no appeal is lodged within the period for lodging an appeal—that decision becomes final at the end of that period; or

*Jurisdiction of Courts (Miscellaneous Amendments)*  
*No. 23, 1987*

**SCHEDULE—continued**

- (b) if that decision is a decision of the Full Court of the Federal Court and an application is not made for special leave to appeal to the High Court within the period of 30 days after the making of the decision—that decision becomes final at the end of that period.”.

**Sub-section 266 (2)—**

Omit the sub-section.

***Patents Act 1952***

**Section 6—**

After the definition of “exclusive licensee”, insert the following definition:  
“‘Federal Court’ means the Federal Court of Australia;”.

**Section 6 (definition of “prescribed court”)—**

Insert “the Federal Court,” after “means”.

**Sub-section 49 (8)—**

Omit “a prescribed court”, substitute “the Federal Court”.

**Sub-section 49A (10)—**

Omit “a prescribed court”, substitute “the Federal Court”.

**Sub-section 50 (6)—**

Omit “a prescribed court”, substitute “the Federal Court”.

**Sub-section 52 (8)—**

Omit “a prescribed court”, substitute “the Federal Court”.

**Sub-section 52D (9)—**

Omit “a prescribed court”, substitute “the Federal Court”.

**Sub-section 60 (5)—**

- (a) Omit “the prescribed court”, substitute “the Federal Court”.  
(b) Omit “a prescribed court”, substitute “the Federal Court”.

**Sub-section 63 (4)—**

Omit “a prescribed court”, substitute “the Federal Court”.

**Paragraph 66 (3) (c)—**

Omit the paragraph, substitute the following paragraph:  
“(c) proceedings in a court; or”.

**Paragraph 66 (3) (f)—**

Omit the paragraph, substitute the following paragraph:  
“(f) in a case to which paragraph (c) applies—the court or, if the proceedings are discontinued, the Commissioner directs; or”.

**Sub-sections 68B (11) and (12)—**

Omit “a prescribed court”, substitute “the Federal Court”.

**Sub-section 73 (4)—**

Omit “a prescribed court”, substitute “the Federal Court”.



*Jurisdiction of Courts (Miscellaneous Amendments)*  
*No. 23, 1987*

**SCHEDULE—continued**

**Sub-section 81 (2)—**

Omit "a prescribed court", substitute "the Federal Court".

**Sub-section 81 (3)—**

Omit "prescribed court", substitute "Federal Court".

**Section 84—**

- (a) Omit "prescribed court" (first occurring), substitute "Federal Court".
- (b) Omit "a prescribed court", substitute "the Federal Court".

**Sub-section 146 (1)—**

Omit the sub-section, substitute the following sub-sections:

"(1) The Federal Court has jurisdiction with respect to matters arising under this Act.

"(1A) The jurisdiction of the Federal Court to hear and determine appeals from decisions or directions of the Commissioner is exclusive of the jurisdiction of any other court, other than the jurisdiction of the High Court under section 75 of the Constitution.

"(1B) Subject to sub-section (2), each prescribed court (other than the Federal Court) has jurisdiction with respect to matters arising under this Act in respect of which actions or proceedings may, under a provision of this Act, be instituted in a prescribed court.

"(1C) A prosecution for an offence against this Act shall not be instituted in the Federal Court."

**Sub-section 146 (2)—**

Omit "sub-section (1)", substitute "sub-section (1B)".

**Sub-sections 148 (1) and (2)—**

Omit the sub-sections, substitute the following sub-sections:

"(1) An appeal lies to the Federal Court from a judgment or order of:

- (a) another prescribed court exercising jurisdiction under this Act; or
- (b) any other court in an action or proceeding referred to in section 113 or 121.

"(2) Except with the leave of the Federal Court, an appeal does not lie to the Full Court of the Federal Court from a judgment or order of a single judge of the Federal Court in the exercise of its jurisdiction to hear and determine appeals from decisions or directions of the Commissioner."

**Section 149—**

- (a) Omit "A prescribed court", substitute "The Federal Court".
- (b) Insert "from a decision or direction of the Commissioner" after "court" (second occurring).

**Section 150—**

Omit "prescribed court", substitute "Federal Court".

**Sub-section 154A (6)—**

Omit "a prescribed court", substitute "the Federal Court".

**Sub-section 155 (2)—**

Omit "a prescribed court", substitute "the Federal Court".

*Jurisdiction of Courts (Miscellaneous Amendments)*  
*No. 23, 1987*

**SCHEDULE—continued**

**Sub-section 163 (2)—**

Omit "a prescribed court", substitute "the Federal Court".

**Section 170—**

- (a) Omit "a prescribed court", substitute "the Federal Court".
- (b) Omit "the prescribed court" (wherever occurring), substitute "the Federal Court".

***Sales Tax Assessment Act (No. 1) 1930***

**Section 39A—**

Before the definition of "objector", insert the following definition:  
" 'Federal Court' means the Federal Court of Australia;".

**Section 39A (definition of "Supreme Court")—**

Omit the definition.

**Section 39C—**

Repeal the section.

**Paragraph 41 (b)—**

Omit "a specified Supreme Court", substitute "the Federal Court".

**Paragraph 42B (1) (b)—**

Omit the paragraph, substitute the following paragraph:  
"(b) if the application relates to a request to refer a decision to the Federal Court—  
send the application to that Court."

**Sub-section 42B (3)—**

- (a) Omit "a Supreme Court", substitute "the Federal Court".
- (b) Omit all the words after "Commissioner".

**Sub-section 42B (4)—**

Omit "Supreme Court", substitute "Federal Court".

**Sub-section 42C (3)—**

- (a) Omit "a Supreme Court", substitute "the Federal Court".
- (b) Omit all the words after "the decision".

**Sub-sections 42G (1), (2), (4) and (5)—**

Omit the sub-sections.

**Sub-section 42G (3)—**

Omit "A Supreme Court hearing an appeal under this Part", substitute "Where the Federal Court hears an appeal under this Part, the Court".

**Sub-section 42H (2)—**

Omit the sub-section, substitute the following sub-section:

"(2) For the purposes of determining when a decision of the Tribunal or of the Federal Court becomes final—

*Jurisdiction of Courts (Miscellaneous Amendments)*  
*No. 23, 1987*

**SCHEDULE—continued**

- (a) if that decision is a decision of the Tribunal, or of the Federal Court constituted by a single Judge, and no appeal is lodged within the period for lodging an appeal—that decision becomes final at the end of that period; or
- (b) if that decision is a decision of a Full Court of the Federal Court and an application is not made for special leave to appeal to the High Court within the period of 30 days after the making of the decision—that decision becomes final at the end of that period.”.

**Paragraph 73 (aa)—**

Add at the end “and”.

**Paragraph 73 (ab)—**

Omit the paragraph.

***Taxation (Unpaid Company Tax) Assessment Act 1982***

**Sub-section 4 (7)—**

Omit the sub-section.

***Trade Marks Act 1955***

**Sub-section 6 (1)—**

After the definition of “Convention country”, insert the following definition:  
“ ‘Federal Court’ means the Federal Court of Australia;”.

**Sub-section 6 (1) (definition of “prescribed court”)—**

Insert “the Federal Court,” after “means”.

**Sub-section 19 (3)—**

Omit “a prescribed court”, substitute “the Federal Court”.

**Sub-section 20 (2)—**

Omit “a prescribed court”, substitute “the Federal Court”.

**Sub-section 21 (5)—**

Omit “a prescribed court”, substitute “the Federal Court”.

**Sub-section 23 (7)—**

Omit “a prescribed court”, substitute “the Federal Court”.

**Sub-section 26 (4)—**

Omit “a prescribed court”, substitute “the Federal Court”.

**Sub-section 30 (3)—**

Omit “a prescribed court”, substitute “the Federal Court”.

**Sub-section 36 (3)—**

Omit “a prescribed court”, substitute “the Federal Court”.

**Sub-section 42 (4)—**

Omit “a prescribed court”, substitute “the Federal Court”.

*Jurisdiction of Courts (Miscellaneous Amendments)*  
*No. 23, 1987*

**SCHEDULE—continued**

**Sub-section 43 (4)—**

Omit "a prescribed court", substitute "the Federal Court".

**Sub-section 46 (1)—**

Omit "a prescribed court", substitute "the Federal Court".

**Sub-section 46 (2)—**

Omit "prescribed court", substitute "Federal Court".

**Section 51—**

Omit "a prescribed court", substitute "the Federal Court".

**Paragraph 54 (3) (b)—**

Omit the paragraph, substitute the following paragraph:

"(b) proceedings in a court; or".

**Paragraph 54 (3) (e)—**

Omit the paragraph, substitute the following paragraph:

"(e) in a case to which paragraph (b) applies—the court or, if the proceedings are discontinued, the Registrar directs; or".

**Section 81—**

Omit "a prescribed court", substitute "the Federal Court".

**Sub-section 86 (3)—**

Omit "a prescribed court", substitute "the Federal Court".

**Sub-section 112 (1)—**

Omit the sub-section, substitute the following sub-sections:

"(1) The Federal Court has jurisdiction with respect to matters arising under this Act.

"(1A) The jurisdiction of the Federal Court to hear and determine appeals from decisions, directions or orders of the Registrar is exclusive of the jurisdiction of any other court, other than the jurisdiction of the High Court under section 75 of the Constitution.

"(1B) Subject to sub-section (2), each prescribed court (other than the Federal Court) has jurisdiction with respect to matters arising under this Act in respect of which actions or proceedings may, under a provision of this Act, be instituted in a prescribed court.

"(1C) A prosecution for an offence against this Act shall not be instituted in the Federal Court."

**Sub-section 112 (2)—**

Omit "sub-section (1)", substitute "sub-section (1B)".

**Sub-sections 114 (1) and (2)—**

Omit the sub-sections, substitute the following sub-sections:

"(1) An appeal lies to the Federal Court from a judgment or order of:

(a) another prescribed court exercising jurisdiction under this Act or

*Jurisdiction of Courts (Miscellaneous Amendments)*  
*No. 23, 1987*

**SCHEDULE—continued**

(b) any other court in an action or proceeding referred to in section 67 or 124.

“(2) Except with the leave of the Federal Court, an appeal does not lie to the Full Court of the Federal Court from a judgment or order of a single judge of the Federal Court in the exercise of its jurisdiction to hear and determine appeals from decisions, directions or orders of the Registrar.”.

**Section 115—**

- (a) Omit “A prescribed court”, substitute “The Federal Court”.
- (b) Insert “from a decision, direction or order of the Registrar” after “court” (second occurring).

**Section 115A—**

Omit “prescribed court”, substitute “Federal Court”.

**Sub-section 139 (5)—**

Omit “a prescribed court”, substitute “the Federal Court”.

**Section 142—**

- (a) Omit “a prescribed court”, substitute “the Federal Court”.
- (b) Omit “the prescribed court” (wherever occurring), substitute “the Federal Court”.

***Trade Practices Act 1974***

**Section 75B—**

Add at the end the following sub-section:

“(2) In this Part, unless the contrary intention appears—

- (a) a reference to the Court in relation to a matter is a reference to any court having jurisdiction in the matter;
- (b) a reference to the Federal Court is a reference to the Federal Court of Australia; and
- (c) a reference to a judgment is a reference to a judgment, decree or order, whether final or interlocutory.”.

**Section 86—**

Repeal the section, substitute the following sections:

**Jurisdiction of courts:**

“86. (1) Jurisdiction is conferred on the Federal Court in any matter arising under this Act in respect of which a civil proceeding has, whether before or after the commencement of this section, been instituted under this Part.

“(2) The several courts of the States are invested with federal jurisdiction within the limits of their several jurisdictions, whether those limits are as to locality, subject-matter or otherwise, and, subject to the Constitution, jurisdiction is conferred on the several courts of the Territories, with respect to any matter arising under Division 1 or 1A of Part V in respect of which a civil proceeding is instituted by a person other than the Minister or the Commission.

“(3) Nothing in sub-section (2) shall be taken to enable an inferior court of a State or Territory to grant a remedy other than a remedy of a kind that the court is able to grant under the law of that State or Territory.

*Jurisdiction of Courts (Miscellaneous Amendments)*  
*No. 23, 1987*

**SCHEDULE—continued**

“(4) The jurisdiction conferred by sub-section (1) on the Federal Court is exclusive of the jurisdiction of any other court other than the jurisdiction of the several courts of the States and Territories under sub-section (2) and the jurisdiction of the High Court under section 75 of the Constitution.

**Transfer of matters**

“86A. (1) Where—

- (a) a civil proceeding instituted (whether before or after the commencement of this section) by a person other than the Minister or the Commission is pending in the Federal Court; and
- (b) a matter for determination in the proceeding arose under Division 1 or 1A of Part V,

the Federal Court may, subject to sub-section (2), upon the application of a party or of the Federal Court's own motion, transfer to a court of a State or Territory the matter referred to in paragraph (b) and may also transfer to that court any other matter for determination in the proceeding.

“(2) The Federal Court shall not transfer a matter to another court under sub-section (1) unless the other court has power to grant the remedies sought before the Federal Court in the matter and it appears to the Federal Court that—

- (a) the matter arises out of or is related to a proceeding that is pending in the other court; or
- (b) it is otherwise in the interests of justice that the matter be determined by the other court.

“(3) Where the Federal Court transfers a matter to another court under sub-section (1)—

- (a) further proceedings in the matter shall be as directed by the other court; and
- (b) the judgment of the other court in the matter is enforceable throughout Australia and the external Territories as if it were a judgment of the Federal Court.

“(4) Where—

- (a) a proceeding is pending in a court (other than the Supreme Court) of a State or Territory; and
- (b) a matter for determination in the proceeding arose under Division 1 or 1A of Part V,

the court shall, if directed to do so by the Federal Court, transfer to the Federal Court the matter referred to in paragraph (b) and such other matters for determination in the proceeding the determination of which would, apart from any law of a State or of the Northern Territory relating to cross-vesting of jurisdiction, be within the jurisdiction of the Federal Court as the Federal Court determines.

“(5) Where—

- (a) a proceeding is pending in a court (other than the Supreme Court) of a State or Territory; and
- (b) a matter for determination in the proceeding arose under Division 1 or 1A of Part V,

the court may, subject to sub-section (6), upon the application of a party or of the court's own motion, transfer to a court (other than the Supreme Court) of a State or Territory other than the State or Territory referred to in paragraph (a) the matter referred to in paragraph (b).

“(6) A court shall not transfer a matter to another court under sub-section (5) unless the other court has power to grant the remedies sought before the first-mentioned court in the matter and it appears to the first-mentioned court that—

*Jurisdiction of Courts (Miscellaneous Amendments)*  
*No. 23, 1987*

**SCHEDULE—continued**

- (a) the matter arises out of or is related to a proceeding that is pending in the other court; or
- (b) it is otherwise in the interests of justice that the matter be determined by the other court.

“(7) Where a court transfers a matter to another court under sub-section (5), further proceedings in the matter shall be as directed by the other court.”.

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[*Minister's second reading speech made in—*  
*House of Representatives on 22 October 1986*  
*Senate on 1 April 1987*]