

FEDERAL COURT OF AUSTRALIA (CONSEQUENTIAL PROVISIONS) ACT 1976

No. 157 of 1976

An Act to amend certain Acts so as to make Provision for the Transfer of Jurisdiction of the Australian Industrial Court to the Federal Court of Australia.

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

1. This Act may be cited as the *Federal Court of Australia (Consequential Provisions) Act 1976*.¹ Short title.
2. This Act shall come into operation on a date to be fixed by Proclamation, not being earlier than the day that is the commencing day for the purposes of the *Federal Court of Australia Act 1976*. Commencement.
3. The Acts specified in the Schedule are amended as set out in the Schedule. Amendment of Acts.
4. (1) The amendments made by this Act do not affect the jurisdiction of the Australian Industrial Court in any proceedings the hearing of which had commenced before the date of commencement of this Act. Transfer of certain proceedings.
 - (2) Where, immediately before the date of commencement of this Act, proceedings in a matter arising under an Act specified in the Schedule were pending in the Australian Industrial Court but the hearing of the proceedings had not commenced—
 - (a) the proceedings are, by force of this Act, transferred to the Federal Court of Australia on the date of commencement of this Act;
 - (b) the Federal Court of Australia may hear and determine the proceedings;
 - (c) all documents filed of record in the Australian Industrial Court in the proceedings shall be transmitted to the Registrar of the Federal Court of Australia; and
 - (d) any moneys lodged with the Australian Industrial 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;
 - (e) all things done in and in relation to the proceedings in the Australian Industrial Court shall be deemed to have been done in

and in relation to the proceedings in the Federal Court of Australia.

(3) 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 the Australian Industrial Court made, whether before or after the commencement of this Act, under an Act referred to in the Schedule as if it were an order of the Federal Court of Australia.

SCHEDULE

Section 3

Act	Provision	Amendment
<i>Administrative Appeals Tribunal Act 1975</i>	Section 43 (6)	Omit "to the Australian Industrial Court", substitute "in accordance with section 44".
	Sections 44, 45 and 46	Omit "Australian Industrial Court" (wherever occurring), substitute "Federal Court of Australia".
<i>Broadcasting and Television Act 1942</i>	Sections 90R and 92KA	Omit "Australian Industrial Court" (wherever occurring), substitute "Federal Court of Australia".
<i>Compensation (Commonwealth Government Employees) Act 1971</i>	Section 94	(a) Omit "to the Commonwealth Industrial Court". (b) Omit "of the Commonwealth Industrial Court".
	Section 95	Omit "Commonwealth Industrial Court" (wherever occurring), substitute "Federal Court of Australia".
	Section 96	Repeal the section.
<i>Financial Corporations Act 1974</i>	Section 23	Omit "Australian Industrial Court" (wherever occurring), substitute "Federal Court of Australia".
<i>Health Insurance Act 1973</i>	Section 119 (3)	Omit the sub-section, substitute the following sub-section:— “(3) Subject to the Constitution, the decision of a Tribunal on a review is final except in so far as an appeal may be brought to the Federal Court of Australia in accordance with section 122 or any further appeal may be brought in accordance with section 24 or 33 of the <i>Federal Court of Australia Act 1976</i> .”.
	Section 122	Omit "Australian Industrial Court" (wherever occurring), substitute "Federal Court of Australia".
	Section 123	Repeal the section.
	Section 3 (1) (definition of "Court")	Omit "Commonwealth Industrial Court", substitute "Federal Court of Australia".
<i>Insurance Act 1973</i>	Section 89	Repeal the section.

SCHEDULE—continued

Act	Provision	Amendment
<i>National Health Act 1953</i>	Section 82Q (1) (definition of "Court")	Omit "Australian Industrial Court", substitute "Federal Court of Australia".
	Section 82ZM	Omit sub-sections (2) and (3).
<i>Navigation Act 1912</i>	Section 375B	Omit "Commonwealth Industrial Court" (wherever occurring), substitute "Federal Court of Australia". Omit "not less than two Judges", substitute "a Full Court".
<i>Prices Justification Act 1973</i>	Section 31	Omit "Australian Industrial Court" (wherever occurring), substitute "Federal Court of Australia".
	Section 32 (2)	After "Australian Industrial Court" (twice occurring), insert "or of the Federal Court of Australia".
<i>Stevedoring Industry Act 1956</i>	Section 7 (1) (definition of "the Court")	Omit "Commonwealth Industrial Court", substitute "Federal Court of Australia".
	Sections 34 (3) and 45M (3)	After "exercised" insert "in the Industrial Division".
<i>Trade Practices Act 1974</i>	Section 4 (definition of "Court")	Omit "Australian Industrial Court", substitute "Federal Court of Australia".

NOTE

1. Act No. 157, 1976; assented to 9 December 1976.