**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:—

**Short title.**

**1.** This Act may be cited as the *Federal Court of Australia* (*Consequential Provisions*) *Act* 1976.

**Commencement.**

**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.

**Amendment of Acts.**

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

**Transfer of certain proceedings.**

**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.

(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 |
| *Administrative Appeals*  *Tribunal Act* 1975 | 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”. |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| *Broadcasting and Television*  *Act* 1942 | | Sections 90r and 92ka | | Omit “Australian Industrial Court” (wherever occurring), substitute “Federal Court of Australia” |
| *Compensation* (*Commonwealth Government Employees*) *Act* 1971 | | 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. |
| *Financial Corporations Act* 1974 | | Section 23 | | Omit “Australian Industrial Court” (wherever occurring), substitute “Federal Court of Australia”. |
| *Health Insurance Act* 1973 | | 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 *Federal Court of Australia Act* 1976”. |
|  | | Section 122 | | Omit “Australian Industrial Court” (wherever occurring), substitute “Federal Court of Australia”. |
|  | | Section 123 | | Repeal the section. |
| *Insurance Act* 1973 | | Section 3(1) (definition of “Court”) | | Omit “Commonwealth Industrial Court “, substitute “Federal Court of Australia”. |
|  | | Section 89 | | Repeal the section. |
| *National Health Act* 1953 | Section 82q(1) (definition of “Court”) | | Omit “Australian Industrial Court”, substitute “Federal Court of Australia”. | |
|  | Section 82zm | | Omit sub-sections (2) and (3). | |
| *Navigation Act* 1912 | Section 375b | | Omit “Commonwealth Industrial Court” (wherever occurring), substitute “Federal Court of Australia”. | |
|  |  | | Omit “not less than two Judges”, substitute “a Full Court”. | |
| *Prices Justification Act* 1973 | 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”. | |
| *Stevedoring Industry Act* 1956 | 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”. | |
| *Trade Practices Act* 1974 | Section 4 (definition of “Court”) | | Omit “Australian Industrial Court”, substitute “Federal Court of Australia”. | |