

Jurisdiction of Courts (Miscellaneous Amendments) Act 1979

No. 19 of 1979

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Jurisdiction of Courts (Miscellaneous Amendments) Act 1979

No. 19 of 1979

An Act to amend the provisions of certain Acts relating to the jurisdiction of courts and of the Administrative Appeals Tribunal.

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

PART I—PRELIMINARY

1. This Act may be cited as the *Jurisdiction of Courts (Miscellaneous Amendments) Act 1979*.¹ Short title

2. (1) Parts I, XVIII and XIX shall come into operation on the day on which this Act receives the Royal Assent.¹ Commencement

(2) Parts II to XVI (inclusive) shall come into operation on such date as is, or such respective dates as are, fixed by Proclamation.

(3) Part XVII, so far as it amends an Act, shall come into operation on such date as is fixed by Proclamation as the date of commencement of the amendments made by that Part to that Act.

PART II—AMENDMENTS OF THE COPYRIGHT ACT 1968 AND CONSEQUENTIAL AMENDMENT OF THE ADMINISTRATIVE APPEALS TRIBUNAL ACT 1975

3. The *Copyright Act 1968* is in this Part referred to as the Principal Act. Principal Act

4. After Division 4 of Part V of the Principal Act the following Division is inserted:

“Division 4A—Exercise of Jurisdiction and Appeals

“131A. The jurisdiction of the Supreme Court of a State or Territory in an action under this Part shall be exercised by a single Judge of the Court. Exercise of jurisdiction

“131B. (1) Subject to sub-section (2), a decision of a court (how-ever constituted) under this Part is final and conclusive. Appeals

- “(2) An appeal lies from a decision of a court under this Part—
 (a) to the Federal Court of Australia; or
 (b) by special leave of the High Court, to the High Court.”.

Restriction
of
importation
of printed
copies of
works

5. Section 135 of the Principal Act is amended by adding at the end thereof the following sub-sections:

“(10) Where no appeal has been made to the Minister for Business and Consumer Affairs against a decision of the Comptroller-General made on or after 1 July 1976 not to grant permission under sub-section (6), an application may be made to the Administrative Appeals Tribunal for a review of the decision.

“(11) Where an application has been made to the Administrative Appeals Tribunal for a review of a decision referred to in sub-section (10), a person is not entitled to appeal to the Minister for Business and Consumer Affairs under sub-section (6) against that decision.”.

Reference of
questions of
law to
Federal
Court of
Australia

6. Section 161 of the Principal Act is amended by omitting from sub-sections (1), (2), (3), (4), (5), (6) and (7) “High Court” (wherever occurring) and substituting “Federal Court of Australia”.

Regulations
as to
procedure

7. Section 166 of the Principal Act is amended by omitting from paragraphs (b) and (c) of sub-section (2) “High Court” and substituting “Federal Court of Australia”.

Use of
copyright
material for
services of
the Crown

8. Section 183 of the Principal Act is amended—
 (a) by omitting from sub-section (5) “High Court” and substituting “Copyright Tribunal”; and
 (b) by omitting sub-section (10).

Savings

9. Where, before the commencement of this Part, a question of law was referred to the High Court under section 161 of the Principal Act, the provisions of section 161 of the Principal Act as in force immediately before the commencement of this Part apply in relation to that reference and to matters arising out of that reference.

Amendment
of Adminis-
trative
Appeals
Tribunal Act

10. The Schedule to the *Administrative Appeals Tribunal Act 1975* is amended by omitting Part XI.

PART III—AMENDMENTS OF THE DESIGNS ACT 1906

Principal Act

11. The *Designs Act 1906* is in this Part referred to as the Principal Act.

Interpret-
ation

12. Section 4 of the Principal Act is amended by adding “or Territory” at the end of the definition of “The Supreme Court”.

13. Section 4A of the Principal Act is repealed and the following section is substituted:

“4A. The Supreme Court of a Territory does not have jurisdiction in a proceeding, being— Jurisdiction of Supreme Courts

- (a) an appeal under sub-section (3) of section 25;
- (b) an application under section 28; or
- (c) an application under sub-section (1) of section 39 (other than an application made under that sub-section in connection with and in the course of an action under Part V),

unless at the time of the institution of the proceeding, the person instituting the proceeding, being an individual, is resident in the Territory, or being a corporation, has its principal place of business in the Territory.”.

14. Section 28 of the Principal Act is amended by omitting “High Court” and substituting “Supreme Court”. Design to be used in manufacture in Australia

15. Section 39 of the Principal Act is amended by omitting sub-section (3). Rectification of register by Court

16. After Part VI of the Principal Act the following Part is inserted:

“PART VIA—EXERCISE OF JURISDICTION AND APPEALS

“40A. Proceedings (other than criminal proceedings) under this Act in a Supreme Court shall be heard by a single Judge of the Court. Exercise of jurisdiction

“40B. (1) Subject to sub-sections (2) and (3), a decision of a court (however constituted) under this Act is final and conclusive. Appeals

“(2) An appeal lies from a decision of a court under this Act—

- (a) to the Federal Court of Australia; or
- (b) with special leave of the High Court, to the High Court.

“(3) This section does not apply in relation to criminal proceedings under this Act (other than proceedings for offences against section 32).”.

PART IV—AMENDMENTS OF THE ESTATE DUTY
ASSESSMENT ACT 1914

17. The *Estate Duty Assessment Act* 1914 is in this Part referred to as the Principal Act. Principal Act

18. Section 24 of the Principal Act is amended—

- (a) by omitting from paragraph (b) of sub-section (4) “the High Court or to a Supreme Court” and substituting “a specified Supreme Court”; and Objections, reviews and appeals
- (b) by inserting after sub-section (4) the following sub-section:

“(4A) A request referred to in paragraph (a) of sub-section (4) shall be accompanied by a deposit of \$2.”.

References
to Valuation
Board and
appeals and
references to
courts

19. Section 25 of the Principal Act is amended—

- (a) by omitting sub-section (1) and substituting the following sub-section:

“(1) Where the objector has, in accordance with section 24 or sub-section (7) of section 26, requested the Commissioner to refer a decision to a Valuation Board, the Commissioner shall refer the decision to a Valuation Board not later than 60 days after receipt of the request.”;

- (b) by omitting from sub-section (6) “or to the High Court or a Supreme Court” and substituting “or to treat his objection, so far as it relates to those grounds, as an appeal and to forward it to a specified Supreme Court”; and

- (c) by omitting sub-section (7) and substituting the following sub-sections:

“(7) The Commissioner or the objector may, within 30 days after the date of the decision, appeal to a Supreme Court from any decision of the Valuation Board under this section which involves a question of law.

“(8) The Valuation Board shall, upon the request of the Commissioner or the objector, refer any question of law arising before the Valuation Board to such Supreme Court as is agreed upon by the parties, or in the absence of agreement, to such Supreme Court as the Valuation Board considers appropriate.

“(9) An appeal or reference to a Supreme Court under this section shall be heard by a single Judge of the Court.

“(10) Except as provided in sub-section (11), an appeal does not lie from the decision of a Supreme Court constituted by a single Judge on an appeal or reference under this section.

“(11) The Commissioner or the objector may appeal against the decision of a Supreme Court on an appeal or reference under this section—

- (a) by leave of the Federal Court of Australia, to that Court;
or

- (b) by special leave of the High Court, to that Court.”.

References
to Board of
Review and
appeals and
references to
courts

20. Section 26 of the Principal Act is amended—

- (a) by omitting sub-section (1) and substituting the following sub-section:

“(1) Where the objector has, in accordance with section 24 or sub-section (6) of section 25, requested the Commissioner to refer a decision to a Board of Review, the Commissioner shall

refer the decision to a Board of Review not later than 60 days after receipt of the request.”; and

- (b) by omitting sub-section (9) and substituting the following sub-sections:

“(9) The Commissioner or the objector may, within 30 days after the date of the decision, appeal to a Supreme Court from any decision of a Board of Review under this section which involves a question of law.

“(10) The Board of Review shall, upon the request of the Commissioner or the objector, refer any question of law arising before the Board of Review to such Supreme Court as is agreed upon by the parties or, in the absence of agreement, to such Supreme Court as the Board of Review considers appropriate.

“(11) An appeal or reference to a Supreme Court under this section shall be heard by a single Judge of the Court.

“(12) Except as provided in sub-section (13), an appeal does not lie from the decision of a Supreme Court constituted by a single Judge on an appeal or reference under this section.

“(13) The Commissioner or the objector may appeal against the decision of a Supreme Court on an appeal or reference under this section—

- (a) by leave of the Federal Court of Australia, to that Court;
or
- (b) by special leave of the High Court, to that Court.”.

21. Section 27 of the Principal Act is amended—

Appeals

- (a) by omitting from sub-section (1) “the High Court or a Supreme Court” and substituting “a specified Supreme Court”;
- (b) by omitting from sub-section (2) “Justice or”;
- (c) by omitting sub-sections (6) and (7) and substituting the following sub-section:

“(6) An appeal does not lie from an order under this section except as provided in section 28.”.

22. Sections 28 and 28A of the Principal Act are repealed and the following sections are substituted:

“28. The Commissioner or the objector may appeal against an order of a Supreme Court under section 27 made in proceedings instituted on or after the date of commencement of this section—

Appeals
from orders
under section
27

- (a) to the Federal Court of Australia; or
- (b) by special leave of the High Court, to that Court.

Case stated
to Federal
Court of
Australia

“28A. (1) The Supreme Court in which an appeal is instituted in accordance with section 27, may, if it thinks fit, state a case in writing for the opinion of the Federal Court of Australia upon a question of law arising on the appeal.

“(2) A Full Court of the Federal Court of Australia shall hear and, by order, determine the question, and remit the case with its opinion to the Supreme Court and may make such order as to the costs of the case stated as it thinks fit.

Appeals to
High Court

“28AA. An appeal does not lie from a decision of the Federal Court of Australia in a matter under this Part unless the High Court gives special leave to appeal.

Transfer of
proceedings

“28AB. (1) A Supreme Court in which proceedings under this Part have been instituted may, if the Court thinks fit, upon the application of a party made at any stage in the proceedings, by order, transfer the proceedings to another Supreme Court.

“(2) Where proceedings are transferred from a Court in pursuance of this section—

- (a) all documents filed of record in that Court shall be transmitted by the Registrar or other proper officer of that Court to the Registrar or other proper officer of the Court to which the proceedings are transferred; and
- (b) the Court to which proceedings are transferred shall proceed as if the proceedings had been originally instituted in that Court and as if the same proceedings had been taken in that Court as had been taken in the Court from which the proceedings were transferred.”.

23. After section 28C of the Principal Act the following section is inserted in Part V:

Practice and
procedure of
Supreme
Courts

“28D. (1) Until regulations have been made under this Act for or in relation to the practice and procedure of a Supreme Court in proceedings to which this section applies, and so far as regulations so made do not make adequate provision, the High Court Rules as in force under the *Judiciary Act* 1903 immediately before the date of commencement of this section apply, so far as practicable, to and in relation to proceedings to which this section applies in like manner as they applied immediately before that date to and in relation to the like proceeding in the High Court.

“(2) This section applies to a proceeding in a Supreme Court, being—

- (a) a proceeding in respect of an objection to an assessment that has, under this Part, been forwarded to that Supreme Court;

- (b) an appeal under this Part to that Supreme Court from a decision of a Valuation Board or of a Board of Review; or
- (c) a reference under this Part of a question of law arising before a Valuation Board or a Board of Review to that Supreme Court.”.

24. Section 38 of the Principal Act is amended by omitting from sub-section (2) “the High Court or”.

Duty—
how payable

25. Section 39 of the Principal Act is amended by omitting “the High Court or”.

Commissioner
may apply
for order to
sell

26. Section 50 of the Principal Act is amended by adding at the end thereof “and, in particular, regulations for and in relation to the practice and procedure of a Supreme Court in respect of proceedings to which section 28D applies”.

Regulations

27. (1) Notwithstanding the amendments made by this Part but subject to Part XIX, an appeal to the High Court—

Saving

- (a) in accordance with paragraph 24 (4) (b) or sub-section 25 (6) of the Principal Act in respect of an objection in respect of which notice of the Commissioner’s decision was served on the objector before the date of commencement of this Part;
- (b) in accordance with sub-section 25 (7) of the Principal Act against a decision of a Valuation Board given before that date or in accordance with sub-section 26 (9) of the Principal Act against a decision of a Board of Review given before that date; or
- (c) in accordance with section 28A of the Principal Act from an order made in proceedings instituted before that date,

may be instituted, heard and determined as if those amendments had not been made, and the provisions of the Principal Act apply in relation to such an appeal and matters arising out of such an appeal.

(2) Notwithstanding the amendments made by this Part but subject to Part XIX, a case may be stated to the Full Court of the High Court under the Principal Act upon a question of law arising in proceedings commenced in the High Court or a Supreme Court before the date of commencement of this Part, and may be heard and determined, as if those amendments had not been made, and the provisions of the Principal Act apply in relation to such a case stated and matters arising out of such a case stated.

(3) Notwithstanding the amendments made by this Part but subject to Part XIX, an appeal to the High Court instituted under the Principal Act before the date of commencement of this Part, a reference of a question of law to the High Court made under the Principal Act before that date or a case stated to the High Court under the Principal Act before

that date may be heard and determined as if those amendments had not been made, and the provisions of the Principal Act apply in relation to such an appeal, reference or case stated and matters arising out of such an appeal, reference or case stated.

PART V—AMENDMENTS OF THE EXPORT INCENTIVE GRANTS ACT 1971

Principal Act **28.** The *Export Incentive Grants Act 1971* is in this Part referred to as the Principal Act.

29. Before section 29 of the Principal Act the following sections are inserted in Part IV:

Interpretation “28A. In this Part, unless the contrary intention appears, ‘Supreme Court’ means—

- (a) the Supreme Court of a State; or
- (b) the Supreme Court of the Australian Capital Territory or the Supreme Court of the Northern Territory of Australia, being a Court having jurisdiction in the proceedings concerned.

Jurisdiction of Supreme Courts of Territories “28B. (1) Jurisdiction under this Part is conferred on the Supreme Court of the Australian Capital Territory or the Supreme Court of the Northern Territory of Australia only in a proceeding arising out of a determination made in relation to a person who, at the time of the institution of the proceeding—

- (a) in the case of an individual—was ordinarily resident in the Australian Capital Territory or the Northern Territory, as the case may be; or
- (b) in the case of a company—had its principal place of business in the Australian Capital Territory or the Northern Territory, as the case may be.

“(2) In this section, ‘the Australian Capital Territory’ includes the Jervis Bay Territory.

Transfer of proceedings “28C. (1) A Supreme Court in which proceedings under this Part have been instituted (whether it has jurisdiction in the proceedings or not) may, if the Court thinks fit, upon the application of a party made at any stage in the proceedings, by order, transfer the proceedings to another Supreme Court having jurisdiction under this Part.

“(2) Where proceedings are transferred from a Court in pursuance of this section—

- (a) all documents filed of record in that Court shall be transmitted by the Registrar or other proper officer of that Court to the Registrar or other proper officer of the Court to which the proceedings are transferred; and

- (b) the Court to which the proceedings are transferred shall proceed as if the proceedings had been originally instituted in that Court and as if the same proceedings had been taken in that Court as had been taken in the Court from which the proceedings were transferred.”.

30. (1) Section 30 of the Principal Act is amended by omitting sub-sections (5) and (6) and substituting the following sub-sections:

References
to Board of
Review and
appeals and
references to
courts

“(5) The Commissioner or the person who requested a review by a Board of Review may, within 30 days after the date of the decision, appeal to a Supreme Court from any decision of the Board under this section which involves a question of law.

“(6) The Board of Review shall, upon the request of the Commissioner or the person who requested a review by the Board, refer any question of law arising before the Board of Review to such Supreme Court as is agreed upon by the parties or, in the absence of agreement, to such Supreme Court as the Board of Review considers appropriate.

“(7) An appeal or reference to a Supreme Court under this section shall be heard by a single Judge of the Court.

“(8) Except as provided in sub-section (9), an appeal does not lie from the decision of a Supreme Court constituted by a single Judge on an appeal or reference under this section.

“(9) The Commissioner or the person who requested a review by the Board of Review may appeal against the decision of a Supreme Court on an appeal or reference under this section—

- (a) by leave of the Federal Court of Australia, to that Court; or
- (b) by special leave of the High Court, to that Court.

“(10) If the determination is varied in a manner favourable to the person who requested the review, either by an amendment or as a result of the decision of the Board of Review or of a court, the fee paid in accordance with sub-section (1) shall be refunded to him.

“(11) An appeal does not lie from a decision of the Federal Court of Australia in an appeal under this section unless the High Court gives special leave to appeal.”.

(2) Notwithstanding the amendment made by this section but subject to Part XIX—

- (a) an appeal to the High Court in accordance with section 30 of the Principal Act against a decision of a Board of Review given before the date of commencement of this Part may be instituted, heard and determined; and
- (b) an appeal to the High Court instituted before that date, or a reference of a question of law to the High Court made before that

date, under section 30 of the Principal Act may be heard and determined,

as if that amendment had not been made, and the provisions of the Principal Act continue to apply in relation to such an appeal or reference and to matters arising out of such an appeal or reference.

31. After section 31 of the Principal Act the following section is inserted in Part IV:

Practice and
procedure of
Supreme
Court

“31A. (1) Until regulations have been made under this Act for or in relation to the practice and procedure of a Supreme Court in proceedings to which this section applies, and so far as regulations so made do not make adequate provision, the High Court Rules as in force under the *Judiciary Act* 1903 immediately before the date of commencement of this section apply, so far as practicable, to and in relation to a proceeding to which this section applies in like manner as they applied immediately before that date to and in relation to the like proceeding in the High Court.

“(2) This section applies to a proceeding in a Supreme Court, being—

- (a) an appeal under this Part to that Supreme Court; or
- (b) a reference under this Part of a question of law arising before a Board of Review to that Supreme Court.”.

Regulations

32. Section 36 of the Principal Act is amended—

- (a) by omitting from paragraph (a) “and”; and
- (b) by inserting after paragraph (a) the following paragraph:
 - “(aa) the practice and procedure of a Supreme Court in proceedings under this Act; and”.

PART VI—AMENDMENTS OF THE GIFT DUTY ASSESSMENT ACT 1941

Principal Act

33. The *Gift Duty Assessment Act* 1941 is in this Part referred to as the Principal Act.

Interpretation

34. Section 4 of the Principal Act is amended by inserting after the definition of “Second Commissioner” in sub-section (1) the following definition:

“‘Supreme Court’ means the Supreme Court of a State or Territory;”.

Objections
and appeals

35. Section 31 of the Principal Act is amended—

- (a) by omitting from paragraph (b) of sub-section (4) “the High Court, or to the Supreme Court of a State or Territory” and substituting “a specified Supreme Court”; and

- (b) by inserting after sub-section (4) the following sub-section:
 “(4A) A request referred to in paragraph (a) of sub-section (4) shall be accompanied by a deposit of \$2.”.

36. Section 32 of the Principal Act is amended—

- (a) by omitting sub-section (1) and substituting the following sub-section:

“(1) Where the objector has, in accordance with section 31 or sub-section (7) of section 33, requested the Commissioner to refer a decision to a Valuation Board, the Commissioner shall refer the decision to a Valuation Board not later than 60 days after receipt of the request.”;

- (b) by omitting from sub-section (6) “or to the High Court or the Supreme Court of a State or Territory” and substituting “or to treat his objection, so far as it relates to those grounds, as an appeal and to forward it to a specified Supreme Court”; and
 (c) by omitting sub-section (7) and substituting the following sub-sections:

“(7) The Commissioner or the objector may, within 30 days after the date of the decision, appeal to a Supreme Court from any decision of the Valuation Board under this section which involves a question of law.

“(8) The Valuation Board shall, upon the request of the Commissioner or the objector, refer any question of law arising before the Valuation Board to such Supreme Court as is agreed upon by the parties, or in the absence of agreement, to such Supreme Court as the Valuation Board considers appropriate.

“(9) An appeal or reference to a Supreme Court under this section shall be heard by a single Judge of the Court.

“(10) Except as provided in sub-section (11), an appeal does not lie from the decision of a Supreme Court constituted by a single Judge on an appeal or reference under this section.

“(11) The Commissioner or the objector may appeal against the decision of a Supreme Court on an appeal or reference under this section—

- (a) by leave of the Federal Court of Australia, to that Court;
 or
 (b) by special leave of the High Court, to that Court.”.

37. Section 33 of the Principal Act is amended—

- (a) by omitting sub-section (1) and substituting the following sub-section:

“(1) Where the objector has, in accordance with section 31 or sub-section (6) of section 32, requested the Commissioner to refer a decision to a Board of Review, the Commissioner shall

References
to Valuation
Board and
appeals and
references to
courts

References
to Board of
Review and
appeals and
references to
courts

refer the decision to a Board of Review not later than 60 days after receipt of the request.”; and

- (b) by omitting sub-section (9) and substituting the following sub-sections:

“(9) The Commissioner or the objector may, within 30 days after the date of the decision, appeal to a Supreme Court from any decision of a Board of Review under this section which involves a question of law.

“(10) The Board of Review shall, upon the request of the Commissioner or the objector, refer any question of law arising before the Board of Review to such Supreme Court as is agreed upon by the parties or, in the absence of agreement, to such Supreme Court as the Board of Review considers appropriate.

“(11) An appeal or reference to a Supreme Court under this section shall be heard by a single Judge of the Court.

“(12) Except as provided in sub-section (13), an appeal does not lie from the decision of a Supreme Court constituted by a single Judge on an appeal or reference under this section.

“(13) The Commissioner or the objector may appeal against the decision of a Supreme Court on an appeal or reference under this section—

(a) by leave of the Federal Court of Australia, to that Court;
or

(b) by special leave of the High Court, to that Court.”.

Appeals

38. Section 34 of the Principal Act is amended—

- (a) by omitting from sub-section (1) “the High Court or a Supreme Court” and substituting “a specified Supreme Court”;
- (b) by omitting from sub-section (2) “Justice or”; and
- (c) by omitting sub-sections (6) and (7) and substituting the following sub-section:

“(6) An appeal does not lie from an order under this section except as provided in section 35.”.

39. Sections 35 and 36 of the Principal Act are repealed and the following sections substituted:

Appeals from orders under section 34

“35. The Commissioner or the objector may appeal against an order of a Supreme Court under section 34 made in proceedings instituted on or after the date of commencement of this section—

- (a) to the Federal Court of Australia; or
- (b) by special leave of the High Court, to that Court.

“36. (1) The Supreme Court in which an appeal is instituted in accordance with section 34, may, if it thinks fit, state a case in writing for the opinion of the Federal Court of Australia upon a question of law arising on the appeal. Case stated
to Federal
Court of
Australia

“(2) A Full Court of the Federal Court of Australia shall hear and, by order, determine the question, and remit the case with its opinion to the Supreme Court and may make such order as to the costs of the case stated as it thinks fit.

“36A. An appeal does not lie from a decision of the Federal Court of Australia in a matter under this Part unless the High Court gives special leave to appeal. Appeals to
High Court

“36B. (1) A Supreme Court in which proceedings under this Part have been instituted, may, if the Court thinks fit, upon the application of a party made at any stage in the proceedings, by order, transfer the proceedings to another Supreme Court. Transfer of
proceedings

“(2) Where proceedings are transferred from a Court in pursuance of this section—

- (a) all documents filed of record in that Court shall be transmitted by the Registrar or other proper officer of that Court to the Registrar or other proper officer of the Court to which the proceedings are transferred; and
- (b) the Court to which proceedings are transferred shall proceed as if the proceedings had been originally instituted in that Court and as if the same proceedings had been taken in that Court as had been taken in the Court from which the proceedings were transferred.”

40. After section 38 of the Principal Act the following section is inserted in Part VI:

“38A. (1) Until regulations have been made under this Act for or in relation to the practice and procedure of a Supreme Court in proceedings to which this section applies, and so far as regulations so made do not make adequate provision, the High Court Rules as in force under the *Judiciary Act* 1903 immediately before the date of commencement of this section apply, so far as practicable, to and in relation to proceedings to which this section applies in like manner as they applied immediately before that date to and in relation to the like proceeding in the High Court. Practice and
procedure of
Supreme
Courts

“(2) This section applies to a proceeding in a Supreme Court, being—

- (a) a proceeding in respect of an objection to an assessment that has, under this Part, been forwarded to that Supreme Court;

- (b) an appeal under this Part to that Supreme Court from a decision of a Valuation Board or of a Board of Review; or
- (c) a reference under this Part of a question of law arising before a Valuation Board or a Board of Review to that Supreme Court.”.

Regulations **41.** Section 47 of the Principal Act is amended by omitting “and for prescribing penalties not less than Two dollars or more than Forty dollars for any breach of the regulations” and substituting:

“and, in particular—

- (a) for and in relation to the practice and procedure of a Supreme Court in respect of proceedings to which section 38A applies; and
- (b) for prescribing penalties not less than \$2 or more than \$40 for any breach of the regulations.”.

Saving **42.** (1) Notwithstanding the amendments made by this Part but subject to Part XIX, an appeal to the High Court—

- (a) in accordance with paragraph 31 (4) (b) or sub-section 32 (6) of the Principal Act in respect of an objection in respect of which notice of the Commissioner’s decision was served on the objector before the date of commencement of this Part;
- (b) in accordance with sub-section 32 (7) of the Principal Act against a decision of a Valuation Board given before that date or in accordance with sub-section 33 (9) of the Principal Act against a decision of a Board of Review given before that date; or
- (c) in accordance with section 36 of the Principal Act from an order made in proceedings instituted before that date,

may be instituted, heard and determined as if those amendments had not been made, and the provisions of the Principal Act apply in relation to such an appeal and matters arising out of such an appeal.

(2) Notwithstanding the amendments made by this Part but subject to Part XIX, a case may be stated to the Full Court of the High Court under the Principal Act upon a question of law arising in proceedings commenced in the High Court or a Supreme Court before the date of commencement of this Part, and may be heard and determined, as if those amendments had not been made, and the provisions of the Principal Act apply in relation to such a case stated and matters arising out of such a case stated.

(3) Notwithstanding the amendments made by this Part but subject to Part XIX, an appeal to the High Court instituted under the Principal Act before the date of commencement of this Part, a reference of a question of law to the High Court made under the Principal Act before that date or a case stated to the High Court under the Principal Act before that date may be heard and determined as if those amendments had not

been made, and the provisions of the Principal Act apply in relation to such an appeal, reference or case stated and matters arising out of such an appeal, reference or case stated.

PART VII—AMENDMENT OF THE INCOME TAX ASSESSMENT ACT 1936

43. After section 200 of the *Income Tax Assessment Act 1936* the following section is inserted:

“200A. An appeal does not lie from a decision of the Federal Court of Australia in a matter under this Part unless the High Court gives special leave to appeal.”

Appeals to
High Court
from Federal
Court

44. The amendment made by this Part—

Saving

- (a) does not affect the institution of an appeal to the High Court from a decision of the Federal Court of Australia given before the date of commencement of this Part; or
- (b) the hearing and determination of an appeal to the High Court instituted before the date of commencement of this Part or in accordance with paragraph (a).

PART VIII—AMENDMENTS OF THE LANDS ACQUISITION ACT 1955

45. The *Lands Acquisition Act 1955* is in this Part referred to as the Principal Act.

46. Section 13 of the Principal Act is amended by omitting from sub-sections (1) and (3) “the High Court or”.

Supreme
Court may
adjust rights
and
determine
basis of
compen-
sation

47. Section 19 of the Principal Act is amended—

Compen-
sation for
damage to
land

- (a) by omitting from paragraph (a) of sub-section (2) “the High Court or”; and
- (b) by omitting from paragraph (b) of that sub-section all the words to and including the word “Magistrate” and substituting “a County Court, District Court, Local Court or other court of a State or Territory presided over by a Judge or Magistrate”.

48. Section 21 of the Principal Act is amended by omitting from sub-section (1) “the High Court or”.

Proceedings
where claim
rejected

- Proceedings for determination of compensation
- 49.** Section 28 of the Principal Act is amended—
- (a) by omitting from sub-section (9) “to the High Court or”;
 - (b) by omitting sub-sections (10), (11), and (12);
 - (c) by omitting from paragraph (a) of sub-section (14) “the High Court or”; and
 - (d) by omitting from paragraph (b) of sub-section (14) all the words to and including the word “Magistrate” and substituting “a County Court, District Court, Local Court or other court of a State or Territory presided over by a Judge or Magistrate”.
- Determination of compensation on application of the Commonwealth
- 50.** Section 29 of the Principal Act is amended by omitting paragraph (a) of sub-section (5) and substituting the following paragraph:
- “(a) in relation to an application arising out of paragraph (a) of sub-section (1)—the Supreme Court or, where the Commonwealth does not make a request under sub-section (3), the Supreme Court or a court of a State or Territory, being a County Court, District Court, Local Court or other court presided over by a Judge or Magistrate; and”.
- Court to ensure that acquisition is made on just terms
- 51.** Section 31 of the Principal Act is amended by omitting from paragraph (b) of sub-section (2) “or the High Court”.
- Order that claimant is entitled to compensation
- 52.** Section 35 of the Principal Act is amended by omitting from sub-section (1) “the High Court or”.
- Extent of powers under section 37
- 53.** Section 38 of the Principal Act is amended by omitting from sub-section (3) “the High Court or”.
- Application of purchase money
- 54.** Section 39 of the Principal Act is amended—
- (a) by omitting from sub-section (4) “the Principal Registrar or a District Registrar of the High Court or”; and
 - (b) by omitting from sub-section (5) “High Court or the”.
- Court may order stay of proceedings under mortgage
- 55.** Section 44 of the Principal Act is amended by omitting from sub-section (1) “the High Court or”.
- Vesting of lands in Commonwealth authorities
- 56.** Section 52 of the Principal Act is amended by omitting “Australia” and substituting “the Commonwealth”.

57. Section 62 of the Principal Act is amended—

- (a) by omitting from sub-section (1) “the High Court and”; and
- (b) by omitting sub-section (2).

Jurisdiction
of courts

58. (1) Section 67 of the Principal Act and Schedule 1 and Schedule 2 to that Act are repealed.

Formal
amendments

(2) The repeal effected by this section does not affect the operation of the amendments effected by section 67 of the Principal Act.

PART IX—AMENDMENTS OF THE LOAN (DROUGHT BONDS) ACT 1969

59. The *Loan (Drought Bonds) Act* 1969 is in this Part referred to as the Principal Act.

Principal Act

60. After section 15 of the Principal Act the following section is inserted:

“15A. In this Part, unless the contrary intention appears, ‘Supreme Court’ means—

Interpretation

- (a) the Supreme Court of a State; or
- (b) the Supreme Court of the Australian Capital Territory or the Supreme Court of the Northern Territory of Australia, being a Court having jurisdiction in the proceedings concerned.”.

61. After section 25 of the Principal Act the following sections are inserted:

“25A. (1) Jurisdiction under this Part is conferred on the Supreme Court of the Australian Capital Territory or the Supreme Court of the Northern Territory of Australia only in a proceeding arising out of a request for a declaration made by a person who, at the time of the institution of the proceeding—

Jurisdiction
of Supreme
Courts of
Territories

- (a) in the case of an individual—was ordinarily resident in the Australian Capital Territory or the Northern Territory, as the case may be; or
- (b) in the case of a company—had its principal place of business in the Australian Capital Territory or the Northern Territory, as the case may be.

“(2) In this section, ‘the Australian Capital Territory’ includes the Jervis Bay Territory.

“25B. (1) A Supreme Court in which proceedings under this Part have been instituted (whether it has jurisdiction in the proceedings or not) may, if the Court thinks fit, upon the application of a party made at any stage in the proceedings, by order, transfer the proceedings to another Supreme Court having jurisdiction under this Part.

Transfer of
proceedings

“(2) Where proceedings are transferred from a Court in pursuance of this section—

- (a) all documents filed of record in that Court shall be transmitted by the Registrar or other proper officer of that Court to the Registrar or other proper officer of the Court to which the proceedings are transferred; and
- (b) the Court to which the proceedings are transferred shall proceed as if the proceedings had been originally instituted in that Court and as if the same proceedings had been taken in that Court as had been taken in the Court from which the proceedings were transferred.”

References
to Board of
Review and
appeals to
courts

62. (1) Section 26 of the Principal Act is amended by omitting sub-sections (7) and (8) and substituting the following sub-sections:

“(7) The person or persons who directed the authorized person to refer the request to a Board of Review may, within 30 days after the date of the decision, appeal to a Supreme Court from any decision of the Board of Review that involves a question of law.

“(8) An appeal to a Supreme Court under this section shall be heard by a single Judge of the Court.

“(8A) On an appeal under this section a Supreme Court may make such order as it thinks fit, including an order directing the Board of Review to make a declaration in accordance with the request.

“(8B) Except as provided in sub-section (8C), an appeal does not lie from the decision of a Supreme Court constituted by a single Judge on an appeal under this section.

“(8C) The person or persons who directed the authorized person to refer the request to a Board of Review may appeal against the decision of a Supreme Court on an appeal under this section—

- (a) by leave of the Federal Court of Australia, to that Court; or
- (b) by special leave of the High Court, to that Court.

“(8D) An appeal does not lie from a decision of the Federal Court of Australia in a matter under this section unless the High Court gives special leave to appeal.”

(2) Notwithstanding the amendment made by this section but subject to Part XIX, an appeal to the High Court in accordance with the provisions of section 26 of the Principal Act against a decision of a Board of Review given before the date of commencement of this Part may be instituted, heard and determined, and an appeal to the High Court instituted under that section before that date may be heard and determined, as if that amendment had not been made, and the provisions of the Principal Act apply in relation to such an appeal and to matters arising out of such an appeal.

63. After section 30 of the Principal Act the following section is inserted in Part III:

“30A. Until regulations have been made under this Act for or in relation to the practice and procedure of a Supreme Court in an appeal under this Part, and so far as regulations so made do not make adequate provision, the High Court Rules as in force under the *Judiciary Act* 1903 immediately before the date of commencement of this section apply, so far as practicable, to and in relation to such an appeal in like manner as they applied immediately before that date to and in relation to the like proceeding in the High Court.”

Practice and
procedure of
Supreme
Courts

64. Section 31 of the Principal Act is amended—

Regulations

- (a) by omitting from paragraph (a) of sub-section (1) “and” (last occurring); and
- (b) by inserting after paragraph (a) of sub-section (1) the following paragraph:

“(aa) for and in relation to the practice and procedure of a Supreme Court in respect of appeals under Part III; and”.

PART X—AMENDMENTS OF THE PATENTS ACT 1952

65. The *Patents Act* 1952 is in this Part referred to as the Principal Act.

Principal Act

66. Section 25 of the Principal Act is amended by omitting “Except in pursuance of section one hundred and twenty-nine of this Act, notice” and substituting “Notice”.

Trusts not
recognized

67. Sections 47, 47A, 47B and 47C are amended by omitting “or the expiration of two years after 1 January 1960, whichever is the later”.

Sections 47,
47A, 47B and
47C

68. Section 54 of the Principal Act is amended by omitting sub-section (2) and substituting the following sub-section:

Time for
acceptance

“(2) Where—

- (a) an appeal under any of the provisions of this Act has been instituted in respect of an application;
- (b) an application has been made to the Administrative Appeals Tribunal in accordance with section 151 for a review of a decision of the Commissioner in relation to an application; or
- (c) in the case of an application for a patent of addition—
 - (i) an appeal under any of the provisions of this Act has been instituted in respect of; or
 - (ii) an application to the Administrative Appeals Tribunal under section 151 has been made for a review of a decision in relation to,

that application or the application for the original patent,

the time within which the application and complete specification may be accepted is extended until the expiration of 3 months after the determination or other disposal of the appeal or application for review or until the expiration of such further time as the court to which the appeal, or any further appeal, is brought, or the Administrative Appeals Tribunal, or the court to which any appeal arising out of the decision of the Administrative Appeals Tribunal is brought, as the case may be, allows.”.

Time for
sealing

69. Section 66 of the Principal Act is amended—

- (a) by adding at the end of sub-section (1) “in accordance with section 160”; and
- (b) by omitting sub-section (3) and substituting the following sub-section:

“(3) Where the sealing of a patent is delayed by—

- (a) opposition to the grant of the patent;
 - (b) the taking of proceedings for obtaining the decision of the Commissioner under section 63;
 - (c) an appeal to a prescribed court; or
 - (d) an application to the Administrative Appeals Tribunal,
- that patent, and any patent of addition the sealing of which is delayed in consequence of the delay in the sealing of the first-mentioned patent, may be sealed at such time as—
- (e) in a case to which paragraph (a) or (b) applies—the Commissioner directs;
 - (f) in a case to which paragraph (c) applies—the court, or any court to which a further appeal is brought, directs, or, if the appeal or any such further appeal is discontinued, the Commissioner directs; or
 - (g) in a case to which paragraph (d) applies—the Tribunal, or a court to which an appeal arising out of the decision of the Tribunal is brought, directs, or, if the proceedings before the Tribunal are, or any such appeal is, discontinued, as the Commissioner directs.”.

Duration of
patent of
addition

70. Section 75 of the Principal Act is amended by omitting from sub-section (3) “the High Court” and substituting “a prescribed court”.

Jurisdiction
of prescribed
courts

71. Section 146 of the Principal Act is amended by adding at the end thereof the following sub-section:

“(4) The regulations may make provision for and in relation to the practice and procedure of prescribed courts in proceedings under this Act, including provision prescribing the time within which any proceeding may be instituted or any other act or thing may be done, and providing for the extension of any such time.”.

72. Section 148 of the Principal Act is amended by adding at the end of sub-section (1) “or a judgment or order of any other court in an action or proceeding referred to in section 113”.

Appeals

73. Section 151A of the Principal Act is repealed.

Constitution
of Tribunal

74. Section 159C of the Principal Act is amended by omitting from sub-section (2) “a prescribed court” and substituting “the Administrative Appeals Tribunal”.

Applications
for licences

PART XI—AMENDMENTS OF THE PAY-ROLL TAX (TERRITORIES) ASSESSMENT ACT 1971

75. The *Pay-roll Tax (Territories) Assessment Act 1971* is in this Part referred to as the Principal Act.

Principal Act

76. Before section 38 of the Principal Act the following section is inserted in Part VI:

“37A. In this Part, ‘Supreme Court’ means the Supreme Court of the Australian Capital Territory or the Supreme Court of the Northern Territory of Australia.”

Interpret-
ation

77. (1) Section 40 of the Principal Act is amended by omitting sub-sections (5) and (6) and substituting the following sub-sections:

References
to Board of
Review and
appeals and
references to
courts

“(5) The Commissioner or an employer may, within 30 days after the date of the decision, appeal to a Supreme Court from any decision of the Board under this section which involves a question of law.

“(6) The Board of Review shall, upon the request of the Commissioner or an employer, refer any question of law arising before the Board of Review to such Supreme Court as is agreed upon by the parties or, in the absence of agreement, to such Supreme Court as the Board of Review considers appropriate.

“(7) An appeal or reference to a Supreme Court under this section shall be heard by a single Judge of the Court.

“(8) Except as provided in sub-section (9), an appeal does not lie from the decision of a Supreme Court constituted by a single Judge on an appeal or reference under this section.

“(9) The Commissioner or an employer may appeal against the decision of a Supreme Court on an appeal or reference under this section—

- (a) by leave of the Federal Court of Australia, to that Court; or
- (b) by special leave of the High Court, to that Court.

“(10) If the employer’s liability or assessment is reduced, or the determination is varied in a manner favourable to the employer, either by

an amendment or as a result of the decision of a Board of Review or of a court, the fee paid in accordance with sub-section (1) shall be refunded to him.

“(11) An appeal does not lie from a decision of the Federal Court of Australia in a matter under this section unless the High Court gives special leave to appeal.”.

(2) Notwithstanding the amendment made by this section but subject to Part XIX—

- (a) an appeal to the High Court in accordance with section 40 of the Principal Act against a decision of a Board of Review given before the date of commencement of this Part may be instituted, heard and determined; and
- (b) an appeal to the High Court instituted before that date, or a reference of a question of law to the High Court made before that date, under section 40 of the Principal Act may be heard and determined,

as if that amendment had not been made, and the provisions of the Principal Act apply in relation to such an appeal or reference and to matters arising out of such an appeal or reference.

78. After section 40 of the Principal Act the following section is inserted:

Transfer of
proceedings

“40A. (1) A Supreme Court in which proceedings under this Part have been instituted may, if the Court thinks fit, upon the application of a party made at any stage in the proceedings, by order, transfer the proceedings to the other Supreme Court.

“(2) Where proceedings are transferred from a Court in pursuance of this section—

- (a) all documents filed of record in that Court shall be transmitted by the Registrar or other proper officer of that Court to the Registrar or other proper officer of the Court to which the proceedings are transferred; and
- (b) the Court to which the proceedings are transferred shall proceed as if the proceedings had been originally instituted in that Court and as if the same proceedings had been taken in that Court as had been taken in the Court from which the proceedings were transferred.”.

79. After section 41 of the Principal Act the following section is inserted in Part VI:

Practice and
procedure of
Supreme
Courts

“41A. (1) Until regulations have been made under this Act for or in relation to the practice and procedure of a Supreme Court in proceedings to which this section applies, and so far as regulations so made do not make adequate provision, the High Court Rules as in force under the

Judiciary Act 1903 immediately before the date of commencement of this section apply, so far as practicable, to and in relation to a proceeding to which this section applies in like manner as they applied immediately before that date to and in relation to the like proceeding in the High Court.

“(2) This section applies to a proceeding in a Supreme Court, being—

- (a) an appeal under this Part to that Supreme Court; or
- (b) a reference under this Part of a question of law arising before a Board of Review to that Supreme Court.”.

80. (1) Section 50 of the Principal Act is repealed and the following section is substituted:

“50. A taxation prosecution may be instituted in the name of the Commissioner by action, information or other appropriate proceeding in the Supreme Court of a State or Territory and, when the prosecution is for a pecuniary penalty not exceeding \$1,000 or the excess is abandoned, the taxation prosecution may be instituted in the name of the Commissioner or a Deputy Commissioner in a court of summary jurisdiction.”.

Manner of
institution of
prosecutions

(2) The amendment made by this section does not affect the hearing and determination of a taxation prosecution instituted in the High Court before the date of commencement of this Part.

81. Section 52 of the Principal Act is repealed and the following section is substituted:

“52. In a taxation prosecution where the penalty exceeds \$500 and the excess is not abandoned, the defendant, within seven days after service of process, may elect in the prescribed manner to have the case tried in the Supreme Court of the State or Territory in which the prosecution has been instituted and thereupon the prosecution shall stand removed to that Supreme Court and shall be conducted as if it had been originally instituted in that Supreme Court.”.

Defendant to
have right of
trial in
Supreme
Court

82. Section 53 of the Principal Act is amended by omitting “the High Court or”.

Prosecution
in
accordance
with practice
rules

83. Section 70 of the Principal Act is amended by omitting from subsection (1) “, prescribing penalties not exceeding a fine of \$40 for offences against the regulations.” and substituting—

Regulations

- “(a) for and in relation to the practice and procedure of a Supreme Court in proceedings to which section 41A applies; and
- (b) prescribing penalties not exceeding a fine of \$40 for offences against the regulations.”.

**PART XII—AMENDMENTS OF THE SALES TAX
ASSESSMENT ACT (No. 1) 1930**

Principal Act **84.** The *Sales Tax Assessment Act (No. 1) 1930* is in this Part referred to as the Principal Act.

85. Before section 40 of the Principal Act the following sections are inserted in Part VII:

Interpretation

“39A. In this Part, ‘Supreme Court’ means—

- (a) the Supreme Court of a State; or
- (b) the Supreme Court of the Australian Capital Territory or the Supreme Court of the Northern Territory of Australia, being a Court having jurisdiction in the proceedings concerned.

Jurisdiction of Supreme Courts of Territories

“39B. (1) Jurisdiction under this Part is conferred on the Supreme Court of the Australian Capital Territory or the Supreme Court of the Northern Territory of Australia only in a proceeding arising out of a decision of the Commissioner under section 41 in respect of a taxpayer who, at the time of the institution of the proceeding—

- (a) in the case of an individual—was ordinarily resident in the Australian Capital Territory or the Northern Territory, as the case may be; or
- (b) in the case of a company—had its principal place of business in the Australian Capital Territory or the Northern Territory, as the case may be.

“(2) In this section, ‘the Australian Capital Territory’ includes the Jervis Bay Territory.

Transfer of proceedings

“39C. (1) A Supreme Court in which proceedings under this Part have been instituted (whether it has jurisdiction in the proceedings or not) may, if the Court thinks fit, upon the application of a party made at any stage in the proceedings, by order, transfer the proceedings to another Supreme Court having jurisdiction under this Part.

“(2) Where proceedings are transferred from a Court in pursuance of this section—

- (a) all documents filed of record in that Court shall be transferred by the Registrar or other proper officer of that Court to the Registrar or other proper officer of the Court to which the proceedings are transferred; and
- (b) the Court to which the proceedings are transferred shall proceed as if the proceedings had been originally instituted in that Court and as if the same proceedings had been taken in that Court as had been taken in the Court from which the proceedings were transferred.”

86. (1) Section 42 of the Principal Act is amended by omitting sub-section (6) and substituting the following sub-sections:

References
to Board of
Review and
appeals and
references to
courts

“(6) The Commissioner or the taxpayer may, within 30 days after the date of the decision, appeal to a Supreme Court from any decision of the Board under this section which involves a question of law.

“(7) The Board shall, upon the request of the Commissioner or the taxpayer, refer a question of law arising before the Board to such Supreme Court as is agreed upon by the parties or, in the absence of agreement, to such Supreme Court as the Board considers appropriate.

“(8) An appeal or reference to a Supreme Court under this section shall be heard by a single Judge of the Court.

“(9) Except as provided in sub-section (10), an appeal does not lie from the decision of a Supreme Court constituted by a single Judge on an appeal or reference under this section.

“(10) The Commissioner or the taxpayer may appeal against the decision of a Supreme Court on an appeal or reference under this section—

- (a) by leave of the Federal Court of Australia, to that Court; or
- (b) by special leave of the High Court, to that Court.

“(11) An appeal does not lie from a decision of the Federal Court of Australia in a matter under this section unless the High Court gives special leave to appeal.”.

(2) Notwithstanding the amendment made by this section but subject to Part XIX—

- (a) an appeal to the High Court in accordance with the provisions of section 42 of the Principal Act against a decision of a Board of Review given before the date of commencement of this Part may be instituted, heard and determined; and
- (b) an appeal to the High Court instituted before that date, or a reference of a question of law to the High Court made before that date, under section 42 of the Principal Act may be heard and determined,

as if that amendment had not been made, and the provisions of the Principal Act apply in relation to such an appeal or reference and to matters arising out of such an appeal or reference.

87. Section 44 of the Principal Act is amended by omitting “the High Court” and substituting “a court”.

Adjustment
of tax
consequent
upon
objections

88. After section 44 of the Principal Act the following section is inserted in Part VII:

Practice and
procedure of
Supreme
Courts

“44A. (1) Until regulations have been made under this Act for or in relation to the practice and procedure of a Supreme Court in proceedings to which this section applies, and so far as regulations so made do not make adequate provision, the High Court Rules as in force under the *Judiciary Act 1903* immediately before the date of commencement of this section apply, so far as practicable, to and in relation to a proceeding to which this section applies in like manner as they applied immediately before that date to and in relation to the like proceeding in the High Court.

“(2) This section applies to a proceeding in a Supreme Court, being—

- (a) an appeal under this Part to that Supreme Court from a decision of a Board of Review; or
- (b) a reference under this Part of a question of law arising before a Board of Review to that Supreme Court.”

89. (1) Section 54 of the Principal Act is repealed and the following section is substituted:

Manner of
institution of
prosecutions

“54. Taxation prosecutions may be instituted in the name of the Commissioner by action, information or other appropriate proceeding in the Supreme Court of a State or Territory and, when the prosecution is for a pecuniary penalty not exceeding \$1,000 or the excess is abandoned, the taxation prosecution may be instituted in the name of the Commissioner or a Deputy Commissioner in a County Court, District Court, Local Court or court of summary jurisdiction.”

(2) The amendment made by this section does not affect the hearing and determination of a taxation prosecution instituted in the High Court before the date of commencement of this Part.

90. Section 56 of the Principal Act is repealed and the following section is substituted:

Defendant to
have right of
trial in
Supreme
Court

“56. In a taxation prosecution instituted in a court other than a Supreme Court where the penalty exceeds \$500 and the excess is not abandoned, the defendant, within 7 days after service of process, may elect in the prescribed manner to have the case tried in the Supreme Court of the State or Territory in which the prosecution has been instituted and thereupon the prosecution shall stand removed to that Supreme Court and shall be conducted as if it had been originally instituted in that Supreme Court.”

Prosecution
in
accordance
with practice
rules

91. Section 57 of the Principal Act is amended by omitting “the High Court or the Supreme Court of any State” and substituting “the Supreme Court of a State or Territory”.

92. Section 58 of the Principal Act is amended—

- (a) by omitting “before Justices”; and
- (b) by inserting “or Territory” after “State” (wherever occurring).

Practice in,
and appeals
from, courts
of summary
jurisdiction

93. Section 73 of the Principal Act is amended—

- (a) by omitting from paragraph (aa) “and” (last occurring); and
- (b) by inserting after paragraph (aa) the following paragraph:
 - “(ab) for and in relation to the practice and procedure of a Supreme Court in proceedings to which section 44A applies; and”.

Regulations

PART XIII—AMENDMENTS OF THE STATES RECEIPTS DUTIES (ADMINISTRATION) ACT 1970

94. The *States Receipts Duties (Administration) Act* 1970 is in this Principal Act Part referred to as the Principal Act.

95. (1) Section 58 of the Principal Act is repealed and the following sections are substituted:

“58. (1) The Commissioner or the person who requested the review by a Board of Review may, within 30 days after the date of the decision, appeal to the Supreme Court of a State from any decision of the Board under section 57 which involves a question of law.

Appeals and
references

“(2) The Board of Review shall, upon the application of the Commissioner or the person who requested a review by a Board, refer any question of law arising before the Board to such Supreme Court of a State as is agreed upon by the parties, or in the absence of agreement, to such Supreme Court of a State as the Board of Review considers appropriate.

“(3) An appeal or reference to a Supreme Court under this section shall be heard by a single Judge of the Court.

“(4) Except as provided in sub-section (5), an appeal does not lie from the decision of a Supreme Court constituted by a single Judge on an appeal or reference under this section.

“(5) The Commissioner or the person who requested a review by a Board of Review may appeal against the decision of a Supreme Court on an appeal or reference under this section—

- (a) by leave of the Federal Court of Australia, to that Court; or
- (b) by special leave of the High Court, to that Court.

“(6) An appeal does not lie from a decision of the Federal Court of Australia in a matter under this section unless the High Court gives special leave to appeal.

Transfer of
proceedings

“58A. (1) A Supreme Court in which proceedings under this Part have been instituted may, if the Court thinks fit, upon the application of a party made at any stage in the proceedings, by order, transfer the proceedings to another Supreme Court having jurisdiction under this Part.

“(2) Where proceedings are transferred from a Court in pursuance of this section—

- (a) all documents filed of record in that Court shall be transmitted by the Registrar or other proper officer of that Court to the Registrar or other proper officer of the Court to which the proceedings are transferred; and
- (b) the Court to which the proceedings are transferred shall proceed as if the proceedings had been originally instituted in that Court and as if the same proceedings had been taken in that Court as had been taken in the Court from which the proceedings were transferred.”

(2) Notwithstanding the amendment made by this section but subject to Part XIX—

- (a) an appeal to the High Court in accordance with section 58 of the Principal Act against a decision of a Board of Review given before the date of commencement of this Part may be instituted, heard and determined; and
- (b) an appeal to the High Court instituted before that date, or a reference of a question of law to the High Court made before that date, under section 58 of the Principal Act may be heard and determined,

as if that amendment had not been made, and the provisions of the Principal Act continue to apply in relation to such an appeal or reference and to matters arising out of such an appeal or reference.

96. After section 59 of the Principal Act the following section is inserted in Part VI:

Practice and
procedure of
Supreme
Courts

“59A. (1) Until regulations have been made under this Act for or in relation to the practice and procedure of a Supreme Court in proceedings to which this section applies, and so far as regulations so made do not make adequate provision, the High Court Rules as in force under the *Judiciary Act* 1903 immediately before the date of commencement of this section apply, so far as practicable, to and in relation to a proceeding to which this section applies in like manner as they applied immediately before that date to and in relation to the like proceeding in the High Court.

“(2) This section applies to a proceeding in a Supreme Court, being—

- (a) an appeal under this Part to that Supreme Court; or

- (b) a reference under this Part of a question of law arising before a Board of Review to that Supreme Court.”.

97. (1) Section 68 of the Principal Act is amended—

How
prosecution
instituted

- (a) by omitting from sub-section (1) “the High Court or in the Supreme Court of a State or Territory” and substituting “the Supreme Court of a State”; and

- (b) by adding at the end of sub-section (2) “ of a State”.

(2) The amendment made by this section does not affect the hearing and determination of a proceeding instituted in a court before the date of commencement of this Part.

98. Section 71 of the Principal Act is repealed and the following section is substituted:

“71. In a prosecution instituted in a court of summary jurisdiction, where the penalty exceeds \$500 and the excess is not abandoned, the defendant, within 7 days after service of process, may elect in the prescribed manner to have the case tried in the Supreme Court of the State in which the prosecution has been instituted, and thereupon the prosecution shall stand removed to that Supreme Court and shall be conducted as if it had been originally instituted in that Supreme Court.”.

Defendant to
have right of
trial in
Supreme
Court

99. Section 72 of the Principal Act is amended by omitting “the High Court or the Supreme Court of a State or Territory” and substituting “the Supreme Court of a State”.

Prosecution
in
accordance
with practice
rules

100. Section 73 of the Principal Act is amended by omitting “ or Territory” (wherever occurring).

Appeals

101. Section 85 of the Principal Act is amended by omitting from sub-section (1) “ or the Supreme Court of a State or Territory” and substituting “, the Federal Court of Australia or the Supreme Court of a State”.

Appearance
by Com-
missioner,
&c.

102. Section 89 of the Principal Act is amended by omitting from sub-section (1) “prescribing penalties not exceeding a fine of One hundred dollars for offences against the regulations.” and substituting:

Regulations

- “(a) for and in relation to the practice and procedure of a Supreme Court in respect of proceedings to which section 59A applies; and

- (b) prescribing penalties not exceeding a fine of \$100 for offences against the regulations.”.

PART XIV—AMENDMENTS OF THE STEVEDORING
INDUSTRY CHARGE ASSESSMENT ACT 1947

Principal Act **103.** The *Stevedoring Industry Charge Assessment Act* 1947 is in this Part referred to as the Principal Act.

104. (1) Section 42 of the Principal Act is repealed and the following section is substituted:

Institution of prosecutions “42. Prosecutions may be instituted in the name of the Commissioner by action, information or other appropriate proceeding in the Supreme Court of a State or Territory and, when the prosecution is for a pecuniary penalty not exceeding \$1,000 or the excess is abandoned, the prosecution may be instituted in the name of the Commissioner or a Deputy Commissioner in a County Court, District Court, Local Court or court of summary jurisdiction.”

(2) The amendment made by this section does not affect the hearing and determination of a prosecution instituted in the High Court before the date of commencement of this Part.

105. Section 45 of the Principal Act is repealed and the following section is substituted:

Defendant to have right of trial in Supreme Court “45. In a prosecution instituted in a court other than a Supreme Court, where the penalty exceeds \$500 and the excess is not abandoned, the defendant, within 7 days after service of process, may elect in the prescribed manner to have the case tried in the Supreme Court of the State or Territory in which the prosecution has been instituted, and thereupon the prosecution shall stand removed to that Supreme Court and shall be conducted as if it had been originally instituted in that Supreme Court.”

Prosecution in accordance with practice rules **106.** Section 46 of the Principal Act is amended by omitting “in the High Court or the Supreme Court of any State” and substituting “in a Supreme Court”.

Practice in, and appeals from, courts of summary jurisdiction **107.** Section 47 of the Principal Act is amended—
(a) by omitting “before Justices”; and
(b) by inserting “or Territory” after “State” (wherever occurring).

PART XV—AMENDMENTS OF THE TAXATION
ADMINISTRATION ACT 1953

Principal Act **108.** The *Taxation Administration Act* 1953 is in this Part referred to as the Principal Act.

109. Section 14A of the Principal Act is amended by inserting, after the definition of “Second Commissioner”, the following definition: Interpretation

“ ‘Supreme Court’ means—

- (a) the Supreme Court of a State; or
- (b) the Supreme Court of the Australian Capital Territory or the Supreme Court of the Northern Territory of Australia, being a Court having jurisdiction in the proceedings concerned;”.

110. (1) Section 14H of the Principal Act is amended—

- (a) by omitting sub-sections (5) and (6) and substituting the following sub-sections: References to Board of Review and appeals and references to courts

“(5) The Commissioner or the person who requested a review by a Board of Review may, within 30 days after the date of the decision, appeal to a Supreme Court from any decision of the Board under this section which involves a question of law.

“(6) The Board of Review shall, upon the request of the Commissioner or the person who requested a review by the Board, refer any question of law arising before the Board of Review to such Supreme Court as is agreed upon by the parties or, in the absence of agreement, to such Supreme Court as the Board of Review considers appropriate.

“(6A) An appeal or reference to a Supreme Court under this section shall be heard by a single Judge of the Court.

“(6B) Except as provided in sub-section (6C), an appeal does not lie from the decision of a Supreme Court constituted by a single Judge on an appeal or reference under this section.

“(6C) The Commissioner or the person who requested a review by the Board of Review may appeal against the decision of a Supreme Court on an appeal or reference under this section—

- (a) by leave of the Federal Court of Australia, to that Court; or
- (b) by special leave of the High Court, to that Court.

“(6D) An appeal does not lie from a decision of the Federal Court of Australia in a matter under this section unless the High Court gives special leave to appeal.”; and

- (b) by omitting from sub-section (7) “the High Court under sub-section (5)” and substituting “a Supreme Court under sub-section (5) or (6)”.

(2) Notwithstanding the amendment made by this section but subject to Part XIX—

- (a) an appeal to the High Court in accordance with section 14H of the Principal Act against a decision of a Board of Review given

before the date of commencement of this Part may be instituted, heard and determined; and

- (b) an appeal to the High Court instituted before that date, or a reference of a question of law to the High Court made before that date, under section 14H of the Principal Act may be heard and determined,

as if that amendment had not been made, and the provisions of the Principal Act apply in relation to such an appeal or reference and to matters arising out of such an appeal or reference.

111. After section 14H of the Principal Act the following sections are inserted:

Jurisdiction
of Supreme
Courts of
Territories

“14HA. (1) Jurisdiction under section 14H is conferred on the Supreme Court of the Australian Capital Territory or the Supreme Court of the Northern Territory of Australia only in a proceeding arising out of an application made under section 14B by a person who, at the time of the institution of the proceeding—

- (a) in the case of an individual—was ordinarily resident in the Australian Capital Territory or the Northern Territory, as the case may be; or
- (b) in the case of a company—had its principal place of business in the Australian Capital Territory or the Northern Territory, as the case may be.

“(2) In this section, ‘the Australian Capital Territory’ includes the Jervis Bay Territory.

Transfer of
proceedings

“14HB. (1) A Supreme Court in which proceedings under section 14H have been instituted (whether it has jurisdiction in the proceedings or not) may, if the Court thinks fit, upon the application of a party made at any stage in the proceedings, by order, transfer the proceedings to another Supreme Court having jurisdiction under that section.

“(2) Where proceedings are transferred from a Court in pursuance of this section—

- (a) all documents filed of record in that Court shall be transmitted by the Registrar or other proper officer of that Court to the Registrar or other proper officer of the Court to which the proceedings are transferred; and
- (b) the Court to which the proceedings are transferred shall proceed as if the proceedings had been originally instituted in that Court and as if the same proceedings had been taken in that Court as had been taken in the Court from which the proceedings were transferred.”

112. After section 14O of the Principal Act the following section is inserted in Part IV:

“14P. (1) Until regulations have been made under this Act for or in relation to the practice and procedure of a Supreme Court in proceedings to which this section applies, and so far as regulations so made do not make adequate provision, the High Court Rules as in force under the *Judiciary Act* 1903 immediately before the date of commencement of this section apply, so far as practicable, to and in relation to a proceeding to which this section applies in like manner as they applied immediately before that date to and in relation to the like proceeding in the High Court.

Practice and
procedure of
Supreme
Courts

“(2) This section applies to a proceeding in a Supreme Court, being—

- (a) an appeal under this Part to that Supreme Court; or
- (b) a reference under this Part of a question of law to that Supreme Court.”.

113. Section 18 of the Principal Act is amended by omitting “, prescribing penalties, by way of fines not exceeding \$250, for offences against the regulations.” and substituting:

Regulations

- “(a) for and in relation to the practice and procedure of a Supreme Court in proceedings to which section 14P applies; and
- (b) prescribing penalties, by way of fines not exceeding \$250, for offences against the regulations.”.

PART XVI—AMENDMENTS OF THE WOOL TAX (ADMINISTRATION) ACT 1964

114. The *Wool Tax (Administration) Act* 1964 is in this Part referred to as the Principal Act.

Principal Act

115. Section 4 of the Principal Act is amended by inserting in subsection (5) “(other than Part IX)” after “Act”.

Interpretation

116. Before section 56 of the Principal Act the following sections are inserted in Part IX:

“55A. In this Part, unless the contrary intention appears, ‘Supreme Court’ means—

Interpretation

- (a) the Supreme Court of a State; or
- (b) the Supreme Court of the Australian Capital Territory or the Supreme Court of the Northern Territory of Australia, being a Court having jurisdiction in the proceedings concerned.

“55B. (1) Jurisdiction under this Part is conferred on the Supreme Court of the Australian Capital Territory or the Supreme Court of the Northern Territory of Australia only in a proceeding arising out of an assessment in respect of a person who, at the time of the institution of the proceeding—

Jurisdiction
of Supreme
Courts of
Territories

- (a) in the case of an individual—was ordinarily resident in the Australian Capital Territory or the Northern Territory, as the case may be; or
- (b) in the case of a company—had its principal place of business in the Australian Capital Territory or the Northern Territory, as the case may be.

“(2) In this section, ‘the Australian Capital Territory’ includes the Jervis Bay Territory.

Transfer of
proceedings

“55C. (1) A Supreme Court in which proceedings under this Part have been instituted (whether it has jurisdiction in the proceedings or not) may, if the Court thinks fit, upon the application of a party made at any stage in the proceedings, by order, transfer the proceedings to another Supreme Court having jurisdiction under this Part.

“(2) Where proceedings are transferred from a Court in pursuance of this section—

- (a) all documents filed of record in that Court shall be transmitted by the Registrar or other proper officer of that Court to the Registrar or other proper officer of the Court to which the proceedings are transferred; and
- (b) the Court to which the proceedings are transferred shall proceed as if the proceedings had been originally instituted in that Court and as if the same proceedings had been taken in that Court as had been taken in the Court from which the proceedings were transferred.”.

117. (1) Section 59 of the Principal Act is repealed and the following section is substituted:

Appeals and
references

“59. (1) The Commissioner or the person who requested the review by a Board of Review may, within 30 days after the date of the decision, appeal to a Supreme Court from any decision of the Board under section 58 which involves a question of law.

“(2) The Board of Review shall, upon the request of the Commissioner or the person who requested a review by a Board, refer any question of law arising before the Board to such Supreme Court as is agreed upon by the parties or, in the absence of agreement, to such Supreme Court as the Board considers appropriate.

“(3) An appeal or reference to a Supreme Court under this section shall be heard by a single Judge of the Court.

“(4) Except as provided in sub-section (5), an appeal does not lie from the decision of a Supreme Court constituted by a single Judge on an appeal or reference under this section.

“(5) The Commissioner or the person who requested a review by a Board of Review may appeal against the decision of a Supreme Court on an appeal or reference under this section—

- (a) by leave of the Federal Court of Australia, to that Court; or
- (b) by special leave of the High Court, to that Court.

“(6) An appeal does not lie from a decision of the Federal Court of Australia in a matter under this section unless the High Court gives special leave to appeal.”.

(2) Notwithstanding the amendment made by this section but subject to Part XIX—

- (a) an appeal to the High Court in accordance with section 59 of the Principal Act against a decision of a Board of Review given before the date of commencement of this Part may be instituted, heard and determined; and
- (b) an appeal to the High Court instituted before that date, or a reference of a question of law to the High Court made before that date, under section 59 of the Principal Act may be heard and determined,

as if that amendment had not been made, and the provisions of the Principal Act apply in relation to such an appeal or reference and to matters arising out of such an appeal or reference.

118. After section 60 of the Principal Act the following section is inserted in Part IX:

“60A. (1) Until regulations have been made under this Act for or in relation to the practice and procedure of a Supreme Court in proceedings to which this section applies, and so far as regulations so made do not make adequate provision, the High Court Rules as in force under the *Judiciary Act* 1903 immediately before the date of commencement of this section apply, so far as practicable, to and in relation to a proceedings to which this section applies in like manner as they applied immediately before that date to and in relation to the like proceeding in the High Court.”

Practice and
procedure of
Supreme
Courts

“(2) This section applies to a proceeding in a Supreme Court, being—

- (a) an appeal under this Part to that Supreme Court; or
- (b) a reference under this Part of a question of law to that Supreme Court.”.

119. (1) Section 71 of the Principal Act is amended by omitting from sub-section (1) “the High Court or in”.

How
prosecution
instituted

(2) The amendment made by this section does not affect the hearing and determination of a proceeding instituted in the High Court before the date of commencement of this Part.

120. Section 74 of the Principal Act is repealed and the following section is substituted:

Defendant to
have right of
trial in
Supreme
Court

“74. In a prosecution instituted in a court of summary jurisdiction, where the penalty exceeds \$500 and the excess is not abandoned, the defendant, within 7 days after service of process, may elect in the prescribed manner to have the case tried in the Supreme Court of the State or Territory in which the prosecution has been instituted, and thereupon the prosecution shall stand removed to that Supreme Court and shall be conducted as if it had been originally instituted in that Supreme Court.”.

Prosecution
in
accordance
with practice
rules

121. Section 75 of the Principal Act is amended by omitting “the High Court or”.

Regulations

122. Section 93 of the Principal Act is amended by omitting from sub-section (1) “, prescribing penalties not exceeding a fine of One hundred dollars for offences against the regulations.” and substituting:

- “(a) for and in relation to the practice and procedure of a Supreme Court in respect of proceedings to which section 60A applies; and
- (b) prescribing penalties not exceeding a fine of \$100 for offences against the regulations.”.

PART XVII—AMENDMENTS OF OTHER ACTS

Schedule

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

PART XVIII—SAVINGS

Savings

124. (1) The amendments to an Act made by Part II, III, VIII or XVII do not affect the hearing and determination of a proceeding instituted in, or removed into, a court under that Act before the date on which those amendments take effect.

(2) If, before the date on which the amendments made by this Act to the *Courts-Martial Appeals Act* 1955 take effect, a request was made in accordance with section 51 of that Act, as in force before that date, a notice was given in accordance with sub-section 56 (1) of that Act, as so

in force, or an order of the Tribunal under that sub-section was in operation, the provisions of Part V of that Act, as so in force, apply on and after that date for all purposes of or arising out of that request, notice or order.

(3) The provisions of sub-section 30A (1A) of the *Crimes Act* 1914, as in force immediately before the date on which the amendments made by this Act to that Act take effect, apply on and after that date in relation to an order of a court made before that date.

(4) Where, before the date on which the amendments made by this Act to the *Service and Execution of Process Act* 1901 take effect, leave was granted in respect of a writ in accordance with paragraph 19C (1) (a) of that Act, the provisions of that Act, as in force before that date, apply on and after that date in relation to that writ.

PART XIX—REMITTAL TO SUPREME COURT OF CERTAIN PROCEEDINGS PENDING IN HIGH COURT

125. Where a provision of Part IV, V, VI, IX, XI, XII, XIII, XV or XVI provides, that subject to this Part, certain proceedings may be heard and determined by the High Court as if amendments made by that Part had not been made, the High Court may, at any time after the commencement of that Part and at any stage of such a proceeding, and either on the application of a party or of its own motion, remit the proceeding to the Supreme Court of a State or Territory (being a court that would have jurisdiction in the proceeding if it had been instituted after the commencement of the Part concerned).

Remittal of
certain
proceedings

126. Where a proceeding is remitted by the High Court to a Supreme Court under section 125 —

Procedure
upon
remittal of
proceeding

- (a) all documents filed of record, and moneys lodged, in the High Court in the proceeding shall be transmitted by the Registrar or other proper officer of the High Court to the Registrar or other proper officer of the Supreme Court;
- (b) the Registrar or other proper officer of the High Court shall, unless the proceeding is remitted upon an application made by a party to the proceeding, cause the parties to the proceeding to be notified that the proceeding has been so remitted;
- (c) the Supreme Court shall proceed as if the proceeding had been originally instituted in that Court and as if the same proceedings had been taken in that Court as had been taken in the High Court, and all subsequent proceedings shall be in accordance with the practice and procedure that would be applicable if it had been instituted in the Supreme Court; and

- (d) the proceeding shall be heard by a single Judge of the Supreme Court whose decision in the proceeding shall, subject to section 127, be final and conclusive.

Appeals

127. An appeal from a decision of a Supreme Court under section 126 may be brought to a court to which an appeal could have been brought, but subject to the same conditions with respect to leave or special leave as would have been applicable, if the proceedings had been instituted in that Supreme Court after the commencement of the relevant Part of this Act.

Requests for certain matters to be referred to Supreme Court instead of High Court

128. (1) Where a person has, before the commencement of Part IV, requested the Commissioner of Taxation, in accordance with the *Estate Duty Assessment Act* 1914, to treat an objection as an appeal and forward it to the High Court, that person may, at any time before the objection is forwarded to the High Court, by an amendment of the request, request the Commissioner to forward the objection to the Supreme Court of a State or Territory and thereupon the provisions of Part V of the *Estate Duty Assessment Act* 1914, as amended by this Act, apply as if the person had originally requested the Commissioner to forward the objection to that Supreme Court.

(2) Where a person has, before the commencement of Part VI, requested the Commissioner of Taxation, in accordance with the *Gift Duty Assessment Act* 1941, to treat an objection as an appeal and forward it to the High Court, that person may, at any time before the objection is forwarded to the High Court, by an amendment of the request, request the Commissioner to forward the objection to the Supreme Court of a State or Territory and thereupon the provisions of Part VI of the *Gift Duty Assessment Act* 1941, as amended by this Act, apply as if the person had originally requested the Commissioner to forward the objection to that Supreme Court.

SCHEDULE

Section 123

AMENDMENTS OF ACTS

Acts	Provisions	Amendments
<i>Air Navigation Act</i> 1920	Section 25	Repeal.
<i>Arbitration (Foreign Awards and Agreements) Act</i> 1974	Section 8	(a) Omit sub-section (3). (b) Omit from sub-section (4) "sub-sections (1), (2) and (3)", substitute "sub-sections (1) and (2)".
<i>Banking Act</i> 1959	Section 14 (6)	(a) Omit "a Full Court of the High Court constituted by not less than three Justices", substitute "a Full Court of the Federal Court of Australia". (b) Omit "High Court" (second occurring), substitute "Court".

SCHEDULE—continued

Acts	Provisions	Amendments
	Section 65	(a) Omit from sub-section (1) "a Full Court of the High Court constituted by not less than three Justices", substitute "a Full Court of the Federal Court of Australia". (b) Omit from sub-section (2) "by the High Court". (c) Omit from sub-section (2) "High Court" (second occurring), substitute "Federal Court of Australia". (d) Omit from sub-section (4) "High Court", substitute "Federal Court of Australia".
	Section 69 (11)	Omit "High Court" (wherever occurring), substitute "Federal Court of Australia".
<i>Civil Aviation (Damage by Aircraft) Act 1958</i>	Section 15 (2) (b)	Omit sub-paragraph (i).
<i>Commonwealth Electoral Act 1918</i>	Section 164BB (2)	Omit "any Federal court or".
<i>Commonwealth Inscribed Stock Act 1911</i>	Section 21 Section 43	Omit "the High Court or". Omit "the High Court, or".
<i>Courts-Martial Appeals Act 1955</i>	Section 50	(a) Omit paragraphs (a) and (b) of sub-section (2), substitute: "(a) in the case of a contempt of the Tribunal committed in a State or an internal Territory—to the Supreme Court of that State or Territory; or "(b) in the case of a contempt of the Tribunal committed elsewhere than in a State or an internal Territory—to the Supreme Court of any State or Territory." (b) Omit from sub-section (4) "Justice or". (c) Omit sub-section (5). (d) Omit sub-sections (8), (9) and (10), substitute: "(8) The several Supreme Courts of the States are invested with federal jurisdiction, and jurisdiction is conferred on the several Supreme Courts of the Territories, to hear and determine proceedings, instituted in accordance with sub-section (2), in respect of a contempt of the Tribunal." Heading to Part V Omit "HIGH COURT", substitute "FEDERAL COURT OF AUSTRALIA". Sections 51, 52, 53, 54, 55 and 56 Omit "High Court" (wherever occurring), substitute "Federal Court of Australia". Sections 52 (2) (a) and 53 Omit "Principal" (wherever occurring). Section 59 Repeal.
<i>Crimes Act 1914</i>	Section 30A (1A) Section 30AA	Omit "High Court or the Supreme Court of a State", substitute "Federal Court of Australia". (a) Omit from sub-section (1) "High Court or to the Supreme Court of a State", substitute "Federal Court of Australia". (b) omit sub-section (6). (c) omit from sub-section (8) "High Court", substitute "Federal Court of Australia".

SCHEDULE—continued

Acts	Provisions	Amendments
		(d) omit from sub-section (9) "Full Court of the High Court consisting of not less than three Justices", substitute "Full Court of the Federal Court of Australia".
	Section 30FD	Omit "the High Court or the Supreme Court of a State", substitute "a court".
<i>Customs Act 1901</i>	Section 198	Omit "High Court or the".
	Section 221	Omit "High Court or the Supreme Court of a State", substitute "Supreme Court of a State, the Supreme Court of the Australian Capital Territory or the Supreme Court of the Northern Territory of Australia".
	Section 227	Omit "High Court or the Supreme Court of any State", substitute "Supreme Court of a State, the Supreme Court of the Australian Capital Territory or the Supreme Court of the Northern Territory of Australia".
	Section 245	(a) Omit paragraphs (a) and (b), substitute: " (a) in the Supreme Court of a State; (b) in the Supreme Court of the Australian Capital Territory; or (c) in the Supreme Court of the Northern Territory of Australia." (b) Omit paragraph (c), substitute: " (d) any County Court, District Court, Local Court or court of summary jurisdiction of a State or of the Australian Capital Territory or the Northern Territory of Australia."
	Section 246	(a) Omit "in the option of the prosecutor either in the High Court or". (b) After "State" insert "or Territory".
	Section 247	Omit "the High Court or the Supreme Court of any State", substitute "a Supreme Court".
	Section 248	(a) Omit "before Justices". (b) Omit "such State", substitute "a State or Territory". (c) After "the State" (wherever occurring) insert "or Territory".
<i>Defence Act 1903</i>	Section 91 (b)	Omit "the High Court or a Supreme Court or a Judge thereof", substitute "the Supreme Court of a State or an internal Territory or of an external Territory to which this Act extends".
<i>Defence (Special Undertakings) Act 1952</i>	Section 30	Repeal.
<i>Excise Act 1901</i>	Section 109	Omit "High Court or the Supreme Court of a State", substitute "Supreme Court of a State or Territory".
	Section 115	Omit "High Court or the Supreme Court of any State", substitute "Supreme Court of a State or Territory".
	Section 134	Omit paragraphs (a) and (b), substitute "in the Supreme Court of a State or Territory".
	Section 135	(a) Omit "in the option of the prosecutor either in the High Court or". (b) After "State" insert "or Territory".
	Section 136	Omit "the High Court or the Supreme Court of any State", substitute "a Supreme Court".
	Section 137	(a) Omit "before Justices". (b) Omit "such State", substitute "a State or Territory".

SCHEDULE—continued

Acts	Provisions	Amendments
<i>Federal Court of Australia Act 1976</i>	Section 20 (1) Division 3 of Part III	(c) After “the State” (wherever occurring) insert “or Territory”. Omit the sub-section, substitute: “(1) Except as otherwise provided by this Act or any other Act, the original jurisdiction of the Court in either Division shall be exercised by a single Judge.”. Insert the following section: State Supreme Courts invested with jurisdiction in Chambers “32A. (1) In any matter pending in the General Division of the Federal Court of Australia, the Supreme Court of a State is invested with federal jurisdiction to hear and determine any application that may be made to a Judge of the first-mentioned court sitting in Chambers. “(2) The jurisdiction under this section may be exercised by a single Judge of the Supreme Court sitting in Chambers, and the order of the Judge shall have the effect of an order of a Judge of the Federal Court of Australia sitting in Chambers and any appeal against the order, or proceedings for enforcement of the order or for contempt of court in relation to the order, shall be brought and dealt with as if the order were an order of a Judge of the Federal Court of Australia. “(3) The power of the Judges of the Federal Court of Australia or a majority of them under section 59 to make Rules of Court shall be deemed to extend to Rules of Court relating to the practice and procedure to be followed in applications in accordance with this section.”.
	Section 37	Repeal the section, substitute: Writs, &c. “37. All writs, commissions and process issued from the Court shall be— (a) under the seal of the Court; and

SCHEDULE—continued

Acts	Provisions	Amendments
		(b) signed by the Registrar, a District Registrar or an officer acting with the authority of the Registrar or a District Registrar.”.
	Section 47 (3)	Omit the sub-section, substitute: “(3) The Court or a Judge may at any time, for sufficient reason and on such conditions (if any) as the Court or Judge thinks necessary in the interests of justice, direct or allow proof by affidavit at the trial of a cause to such extent as the Court or Judge thinks fit.”.
	Section 49	Omit “read” (wherever occurring), substitute “made public”.
<i>Financial Agreements (Commonwealth Liability) Act 1932</i>	Section 4 (2)	Omit “High Court”, substitute “Supreme Court of a State or Territory”.
<i>Foreign Takeovers Act 1975</i>	Section 3	After sub-section (4) insert: “(4A) For the purposes of the institution, after the commencement of this sub-section, of proceedings for an offence referred to in section 21 of the <i>Companies (Foreign Takeovers) Act 1972</i> , the reference in that section to the Commonwealth Industrial Court shall be read as a reference to the Federal Court of Australia.”.
<i>Historic Shipwrecks Act 1976</i>	Section 21	(a) Omit from sub-section (1) “the High Court or”. (b) Omit from sub-section (3) “High Court and the”.
<i>Insurance (Deposits) Act 1932</i>	Section 3 (1)	Omit the definition of “The Court”.
	Section 17	Repeal the section, substitute: Question to be decided by Treasurer “17. (1) Where any question arises under this Act as to the net liability or premium income of any person carrying on insurance business, as to the value of securities deposited under this Act or otherwise as to the amount of a deposit required by this Act, the question shall, for the purposes of this Act, be decided by the Treasurer, whose decision is, subject to sub-section (2), binding and conclusive. “(2) Applications may be made to the Administrative Appeals Tribunal for review of decisions of the Treasurer under sub-section (1).”.
	Section 18 (3)	Omit “Court” (first occurring), substitute “Federal Court of Australia”.
	Section 20	(a) Omit sub-section (3). (b) Omit from sub-section (4) “or as decided by the Court on appeal”.
	Sections 24 and 25	Repeal.

SCHEDULE—continued

Acts	Provisions	Amendments
<i>Judiciary Act 1903</i>	Section 21	After sub-section (2) insert— “(3) The reference in sub-section (2) to the Supreme Court of a State sitting as a Full Court shall be read as a reference to the Supreme Court of a State when constituted by 2 or more Judges, and includes the Supreme Court of a State when so constituted for the purpose of sitting as the Court of Appeal of the State.”
	Section 35	(a) After sub-section (6) insert— “(6A) An Act passed after the commencement of sub-section (6) shall not be construed as intended to exclude the operation of that sub-section unless that Act expressly excludes the operation of that sub-section.”
	Section 56 (2)	Omit “paragraph (c)”, substitute “paragraphs (b) and (c)”.
<i>Overseas Telecommunications Act 1946</i>	Section 66	(a) Omit from sub-section (6) “High Court”, substitute “Supreme Court of a State or Territory (being, where the claim arises from an acquisition of property, the Supreme Court of the State or Territory in which the property was situated at the time of the acquisition)”. (b) Omit from sub-section (8) “Justice”, substitute “Judge”.
	Section 69	(a) Omit from sub-section (1) “High Court”, substitute “Supreme Court of a State or Territory (being, where the claim arises from an acquisition of property, the Supreme Court of the State or Territory in which the property was situated at the time of the acquisition)”. (b) Omit from sub-section (2) “Principal Registrar or a Deputy Registrar”, substitute “Registrar or other proper officer”. (c) Omit from sub-section (3) “Principal Registrar or the Deputy Registrar”, substitute “Registrar or other proper officer”.
	Section 70	Omit “High Court”, substitute “Supreme Court”.
<i>Parliamentary Contributory Superannuation Act 1948</i>	Section 25	Repeal the section, substitute: Review of decisions “25. (1) In this section— ‘decision’ has the same meaning as in the <i>Administrative Appeals Tribunal Act 1975</i> , but does not include a decision in respect of which an appeal has been made to the High Court before the commencement of this section;

SCHEDULE—continued

Acts	Provisions	Amendments
		<p>'reviewable decision' means a decision of the Trust or a delegate of the Trust, given under this Act or under the regulations, and includes a decision of the Trust, or a delegate of the Trust, given under the <i>Parliamentary Contributory Superannuation Act 1948</i>, or under the regulations under that Act, before the commencement of this section.</p> <p>“(2) A person affected by a reviewable decision who is dissatisfied with the decision may, by notice in writing given to the Trust within the period of 30 days after the day on which the decision first comes to the notice of the person, or within such further period as the Trust allows, request the Trust to reconsider the decision.</p> <p>“(3) There shall be set out in the request the reasons for making the request.</p> <p>“(4) Upon receipt of the request, the Trust shall reconsider the decision and may confirm or revoke the decision or vary the decision in such manner as it thinks fit.</p> <p>“(5) Where the Trust confirms, revokes or varies a decision, the Trust shall, by notice in writing served either personally or by post on the person who made the request, inform the person of the result of the Trust's reconsideration of the decision and its reasons for confirming, revoking or varying the decision, as the case may be.</p> <p>“(6) Applications may be made to the Administrative Appeals Tribunal for review of reviewable decisions that have been confirmed or varied under sub-section (4) of this section and for review of decisions of the Trust made under section 25 of the <i>Parliamentary Contributory Superannuation Act 1948</i> as amended and in force before the commencement of this section.”.</p>
<i>Patents Amendment Act</i> 1976	Schedule	<p>(a) Omit from paragraph 1 “98 (6) (first occurring)”.</p> <p>(b) Omit from paragraph 2 “, 98 (6) (second occurring)”.</p>

SCHEDULE—continued

Acts	Provisions	Amendments
<i>Royal Commissions Act</i> 1902	Section 60 (2)	After "Judge" insert "of any other Federal Court, of the Supreme Court of a Territory or".
	Section 10 (1)	Omit "High Court", substitute "Federal Court of Australia".
	Section 10 (2)	Omit.
	Section 11	Omit.
<i>Seamen's Compensation Act</i> 1911	Section 13	(a) Omit from sub-section (1) "a Justice of the High Court or". (b) After "State" insert in sub-section (1) "or Territory". (c) Omit from sub-sections (1) and (3) "Justice or".
<i>Service and Execution of Process Act</i> 1901	Section 19C	(a) Omit from paragraph (a) of sub-section (1) "a Justice of the High Court", substitute "a Judge of the Federal Court of Australia". (b) Omit from paragraph (a) of sub-section (1) "the Justice", substitute "the Judge". (c) Omit from paragraph (b) of sub-section (2) "the Marshall of the High Court", substitute "the Sheriff of the Federal Court of Australia".
<i>Trade Marks Act</i> 1955	Section 48	Omit sub-sections (2) and (3), substitute: " (2) Where, in respect of an application, an appeal under any provision of this Act has been instituted or an application has been made to the Administrative Appeals Tribunal for a review of a decision, the Registrar shall not give notice of the non-acceptance of the first-mentioned application until the expiration of 3 months after the determination or other disposal of the appeal or review or until the expiration of such further time as the court to which the appeal, or any further appeal, is brought, or the Administrative Appeals Tribunal, or the court to which any appeal arising out of the decision of the Administrative Appeals Tribunal, is brought, as the case may be, allows. " (3) Where— (a) the time within which an appeal, or an application to the Administrative Appeals Tribunal, mentioned in sub-section (2) may be instituted or made has not expired; or (b) the applicant has died, the Registrar shall not give notice of the non-acceptance of the application for the registration of a trade mark until such time as he determines."
	Section 54	Omit sub-section (3), substitute: " (3) Where the registration of a trade mark is delayed by— (a) opposition to the registration of the trade mark; (b) an appeal to a prescribed court; or (c) an application to the Administrative Appeals Tribunal, that trade mark may be registered within such time as— (d) in a case to which paragraph (a) applies—the Registrar directs;

SCHEDULE--continued

Acts	Provisions	Amendments
		(e) in a case to which paragraph (b) applies—the prescribed court, or any court to which a further appeal is brought, directs, or, if the appeal or any such further appeal is discontinued, the Registrar directs; or
		(f) in a case to which paragraph (c) applies—the Tribunal, or a court to which an appeal arising out of the decision of the Tribunal is brought, directs, or, if the proceedings before the Tribunal are, or any such appeal is, discontinued, as the Registrar directs.”
	Section 111 (b) and (c)	Omit “46”, substitute “44”.
	Section 112	Add the following sub-section: “(4) The regulations may make provision for and in relation to the practice and procedure of prescribed courts in proceedings under this Act, including provision prescribing the time within which any proceeding may be instituted or any other act or thing may be done, and providing for the extension of any such time.”
	Section 114 (1)	At the end of the sub-section add “or a judgment or order of any other court in an action or proceeding referred to in section 67”.
	Section 116A	Repeal.
<i>Treasury Bills Act 1914</i>	Section 10 (1)	Omit “High Court”, substitute “Federal Court of Australia”.

NOTE

1. Act No. 19, 1979; assented to 28 March 1979.