



Jurisdiction of the Federal Magistrates Court Legislation Amendment Act 2006

No. 23, 2006

**An Act to amend the law relating to the jurisdiction
of the Federal Magistrates Court, and for related
purposes**

Note: An electronic version of this Act is available in ComLaw (<http://www.comlaw.gov.au/>)

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No. 23, 2006

An Act to amend the law relating to the jurisdiction of the Federal Magistrates Court, and for related purposes

[Assented to 6 April 2006]

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the *Jurisdiction of the Federal Magistrates Court Legislation Amendment Act 2006*.

2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day on which this Act receives the Royal Assent.	6 April 2006
2. Schedules 1 to 4	The 28th day after the day on which this Act receives the Royal Assent.	4 May 2006

Note: This table relates only to the provisions of this Act as originally passed by the Parliament and assented to. It will not be expanded to deal with provisions inserted in this Act after assent.

- (2) Column 3 of the table contains additional information that is not part of this Act. Information in this column may be added to or edited in any published version of this Act.

3 Schedule(s)

Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—Jurisdiction over trade practices

Trade Practices Act 1974

1 Subsection 86(1A)

Omit “Division 1 or 1A of Part V”, substitute “Part IVA, Part IVB, Division 1, 1AAA, 1A or 2A of Part V or Part VA”.

2 Application of amendment of subsection 86(1A)

The amendment of subsection 86(1A) of the *Trade Practices Act 1974* made by this Schedule applies in relation to matters arising before, on or after the commencement of this Schedule.

3 Section 86AA

After “under”, insert “Part VA or”.

Note: The heading to section 86AA is altered by omitting “**in proceedings under section 82**”.

4 Paragraph 86AA(a)

Omit “\$200,000”, substitute “\$750,000”.

5 Application of amendments of section 86AA

The amendments of section 86AA of the *Trade Practices Act 1974* made by this Schedule apply to:

- (a) proceedings instituted in the Federal Magistrates Court after the commencement of this Schedule; and
- (b) proceedings instituted in another court before, on or after the commencement of this Schedule and transferred to the Federal Magistrates Court after the commencement of this Schedule.

Schedule 2—Jurisdiction in proceedings transferred from Family Court or Federal Court

Family Law Act 1975

1 After subsection 33B(8)

Insert:

- (8A) The Federal Magistrates Court has jurisdiction in a matter that:
- (a) is the subject of a proceeding transferred to the court under this section; and
 - (b) is a matter in which the court does not have jurisdiction apart from this subsection.

To avoid doubt, the court's jurisdiction under this subsection is not subject to limits set by another provision.

2 After subsection 33C(3)

Insert:

- (3A) The Federal Magistrates Court has jurisdiction in a matter that:
- (a) is the subject of a proceeding transferred to the court under this section; and
 - (b) is a matter in which the court does not have jurisdiction apart from this subsection.

To avoid doubt, the court's jurisdiction under this subsection is not subject to limits set by another provision.

Federal Court of Australia Act 1976

3 After subsection 32AB(8)

Insert:

- (8A) The Federal Magistrates Court has jurisdiction in a matter that:
- (a) is the subject of a proceeding transferred to the court under this section; and

(b) is a matter in which the court does not have jurisdiction apart from this subsection.

To avoid doubt, the court's jurisdiction under this subsection is not subject to limits set by another provision.

4 Application of amendments

The amendments of the *Family Law Act 1975* and the *Federal Court of Australia Act 1976* made by this Schedule apply in relation to proceedings started before, on or after the commencement of this Schedule.

Schedule 3—Jurisdiction over certain admiralty actions

Admiralty Act 1988

1 Subsection 9(1)

After “Federal Court”, insert “, the Federal Magistrates Court”.

2 Application of amendment of section 9

The amendment of section 9 of the *Admiralty Act 1988* made by this Schedule applies in relation to matters arising before, on or after the commencement of this Schedule.

3 Subsection 27(1)

After “Federal Court,”, insert “in the Federal Magistrates Court,”.

4 Before paragraph 28(1)(a)

Insert:

(aa) the Federal Magistrates Court; or

5 Subsection 28(7)

After “if that court is”, insert “the Federal Magistrates Court or”.

6 Application of amendments of sections 27 and 28

The amendments of sections 27 and 28 of the *Admiralty Act 1988* made by this Schedule apply in relation to proceedings started before, on or after the commencement of this Schedule.

7 Subsection 41(4)

After “Federal Court”, insert “, the Federal Magistrates Court”.

8 Application of amendment of section 41

The amendment of section 41 of the *Admiralty Act 1988* made by this Schedule applies in relation to matters arising before, on or after the commencement of this Schedule.

Schedule 4—Jurisdiction over appeals against departure prohibition orders

Child Support (Registration and Collection) Act 1988

1 Subsection 72Q(1)

After “Federal Court of Australia”, insert “or the Federal Magistrates Court”.

2 Application of amendment of section 72Q

The amendment of section 72Q of the *Child Support (Registration and Collection) Act 1988* made by this Schedule applies in relation to departure prohibition orders made before, on or after the commencement of this Schedule.

3 At the end of subsection 107A(1)

Add:

However, an appeal does not lie to the Family Court from a decree of the Federal Magistrates Court exercising jurisdiction under section 72Q.

Note: An appeal from a decree of the Federal Magistrates Court exercising jurisdiction under section 72Q lies to the Federal Court of Australia.

Federal Court of Australia Act 1976

4 At the end of subsection 24(1)

Add:

; and (e) appeals from judgments of the Federal Magistrates Court exercising jurisdiction under section 72Q of the *Child Support (Registration and Collection) Act 1988*.

[*Minister’s second reading speech made in—
Senate on 7 December 2005
House of Representatives on 29 March 2006*]

(201/05)
