

2004-2005

The Parliament of the
Commonwealth of Australia

THE SENATE

Presented and read a first time

**Jurisdiction of the Federal Magistrates
Court Legislation Amendment Bill 2005**

No. , 2005

(Attorney-General)

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

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1 **A Bill for an Act to amend the law relating to the**
2 **jurisdiction of the Federal Magistrates Court, and**
3 **for related purposes**

4 The Parliament of Australia enacts:

5 **1 Short title**

6 This Act may be cited as the *Jurisdiction of the Federal*
7 *Magistrates Court Legislation Amendment Act 2005*.

8 **2 Commencement**

9 (1) Each provision of this Act specified in column 1 of the table
10 commences, or is taken to have commenced, in accordance with
11 column 2 of the table. Any other statement in column 2 has effect
12 according to its terms.
13

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.	
2. Schedules 1 to 4	The 28th day after the day on which this Act receives the Royal Assent.	

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

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

7 **3 Schedule(s)**

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9 repealed as set out in the applicable items in the Schedule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

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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.

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2 **Schedule 2—Jurisdiction in proceedings**
3 **transferred from Family Court or**
4 **Federal Court**
5

6 *Family Law Act 1975*

7 **1 After subsection 33B(8)**

8 Insert:

9 (8A) The Federal Magistrates Court has jurisdiction in a matter that:

10 (a) is the subject of a proceeding transferred to the court under
11 this section; and

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

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

16 **2 After subsection 33C(3)**

17 Insert:

18 (3A) The Federal Magistrates Court has jurisdiction in a matter that:

19 (a) is the subject of a proceeding transferred to the court under
20 this section; and

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

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

25 *Federal Court of Australia Act 1976*

26 **3 After subsection 32AB(8)**

27 Insert:

28 (8A) The Federal Magistrates Court has jurisdiction in a matter that:

29 (a) is the subject of a proceeding transferred to the court under
30 this section; and

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

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

5 **4 Application of amendments**

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

1
2 **Schedule 3—Jurisdiction over certain**
3 **admiralty actions**
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5 *Admiralty Act 1988*

6 **1 Subsection 9(1)**

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

8 **2 Application of amendment of section 9**

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

12 **3 Subsection 27(1)**

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

14 **4 Before paragraph 28(1)(a)**

15 Insert:

16 (aa) the Federal Magistrates Court; or

17 **5 Subsection 28(7)**

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

19 **6 Application of amendments of sections 27 and 28**

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

23 **7 Subsection 41(4)**

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

25 **8 Application of amendment of section 41**

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

1
2 **Schedule 4—Jurisdiction over appeals against**
3 **departure prohibition orders**
4

5 ***Child Support (Registration and Collection) Act 1988***

6 **1 Subsection 72Q(1)**

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

9 **2 Application of amendment of section 72Q**

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

14 **3 At the end of subsection 107A(1)**

15 Add:

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

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

21 ***Federal Court of Australia Act 1976***

22 **4 At the end of subsection 24(1)**

23 Add:

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