

Australian Capital Territory

# **Jurisdiction of Courts (Cross-vesting) Act 1993 No 60**

## **Republication No 1**

Republication date: 7 March 2002

Last amendment made by Act 2001 No 71

Amendments incorporated to 14 September 2001

Authorised by the ACT Parliamentary Counsel

## About this republication

### The republished law

This is a republication of the *Jurisdiction of Courts (Cross-vesting) Act 1993* as in force on 7 March 2002. It includes any amendment, repeal or expiry affecting the republished law to 14 September 2001 and any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes).

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

### Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

### Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication includes amendments made under part 11.3 (see endnote 1).

### Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

### Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

### Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.

Amendments incorporated to  
14 September 2001



Australian Capital Territory

# Jurisdiction of Courts (Cross-vesting) Act 1993

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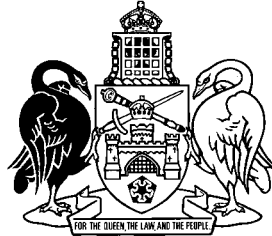
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Amendments incorporated to  
14 September 2001



Australian Capital Territory

# **Jurisdiction of Courts (Cross-vesting) Act 1993**

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An Act to make provision for the cross-vesting of certain jurisdiction

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## **Preamble**

- 1 Inconvenience and expense have occasionally been caused to litigants by jurisdictional limitations in federal, State and Territory courts.
- 2 It is desirable—
  - (a) to establish a system of cross-vesting of jurisdiction between those courts without detracting from the existing jurisdiction of any court; and
  - (b) to structure the system in such a way as to ensure as far as practicable that proceedings concerning matters that, apart from this Act and any law of the Commonwealth or another State or Territory relating to cross-vesting of jurisdiction, would be entirely or substantially within the jurisdiction (other than any accrued jurisdiction) of the Federal Court or the Family Court or the jurisdiction of a Supreme Court of a State or Territory are instituted and determined in that court, whilst providing for the determination by one court of federal, State and Territory matters in appropriate cases; and
  - (c) if a proceeding is instituted in a court that is not the appropriate court, to provide a system under which the proceeding will be transferred to the appropriate court.

The Legislative Assembly for the Australian Capital Territory therefore enacts as follows:

## **1 Name of Act**

This Act is the *Jurisdiction of Courts (Cross-vesting) Act 1993*.

## **2 Dictionary**

The dictionary at the end of this Act is part of this Act.

*Note 1* The dictionary at the end of this Act defines certain words and expressions used in this Act and includes references (*signpost definitions*) to other words and expressions defined elsewhere in this Act or in other legislation.

For example, the signpost definition '*special federal matter*—see the *Jurisdiction of Courts (Cross-vesting) Act 1987* (Cwlth), section 3 (1).' means that the expression 'special federal matter' is defined in that subsection and the definition applies to this Act.

*Note 2* A definition in the dictionary (including a signpost definition) applies to the entire Act unless the definition, or another provision of the Act, provides otherwise or the contrary intention otherwise appears (see *Legislation Act 2001*, s 155 and s 156 (1)).

## **3 Reference to Supreme Court of State**

A reference in this Act, other than a reference in section 4 (3), to the Supreme Court of a State includes, if there is a State Family Court of that State, a reference to that State Family Court.

## **4 Vesting of additional jurisdiction in certain courts**

- (1) The Federal Court has and may exercise original and appellate jurisdiction in respect of ACT matters.
- (2) The Family Court has and may exercise original and appellate jurisdiction in respect of ACT matters.
- (3) The Supreme Court of another State or of a Territory has and may exercise original and appellate jurisdiction in respect of ACT matters.
- (4) The State Family Court of another State has and may exercise original and appellate jurisdiction in respect of ACT matters.

- (5) Subsection (1), (2), (3) or (4) does not—
- (a) invest the Federal Court, the Family Court or a Supreme Court with; or
  - (b) confer on any such court; jurisdiction in respect of criminal matters.

## **5 Transfer of proceedings**

- (1) If—
- (a) a proceeding (in this subsection called the *relevant proceeding*) is pending in the Supreme Court; and
  - (b) it appears to the Supreme Court that—
    - (i) the relevant proceeding arises out of, or is related to, another proceeding pending in the Federal Court or the Family Court and it is more appropriate that the relevant proceeding be determined by the Federal Court or the Family Court; or
    - (ii) having regard to—
      - (A) whether, in the opinion of the Supreme Court, apart from this Act and any law of the Commonwealth or another State relating to cross-vesting of jurisdiction and apart from any accrued jurisdiction of the Federal Court or the Family Court, the relevant proceeding or a substantial part of the relevant proceeding would have been incapable of being instituted in the Supreme Court and capable of being instituted in the Federal Court or the Family Court; and
      - (B) the extent to which, in the opinion of the Supreme Court, the matters for determination in the relevant proceeding are matters arising under or involving questions as to the application, interpretation or validity of a law of the Commonwealth and not



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within the jurisdiction of the Supreme Court apart from this Act and any law of the Commonwealth or another State relating to cross-vesting of jurisdiction; and

(C) the interests of justice;

it is more appropriate that the relevant proceeding be determined by the Federal Court or the Family Court, as the case may be; or

(iii) it is otherwise in the interests of justice that the relevant proceeding be determined by the Federal Court or the Family Court;

the Supreme Court shall transfer the relevant proceeding to the Federal Court or the Family Court, as the case may be.

(2) If—

(a) a proceeding (in this subsection called the *relevant proceeding*) is pending in the Supreme Court (in this subsection called the *first court*); and

(b) it appears to the first court that—

(i) the relevant proceeding arises out of, or is related to, another proceeding pending in the Supreme Court of another State or of a Territory and it is more appropriate that the relevant proceeding be determined by that other Supreme Court; or

(ii) having regard to—

(A) whether, in the opinion of the first court, apart from this Act and a law of the Commonwealth or another State relating to cross-vesting of jurisdiction, the relevant proceeding or a substantial part of the relevant proceeding would have been incapable of being instituted in the first court and capable of being instituted in the Supreme Court of another State or Territory; and

(B) the extent to which, in the opinion of the first court, the matters for determination in the relevant proceeding are matters arising under or involving questions as to the application, interpretation or validity of a law of that other State or Territory and not within the jurisdiction of the first court apart from this Act and a law of the Commonwealth or another State relating to cross-vesting of jurisdiction; and

(C) the interests of justice;

it is more appropriate that the relevant proceeding be determined by that other Supreme Court; or

(iii) it is otherwise in the interests of justice that the relevant proceeding be determined by the Supreme Court of another State or Territory;

the first court shall transfer the relevant proceeding to that other Supreme Court.

(3) If—

(a) a proceeding (in this subsection called the *relevant proceeding*) is pending in the Supreme Court of another State or of a Territory (in this subsection called the *first court*); and

(b) it appears to the first court that—

(i) the relevant proceeding arises out of, or is related to, another proceeding pending in the Supreme Court of the Australian Capital Territory and it is more appropriate that the relevant proceeding be determined by the Supreme Court of the Australian Capital Territory; or

(ii) having regard to—

(A) whether, in the opinion of the first court, apart from this Act and a law of the Commonwealth or another State relating to cross-vesting of jurisdiction, the relevant proceeding or a substantial part of the

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relevant proceeding would have been incapable of being instituted in the first court and capable of being instituted in the Supreme Court of the Australian Capital Territory; and

(B) the extent to which, in the opinion of the first court, the matters for determination in the relevant proceeding are matters arising under or involving questions as to the application, interpretation or validity of a law of the Australian Capital Territory and not within the jurisdiction of the first court apart from this Act and a law of the Commonwealth or another State relating to cross-vesting of jurisdiction; and

(C) the interests of justice;

it is more appropriate that the relevant proceeding be determined by the Supreme Court of the Australian Capital Territory; or

(iii) it is otherwise in the interests of justice that the relevant proceeding be determined by the Supreme Court of the Australian Capital Territory;

the first court shall transfer the relevant proceeding to the Supreme Court of the Australian Capital Territory.

(4) If—

(a) a proceeding (in this subsection called the *relevant proceeding*) is pending in the Federal Court or the Family Court (in this subsection called the *first court*); and

(b) it appears to the first court that—

(i) the relevant proceeding arises out of, or is related to, another proceeding pending in the Supreme Court and it is more appropriate that the relevant proceeding be determined by the Supreme Court; or

(ii) having regard to—

(A) whether, in the opinion of the first court, apart from this Act and a law of the Commonwealth or another State relating to cross-vesting of jurisdiction, the relevant proceeding or a substantial part of the relevant proceeding would have been incapable of being instituted in the first court and capable of being instituted in the Supreme Court; and

(B) the extent to which, in the opinion of the first court, the matters for determination in the relevant proceeding are matters arising under or involving questions as to the application, interpretation or validity of a law of the Australian Capital Territory and not within the jurisdiction of the first court apart from this Act and a law of the Commonwealth or another State relating to cross-vesting of jurisdiction; and

(C) the interests of justice;

it is more appropriate that the relevant proceeding be determined by the Supreme Court; or

(iii) it is otherwise in the interests of justice that the relevant proceeding be determined by the Supreme Court;

the first court shall transfer the relevant proceeding to the Supreme Court.

(5) If—

(a) a proceeding (in this subsection called the *relevant proceeding*) is pending in the Federal Court or the Family Court (in this subsection called the *first court*); and

(b) it appears to the first court that—

(i) the relevant proceeding arises out of, or is related to, another proceeding pending in the other of the courts referred to in paragraph (a) and it is more appropriate that

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the relevant proceeding be determined by the other of the courts referred to in paragraph (a); or

- (ii) it is otherwise in the interests of justice that the relevant proceeding be determined by the other of the courts referred to in paragraph (a);

the first court shall transfer the relevant proceeding to that other court.

(6) If—

- (a) a court (in this subsection called the *first court*) transfers a proceeding to another court under a law or laws relating to cross-vesting of jurisdiction; and
- (b) it appears to the first court that—
  - (i) there is another proceeding pending in the first court that arises out of, or is related to, the firstmentioned proceeding; and
  - (ii) it is in the interests of justice that the other proceeding be determined by the other court;

the first court shall transfer the other proceeding to the other court.

- (7) A court may transfer a proceeding under this section on the application of a party to the proceeding, of its own initiative or on the application of the Attorney-General of the Commonwealth or of a State or Territory.
- (8) A person who is entitled to practise as a legal practitioner in a court has, if a proceeding (the *transferred proceeding*) in that court is transferred to another court under a law or laws relating to cross-vesting of jurisdiction, the same entitlement to practise in relation to—
  - (a) the transferred proceeding; and
  - (b) any other proceeding out of which the transferred proceeding arises or to which the transferred proceeding is related, being

another proceeding that is to be determined together with the transferred proceeding;

in the other court that the person would have if the other court were a federal court exercising federal jurisdiction.

## **6 Special federal matters—general rules**

- (1) If—
  - (a) a matter for determination in a proceeding that is pending in the Supreme Court is a special federal matter; and
  - (b) the court does not make an order under subsection (3) in respect of the matter;the court shall transfer the proceeding in accordance with this section to the Federal Court or a court mentioned in subsection (2) (b).
- (2) If the Supreme Court orders that a proceeding be transferred, the proceeding shall be transferred—
  - (a) if the matter for determination in the proceeding is a matter mentioned in the *Jurisdiction of Courts (Cross-vesting) Act 1987* (Cwlth), section 3 (1), definition of ***special federal matter***, paragraph (a), (b), (c), (d) or (e)—to the Federal Court; or
  - (b) if the matter for determination in the proceeding is a matter mentioned in that definition, paragraph (ab)—to whichever of the Family Court, the Family Court of Western Australia or the Supreme Court of the Northern Territory, in the opinion of the court, is appropriate in the circumstances.
- (3) The Supreme Court may order that the proceeding be determined by that court if it is satisfied that there are special reasons for doing so in the particular circumstances of the proceeding other than reasons relevant to the convenience of the parties.
- (4) Before making an order under subsection (3), the Supreme Court shall be satisfied that—

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- (a) a written notice specifying the nature of the special federal matter has been given to the Attorney-General of the Commonwealth and the Attorney-General of the Australian Capital Territory; and
  - (b) a reasonable time has elapsed since the giving of the notice for the Attorneys-General to consider whether submissions to the court should be made in relation to the proceeding.
- (5) For subsection (4), the Supreme Court—
- (a) may adjourn the proceeding for such time as the court thinks necessary and may make such order as to costs in relation to an adjournment as it thinks fit; and
  - (b) may direct a party to the proceeding to give a notice in accordance with that subsection.
- (6) In considering whether there are special reasons for the purposes of subsection (3), the Supreme Court shall—
- (a) have regard to the general rule that special federal matters should be heard by the Federal Court or a court mentioned in subsection (2) (b), whichever is appropriate in the particular case; and
  - (b) take into account any submission made in relation to the proceeding by an Attorney-General mentioned in subsection (4).
- (7) Nothing in this section prevents the Supreme Court granting urgent relief of an interlocutory nature if it is in the interests of justice to do so.
- (8) If, through inadvertence, the Supreme Court determines a proceeding of the kind referred to in subsection (1) without—
- (a) the court making an order under subsection (3) that the proceeding be determined by that court; or
  - (b) a notice mentioned in subsection (4) being given;
- nothing in this section invalidates the decision of that court.

**6A Special federal matters—Commonwealth authorities or officers acting under Territory laws**

(1) This section applies to a proceeding (the *federal matter proceeding*) if—

(a) a matter for determination in the proceeding is covered by the *Jurisdiction of Courts (Cross-vesting) Act 1987* (Cwlth), section 3 (1), definition of *special federal matter*, paragraph (c) or (e); and

*Note* Paragraph (c) of that definition is about matters arising under the *Administrative Decisions (Judicial Review) Act 1977* (Cwlth), and paragraph (e) of that definition is about matters that are within the original jurisdiction of the Federal Court under the *Judiciary Act 1903* (Cwlth), s 39B.

(b) the matter for determination in the proceeding involves or relates to the exercise, or purported or proposed exercise, of functions or powers given to a Commonwealth authority, or officer of the Commonwealth, by an enactment (the *ACT enactment*) mentioned in the *Administrative Decisions (Judicial Review) Act 1977* (Cwlth), section 3 (1), definition of *enactment*, paragraph (ca) or (cb); and

(c) the matter for determination in the proceeding arises out of, or relates to, another proceeding (the *ACT matter proceeding*) pending in any ACT court, if the ACT matter proceeding—

(i) arises, or a substantial part of it arises, under the ACT enactment or a corresponding enactment of another State; and

(ii) does not involve a matter for determination covered by the *Jurisdiction of Courts (Cross-vesting) Act 1987* (Cwlth), section 3 (1), definition of *special federal matter*, paragraph (c) or (e);

regardless of which proceeding was begun first.

(2) If—



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- (a) the federal matter proceeding is pending in the Federal Court or Family Court; and
- (b) having regard to the interests of justice, including the desirability of related proceedings being heard in the same jurisdiction, the Federal Court or Family Court considers it appropriate to transfer the proceeding to the Supreme Court;
- the Federal Court or Family Court may transfer the proceeding to the Supreme Court.
- (3) Section 5 (4) does not apply to a federal matter proceeding mentioned in subsection (2).
- (4) If—
- (a) the federal matter proceeding is pending in the Supreme Court; and
- (b) the ACT matter proceeding is pending in any ACT court;
- sections 5 (1) and 6 do not require the Supreme Court to transfer the federal matter proceeding to the Federal Court or Family Court.
- (5) However, the Supreme Court may transfer the federal matter proceeding mentioned in subsection (4) if it considers it appropriate, having regard to the interests of justice, including the desirability of related proceedings being heard in the same jurisdiction.
- (6) This section does not give a court jurisdiction that it would not otherwise have.
- (7) The fact that references in this section to the interests of justice include the desirability of related proceedings being heard in the same jurisdiction does not of itself mean that references to the interests of justice elsewhere in this Act do not include that matter.
- (8) In this section:
- Commonwealth authority*** means an authority or other body (whether incorporated or not) that is established under a Commonwealth Act.

*officer of the Commonwealth*—see the Commonwealth Constitution, section 75 (v).

## **7 Institution and hearing of appeals**

- (1) An appeal shall not be instituted from a decision of a single judge of the Federal Court or the Family Court to the Full Court of the Supreme Court.
- (2) An appeal shall not be instituted from the Federal Court or the Family Court to the other of those courts.
- (3) If it appears that the only matters for determination in a proceeding by way of an appeal from a decision of a single judge of the Supreme Court are matters other than matters arising under an Act specified in the *Jurisdiction of Courts (Cross-vesting) Act 1987* (Cwlth), schedule, that proceeding shall be instituted only in, and shall be determined only by, the Full Court of the Supreme Court.
- (4) Subject to subsections (6) and (7), if it appears that a matter for determination in a proceeding by way of an appeal from a decision of a single judge of the Supreme Court (not being a proceeding to which subsection (5) applies) is a matter arising under an Act specified in the schedule referred to in subsection (3), that proceeding shall be instituted only in, and shall be determined only by—
  - (a) the Full Court of the Federal Court or of the Family Court, as the case requires; or
  - (b) with special leave of the High Court—the High Court.
- (5) A proceeding by way of an appeal from a decision of a judge of a State Family Court, being a proceeding involving the determination of—
  - (a) a matter arising under an Act specified in the schedule referred to in subsection (3); and
  - (b) another matter;

may be dealt with as if no matter for determination in the proceeding were a matter arising under an Act specified in that schedule.

- (6) If—
- (a) the Full Court of the Supreme Court commences to hear a proceeding by way of an appeal; and
  - (b) before the court determines the proceeding, it appears to it that the proceeding is a proceeding to which subsection (4) applies;
- it shall, unless the interests of justice require that it proceed to determine the proceeding, transfer the proceeding to the Full Court of the Federal Court or of the Family Court, as the case requires.
- (7) If the Full Court of the Supreme Court—
- (a) determines a proceeding to which subsection (4) applies as mentioned in subsection (6); or
  - (b) through inadvertence, determines a proceeding to which subsection (4) applies;

nothing in this section invalidates the decision of that court.

## **8 Orders by Supreme Court**

- (1) If—
- (a) a proceeding (the *relevant proceeding*) is pending in—
    - (i) a court of the Australian Capital Territory, other than the Supreme Court; or
    - (ii) a tribunal established by or under an Act; and
  - (b) it appears to the Supreme Court that—
    - (i) the relevant proceeding arises out of, or is related to, another proceeding pending in the Federal Court, the Family Court, the Supreme Court of another State or of a Territory or a State Family Court and, if an order is made under this subsection in relation to the relevant

proceeding, there would be grounds on which the other proceeding could be transferred to the Supreme Court; or

- (ii) an order should be made under this subsection in relation to the relevant proceeding so that consideration can be given to whether the relevant proceeding should be transferred to another court;

the Supreme Court may, on the application of a party to the relevant proceeding or of its own initiative, make an order removing the relevant proceeding to the Supreme Court.

- (2) If an order is made under subsection (1) in relation to a proceeding, this Act applies in relation to the proceeding as if it were a proceeding pending in the Supreme Court.
- (3) If a proceeding is removed to the Supreme Court in accordance with an order made under subsection (1), the Supreme Court may, if it considers it appropriate to do so, remit the proceeding to the court or tribunal from which the proceeding was removed.

## **9 Exercise of jurisdiction under cross-vesting laws**

The Supreme Court may—

- (a) exercise jurisdiction (whether original or appellate) conferred on that court by this Act or a law of the Commonwealth or a State relating to cross-vesting of jurisdiction; and
- (b) hear and determine a proceeding transferred to that court under this Act or such a law.

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**10 Transfer of matters arising under the Trade Practices Act, pt 5, div 1 or div 1A**

If—

- (a) a proceeding is pending in the Federal Court, the Family Court, the Supreme Court or the Supreme Court of another State or of a Territory; and
- (b) a matter for determination in the proceeding is a matter arising under the *Trade Practices Act 1974* (Cwlth), part 5, division 1 or 1A; and
- (c) no matter for determination in the proceeding is a special federal matter; and
- (d) the proceeding is not a proceeding by way of an appeal from a judgment of a court; and
- (e) a court of the Australian Capital Territory, other than the Supreme Court, has jurisdiction in respect of all matters for determination in the proceeding;

the court referred to in paragraph (a) may, on the application of a party to the proceeding or of its own initiative, transfer the proceeding to the court referred to in paragraph (e).

**11 Conduct of proceedings**

- (1) If it appears to a court that the court will, or will be likely to, in determining a matter for determination in a proceeding, be exercising jurisdiction invested or conferred by this Act or by a law of the Commonwealth or another State relating to cross-vesting of jurisdiction—
  - (a) subject to paragraphs (b) and (c), the court shall, in determining that matter, apply the law in force in the State or Territory where the court is sitting (including choice of law rules); and
  - (b) subject to paragraph (c), if that matter is a right of action arising under a written law of another State or Territory, the

court shall, in determining that matter, apply the written and unwritten law of that other State or Territory; and

- (c) the rules of evidence and procedure to be applied in dealing with that matter shall be such as the court considers appropriate in the circumstances, being rules that are applied in a superior court in Australia or in an external Territory of Australia.
- (2) The reference in subsection (1) (a) to the State or Territory where the court is sitting is, in relation to the Federal Court or the Family Court, a reference to the State or Territory where any matter for determination in the proceeding was first commenced in or transferred to that court.
- (3) If a proceeding is transferred or removed to a court (the *transferee court*) from another court (the *transferor court*), the transferee court shall deal with the proceeding as if, subject to any order of the transferee court, the steps that had been taken for the purposes of the proceeding in the transferor court (including the making of an order), or similar steps, had been taken in the transferee court.

## **12 Orders as to costs**

If a proceeding is transferred or removed to a court, that court may make an order as to costs that relate to the conduct of the proceeding before the transfer or removal if those costs have not already been dealt with by another court.

## **13 Limitation on appeals**

An appeal does not lie from a decision of a court—

- (a) in relation to the transfer or removal of a proceeding under this Act; or
- (b) as to which rules of evidence and procedure are to be applied under section 11 (1) (c).

## 14 Enforcement and effect of judgments

- (1) A judgment of the Federal Court or the Family Court that is given, in whole or in part, in the exercise of jurisdiction conferred by a law or laws relating to cross-vesting of jurisdiction is enforceable in the Australian Capital Territory as if the judgment had been given entirely in the exercise of the jurisdiction of that court apart from any such law.
- (2) A judgment of the Supreme Court that is given, in whole or in part, in the exercise of jurisdiction conferred by a law or laws relating to cross-vesting of jurisdiction is enforceable in the Australian Capital Territory as if the judgment had been given entirely in the exercise of the jurisdiction of the Supreme Court apart from any such law.
- (3) If—
  - (a) a provision of a law of the Australian Capital Territory (not being a law relating to the enforcement of judgments) refers to a thing done by the Supreme Court; and
  - (b) that thing is done by another court in exercise of jurisdiction conferred by this Act;

the reference in that provision to the Supreme Court is a reference to that other court.

## 15 Suspension of Act and revocation of suspension

- (1) The Executive may, if a declaration has not been made under section 16, declare in writing that the operation of this Act is suspended on a stated day (the *suspension day*).
- (2) However, the Executive may make the declaration only if the Attorney-General has given notice of his or her intention to seek the making of such a declaration to the Commonwealth and each other State (other than a State in relation to which a declaration under section 17 is in force) not earlier than 6 months before the suspension day.

- (3) The declaration is a notifiable instrument.

*Note* A notifiable instrument must be notified under the *Legislation Act 2001*.

- (4) This Act ceases to be in force on the suspension day.
- (5) The Executive may, in writing, revoke a declaration under subsection (1).
- (6) The revocation is a notifiable instrument.
- (7) This Act again comes into force on the revocation of the declaration.

## **16 Cessation of Act**

- (1) If the Executive is satisfied that the Acts of the Commonwealth and the other States relating to cross-vesting of jurisdiction are not effective to invest the Supreme Court with, or confer on that court, jurisdiction of the Federal Court, the Family Court or a Supreme Court of another State or a Territory, the Executive may, in writing, declare that this Act ceases to be in force from a stated day (the *cessation day*).

- (2) The declaration is a notifiable instrument.

*Note* A notifiable instrument must be notified under the *Legislation Act 2001*.

- (3) This Act ceases to be in force on the cessation day.

## **17 Cessation of Act in relation to Commonwealth etc**

- (1) If the Executive is satisfied that an Act of the Commonwealth or another State relating to cross-vesting of jurisdiction has been repealed, rendered inoperative, suspended or altered in a substantial way, the Executive may, in writing, declare that this Act ceases to be in force in relation to the Commonwealth, State or Territory (the *relevant jurisdiction*) on a stated day (the *cessation day*).

- (2) The declaration is a notifiable instrument.

*Note* A notifiable instrument must be notified under the *Legislation Act 2001*.

- (3) This Act ceases to be in force in relation to the relevant jurisdiction on the cessation day.



- (4) If the Executive is subsequently satisfied that—
- (a) an Act of the relevant jurisdiction relating to cross-vesting of jurisdiction is in force; and
  - (b) the terms of that Act substantially correspond to this Act;
- the Executive may, in writing, declare that this Act applies in relation to the relevant jurisdiction on a stated day (the *reapplication day*).
- (5) The declaration is a notifiable instrument.
- (6) This Act again applies in relation to the relevant jurisdiction on and from the reapplication day.

## Dictionary

(see s 2)

***ACT matter*** means a matter—

- (a) in which the Supreme Court has jurisdiction otherwise than by reason of a law of the Commonwealth or of another State; or
- (b) removed to the Supreme Court under section 8.

***Family Court*** means the Family Court of Australia.

***Federal Court*** means the Federal Court of Australia.

***Full Court***, in relation to a Supreme Court of a State, includes a court of the State to which appeals lie from a single judge of that Supreme Court.

***judgment*** means a judgment, decree or order, whether final or interlocutory.

***party***, in relation to a proceeding, includes a person who intervenes in the proceeding.

***proceeding*** does not include a criminal proceeding.

***special federal matter***—see the *Jurisdiction of Courts (Cross-vesting) Act 1987* (Cwlth), section 3 (1).

***State*** means the Australian Capital Territory, the Northern Territory or a State of the Commonwealth.

***State Family Court***, in relation to a State, means a court of that State to which the *Family Law Act 1975* (Cwlth), section 41 applies under a proclamation made under that Act, section 41 (2).

***Territory*** does not include the Australian Capital Territory or the Northern Territory.

## Endnotes

### 1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnotes.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

If the republished law includes penalties, current information about penalty unit values appears on the republication inside front cover.

### 2 Abbreviation key

|   |  |
|---|--|
| am = amended  | ord = ordinance                                  |
| amdt = amendment                                    | orig = original                                  |
| ch = chapter  | p = page   |
| cl = clause   | par = paragraph                                  |
| def = definition                                    | pres = present                                   |
| dict = dictionary                                   | prev = previous                                  |
| disallowed = disallowed by the Legislative Assembly | (prev...) = previously                           |
| div = division                                      | prov = provision                                 |
| exp = expires/expired                               | pt = part  |
| Gaz = Gazette                                       | r = rule/subrule                                 |
| hdg = heading                                       | reg = regulation/subregulation                   |
| ins = inserted/added                                | renum = renumbered                               |
| LA = Legislation Act 2001                           | reloc = relocated                                |
| LR = legislation register                           | R[X] = Republication No                          |
| LRA = Legislation (Republication) Act 1996          | s = section/subsection                           |
| mod = modified / modification                       | sch = schedule                                   |
| num = numbered                                      | sdiv = subdivision                               |
| No = number   | sub = substituted                                |
| o = order   | SL = Subordinate Law                             |
| om = omitted/repealed                               | <u>underlining</u> = whole or part not commenced |

## Endnotes

3 Legislation history

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### 3 Legislation history

#### **Jurisdiction of Courts (Cross-vesting) Act 1993 No 60**

notified 6 September 1993 (Gaz 1993 No S172)

s 1, s 2 commenced 6 September 1993 (s 2 (1))

remainder commenced 17 April 1997 (s 2 (2) and Cwlth Act 1997 No 34)

as amended by

#### **Legal Practitioners (Consequential Amendments) Act 1997 No 96 sch 1**

notified 1 December 1997 (Gaz 1997 No S380)

s 1, s 2 commenced 1 December 1997 (s 2 (1))

sch 1 commenced 1 June 1998 (s 2 (2))

#### **Legislation (Consequential Amendments) Act 2001 No 44 pt 202**

notified 26 July 2001 (Gaz 2001 No 30)

s 1, s 2 commenced 26 July 2001 (IA s 10B)

pt 202 commenced 12 September 2001 (s 2 and Gaz 2001 No S65)

#### **Jurisdiction of Courts Legislation Amendment Act 2001 No 71 sch 1 pt 3**

notified LR 14 September 2001

commenced 14 September 2001 (s 2)

### 4 Amendment history

#### **Name of Act**

s 1 sub 2001 No 71 amdt 1.21

#### **Dictionary**

s 2 sub 2001 No 71 amdt 1.21

#### **Reference to Supreme Court of State**

s 3 def *special federal matter* om 2001 No 71 amdt 1.22

defs reloc to dict 2001 No 71 amdt 1.23

om 2001 No 71 amdt 1.24

ins 2001 No 71 amdt 1.25

#### **Transfer of proceedings**

s 5 am 1997 No 96 sch 1

#### **Special federal matters—general rules**

s 6 hdg sub 2001 No 71 amdt 1.26

**Special federal matters—Commonwealth authorities or officers acting under Territory laws**

s 6A ins 2001 No 71 amdt 1.27

**Suspension of Act and revocation of suspension**

s 15 sub 2001 No 44 amdt 1.2291

**Cessation of Act**

s 16 ins 2001 No 44 amdt 1.2291

**Cessation of Act in relation to Commonwealth etc**

s 17 ins 2001 No 44 amdt 1.2291

**Dictionary**

dict

ins 2001 No 71 amdt 1.28

def **ACT matter** reloc from s 3 2001 No 71 amdt 1.23

def **Family Court** reloc from s 3 2001 No 71 amdt 1.23

def **Federal Court** reloc from s 3 2001 No 71 amdt 1.23

def **Full Court** reloc from s 3 2001 No 71 amdt 1.23

def **judgment** reloc from s 3 2001 No 71 amdt 1.23

def **party** reloc from s 3 2001 No 71 amdt 1.23

def **proceeding** reloc from s 3 2001 No 71 amdt 1.23

def **special federal matter** ins 2001 No 71 amdt 1.28

def **State** reloc from s 3 2001 No 71 amdt 1.23

def **State Family Court** reloc from s 3 2001 No 71 amdt 1.23

def **Territory** reloc from s 3 2001 No 71 amdt 1.23

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