

1983

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

THE SENATE

FEDERAL COURT OF AUSTRALIA AMENDMENT BILL 1984

EXPLANATORY MEMORANDUM

(Circulated by authority of
Senator the Honourable Gareth Evans)

FEDERAL COURT OF AUSTRALIA AMENDMENT BILL 1984

OUTLINE

The purpose of this Bill is to amend the Federal Court of Australia Act 1976 to remove the right of appeal from the Full Court of that Court in respect of matters where the value of the subject matter involved is \$20,000 or more. The effect will be that appeals will lie from the Federal Court of Australia to the High Court only by special leave of the High Court.

NOTES ON CLAUSES

2. Clauses 1 and 2 provide for the short title and commencement. The Bill is to come into operation on the date of the commencement of section 3 of the Judiciary Amendment Act (No. 2) 1984. That section imposes a similar limitation on appeals from State Supreme Courts to the High Court.

Clause 3: Appeals to High Court

3. Sub-clause (1) amends section 33 of the Federal Court of Australia Act 1976 to omit those provisions which provide for an appeal as of right from the Full Court of the Federal Court in cases where the subject matter involved is of the value of \$20,000 or more. This limitation on appeal is subject to provisions which may be made in another Act.

4. Sub-clause (2) is a transitional provision providing that the amendments do not affect appeals instituted before the date on which the clause comes into effect or appeals where special leave was granted before that date.

