

South Australia



ANNO QUADRAGESIMO NONO
ELIZABETHAE II REGINAE
A.D. 2000

**STATUTES AMENDMENT (FEDERAL COURTS—STATE
JURISDICTION) ACT 2000**

No. 74 of 2000

[Assented to 14 December 2000]

An Act to amend the Agricultural and Veterinary Chemicals (South Australia) Act 1994, the Competition Policy Reform (South Australia) Act 1996, the Corporations (South Australia) Act 1990, the Gas Pipelines Access (South Australia) Act 1997, the Jurisdiction of Courts (Cross-vesting) Act 1987, the National Crime Authority (State Provisions) Act 1984 and the New Tax System Price Exploitation Code (South Australia) Act 1999.

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The Parliament of South Australia enacts as follows:

**PART 1
PRELIMINARY**

Short title

1. This Act may be cited as the *Statutes Amendment (Federal Courts—State Jurisdiction) Act 2000*.

Commencement

2. This Act will come into operation on a day to be fixed by proclamation.

Interpretation

3. A reference in this Act to the principal Act is a reference to the Act referred to in the heading to the Part in which the reference occurs.

**PART 2
AMENDMENT OF AGRICULTURAL AND VETERINARY CHEMICALS (SOUTH
AUSTRALIA) ACT 1994**

Amendment of s. 3—Definitions

4. Section 3 of the principal Act is amended—

(a) by inserting in paragraph (a)(i) of the definition of "Commonwealth administrative laws" in subsection (1) "(excluding Part IVA)" after "Commonwealth";

(b) by striking out subparagraph (ii) of paragraph (a) of the definition of "Commonwealth administrative laws" in subsection (1).

Amendment of s. 8—Ancillary offences (aiding, abetting, accessories, attempts, incitement or conspiracy)

5. Section 8 of the principal Act is amended by striking out from subsection (1)(b) "because of paragraph (a) of that subsection".

Amendment of s. 16—Application of Commonwealth administrative laws in relation to applicable provisions

6. Section 16 of the principal Act is amended by striking out from subsection (2) ", or section 13 of the *Administrative Decisions (Judicial Review) Act 1977*, of the Commonwealth as those sections apply as laws" and substituting "of the Commonwealth as that section applies as a law".

Insertion of s. 18A

7. The following section is inserted after section 18 of the principal Act:

Construction of references to Part IVA of Administrative Appeals Tribunal Act (Cwth.)

18A. For the purposes of section 16, a reference in a provision of the *Administrative Appeals Tribunal Act 1975* of the Commonwealth (as that provision applies as a law of this jurisdiction) to the whole or any part of Part IVA of that Act is taken to be a reference to the whole or any part of that Part as it has effect as a law of the Commonwealth.

Repeal of Part 6

8. Part 6 of the principal Act is repealed.

PART 3

AMENDMENT OF COMPETITION POLICY REFORM (SOUTH AUSTRALIA) ACT 1996

Repeal of Division 3 of Part 5

9. Division 3 of Part 5 of the principal Act is repealed.

Amendment of s. 29—Definition

10. Section 29 of the principal Act is amended—

- (a) by inserting in paragraph (a)(i) of the definition of "Commonwealth administrative laws" "(excluding Part IVA)" after "Commonwealth";
- (b) by striking out subparagraph (ii) of paragraph (a) of the definition of "Commonwealth administrative laws".

Insertion of s. 33A

11. The following section is inserted after section 33 of the principal Act:

Construction of references to Part IVA of Administrative Appeals Tribunal Act (Cwth.)

33A. For the purposes of sections 30 and 31, a reference in a provision of the *Administrative Appeals Tribunal Act 1975* of the Commonwealth (as that provision applies as a law of this jurisdiction) to the whole or any part of Part IVA of that Act is taken to be a reference to the whole or any part of that Part as it has effect as a law of the Commonwealth.

PART 4

AMENDMENT OF CORPORATIONS (SOUTH AUSTRALIA) ACT 1990

Amendment of s. 3—Definitions

12. Section 3 of the principal Act is amended—

- (a) by inserting in paragraph (a) of the definition of "Commonwealth administrative laws" in subsection (1) "(excluding Part IVA)" after "Commonwealth";
- (b) by striking out paragraph (b) of the definition of "Commonwealth administrative laws" in subsection (1);
- (c) by inserting after the definition of "Commonwealth administrative laws" in subsection (1) the following definition:

"Commonwealth authority" means an authority or body (whether incorporated or not) that is established or continued in existence by or under an Act of the Commonwealth;;

- (d) by striking out the definition of "Family Court" from subsection (1);
- (e) by inserting after the definition of "officer" in subsection (1) the following definition:

"officer of the Commonwealth" has the same meaning as in section 75(v) of the Constitution of the Commonwealth of Australia;.

Insertion of s. 36A

13. The following section is inserted after section 36 of the principal Act:

Construction of references to Part IVA of Administrative Appeals Tribunal Act (Cwth.)

36A. For the purposes of sections 35 and 36, a reference in a provision of the *Administrative Appeals Tribunal Act 1975* of the Commonwealth (as that provision applies as a law of this jurisdiction) to the whole or any part of Part IVA of that Act is taken to be a reference to the whole or any part of that Part as it has effect as a law of the Commonwealth.

Amendment of s. 40—Operation of Division

14. Section 40 of the principal Act is amended by inserting after paragraph (b) of subsection (1) the following paragraphs:

- (c) the jurisdiction of courts in respect of matters arising under the *Administrative Decisions (Judicial Review) Act 1977* of the Commonwealth involving or related to decisions made under the Corporations Law of a State or the Capital Territory by Commonwealth authorities and officers of the Commonwealth; and
- (d) the jurisdiction of courts in civil matters in respect of decisions made by officers of the Commonwealth to prosecute persons for offences against the Corporations Law of a State or the Capital Territory and related criminal justice process decisions,.

Amendment of s. 41—Interpretation

15. Section 41 of the principal Act is amended—

- (a) by striking out from subsection (1) the definition of "superior court" and substituting the following definition:

"superior court" means the Supreme Court of a State or Territory or a State Family Court;;

- (b) by striking out subparagraph (viii) of subsection (2)(a).

Amendment of s. 42—Jurisdiction of State and Territory Supreme Court

16. Section 42 of the principal Act is amended—

- (a) by striking out from subsection (1) ", as it applies as a law of South Australia";
- (b) by inserting after subsection (1) the following subsections:

(1a) Despite section 9 of the *Administrative Decisions (Judicial Review) Act 1977* of the Commonwealth, jurisdiction is conferred on the Supreme Court of South Australia and of each State and the Capital Territory with respect to matters arising under that Act involving or related to decisions made, or proposed to be made, under the Corporations Law of a State or the Capital Territory by a Commonwealth authority or an officer of the Commonwealth.

(1b) Subsection (1a) applies to a decision made, or proposed or required to be made—

(a) whether or not in the exercise of a discretion; and

(b) whether before or after the commencement of that subsection.;

(c) by inserting in subsection (2) "or (1a)" after "subsection (1)";

(d) by striking out subsection (3) and substituting the following subsection:

(3) This section has effect subject to section 42AA.

Amendment of s. 42A—Jurisdiction of State Family Courts

17. Section 42A of the principal Act is amended—

(a) by striking out subsection (1);

(b) by striking out from subsection (2) ", as it applies as a law of South Australia";

(c) by inserting after subsection (3) the following subsection:

(4) This section has effect subject to section 42AA.

Insertion of s. 42AA

18. The following section is inserted after section 42A of the principal Act:

Jurisdiction of Supreme Court in relation to certain decisions made by Commonwealth officers

42AA. (1) If a decision to prosecute a person for an offence against the Corporations Law of South Australia has been made by an officer or officers of the Commonwealth and the prosecution is proposed to be commenced in a court of South Australia, jurisdiction is conferred on the Supreme Court with respect to any matter in which a person seeks a writ of mandamus or prohibition or an injunction against the officer or officers in relation to that decision.

(2) At any time when—

(a) a prosecution for an offence against the Corporations Law of South Australia is before a court of South Australia; or

(b) an appeal arising out of such a prosecution is before a court of South Australia,

jurisdiction is conferred on the Supreme Court with respect to any matter in which the person who is or was the defendant in the prosecution seeks a writ of mandamus or prohibition or an injunction against an officer or officers of the Commonwealth in relation to a related criminal justice process decision.

(3) Subsections (1) and (2) have effect despite anything in this Act or in any other law.

(4) In this section—

"**appeal**" includes an application for a new trial and a proceeding to review or call in question the proceedings, decision or jurisdiction of a court or judge;

"**related criminal justice process decision**", in relation to an offence, means a decision (other than a decision to prosecute) made in the criminal justice process in relation to the offence, including—

- (a) a decision in connection with the investigation, committal for trial or prosecution of the defendant; and
- (b) a decision in connection with the appointment of investigators or inspectors for the purposes of such an investigation; and
- (c) a decision in connection with the issue of a warrant, including a search warrant or a seizure warrant; and
- (d) a decision requiring the production of documents, the giving of information or the summoning of persons as witnesses; and
- (e) a decision in connection with an appeal arising out of the prosecution.

Amendment of s. 42B— Jurisdiction of lower courts

19. Section 42B of the principal Act is amended by striking out from subsection (1) ", as it applies as a law of South Australia".

Amendment of s. 43—Appeals

20. Section 43 of the principal Act is amended—

- (a) by striking out from subsection (1) "or to the Federal Court or to the Family Court";
- (b) by striking out subsections (2) and (3);
- (c) by striking out from subsection (4) "to the Federal Court, to the Family Court,";
- (d) by striking out from subsection (5) "or to the Family Court";
- (e) by striking out from subsection (6) "to the Federal Court,".

Amendment of s. 44—Transfer of proceedings by the Federal Court and State and Territory Supreme Courts

21. Section 44 of the principal Act is amended—

- (a) by striking out subsection (1) and substituting the following subsection:

(1) This section applies to the following:

- (a) a proceeding with respect to a civil matter arising under the Corporations Law of South Australia that is in a court having jurisdiction under section 42(1) or (2);

- (b) a proceeding with respect to a matter referred to in section 42(1a) that is in a court having jurisdiction under that subsection or in the Federal Court.;
- (b) by striking out from subsection (2) "Where" and substituting "Subject to subsections (3), (4) and (5), if";
- (c) by inserting after subsection (2) the following subsections:

(3) If a proceeding with respect to a matter referred to in section 42(1a) is pending in the Supreme Court of a State or the Capital Territory (the "relevant jurisdiction"), the court must transfer the proceeding to the Federal Court unless the matter for determination in it arises out of, or relates to, another proceeding pending in any court of the relevant jurisdiction—

- (a) that arises, or a substantial part of which arises, under the Corporations Law of a State or the Capital Territory; and
- (b) that is not with respect to a matter referred to in section 42(1a),

regardless of which proceeding was commenced first.

(4) Even if the Supreme Court of a State or the Capital Territory is not required by subsection (3) to transfer a proceeding with respect to a matter referred to in section 42(1a) to the Federal Court, it may nevertheless do so if it considers that to be appropriate, having regard to the interests of justice, including the desirability of related proceedings being heard in the same jurisdiction.

(5) If a proceeding with respect to a matter referred to in section 42(1a) is pending in the Federal Court, the Federal Court may only transfer the proceeding, or an application in the proceeding, to the Supreme Court of a State or the Capital Territory (the **relevant jurisdiction**) if—

- (a) the matter arises out of, or relates to, another proceeding pending in any court of the relevant jurisdiction—
 - (i) that arises, or a substantial part of which arises, under the Corporations Law of a State or the Capital Territory; and
 - (ii) that is not a proceeding with respect to a matter referred to in section 42(1a),

regardless of which proceeding was commenced first; and

- (b) the Federal Court considers the transfer to be appropriate, having regard to the interests of justice, including the desirability of related proceedings being heard in the same jurisdiction.

(6) Nothing in this section confers on a court jurisdiction that the court would not otherwise have.

(7) The fact that some 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 other references to the interests of justice, in this section or elsewhere in this Act, do not include that matter.

Amendment of s. 44A—Transfer of proceedings by State Family Courts

22. Section 44A of the principal Act is amended—

- (a) by striking out from subsection (1) "a court" and substituting "a State Family Court";
- (b) by striking out from subsection (2)(a) "in the Federal Court, or";
- (c) by striking out from subsection (2)(b) "the Federal Court, or";
- (d) by striking out from subsection (2)(c) "the Federal Court, or";
- (e) by striking out from subsection (2) "to the Federal Court, or to that other court, as the case may be" and substituting "to that other court";
- (f) by striking out from subsection (3) "another court" twice occurring and substituting in each case "another State Family Court";
- (g) by inserting after subsection (4) the following subsection:

(5) Nothing in this section confers on a court jurisdiction that the court would not otherwise have.

Amendment of s. 44AA—Transfer of proceedings in lower courts

23. Section 44AA of the principal Act is amended by inserting after subsection (6) the following subsection:

(6a) Nothing in this section confers on a court jurisdiction that the court would not otherwise have.

Amendment of s. 45—Conduct of proceedings

24. Section 45 of the principal Act is amended—

- (a) by striking out paragraphs (a) and (b) of the definition of "relevant jurisdiction" in subsection (3);
- (b) by inserting after paragraph (d) of the definition of "relevant jurisdiction" in subsection (3) the following paragraph:
 - (e) jurisdiction conferred on a court of a State or the Capital Territory with respect to matters referred to in section 42(1a).

Amendment of s. 46—Courts to act in aid of each other

25. Section 46 of the principal Act is amended by inserting ", or in matters referred to in section 42(1a)," after "South Australia".

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Amendment of s. 50—Enforcement of judgements

26. Section 50 of the principal Act is amended—

(a) by striking out subsection (1) and substituting the following subsection:

(1) A judgement of a court of South Australia that is entirely or partly given in the exercise of jurisdiction conferred by this Division, or by a law of another State that corresponds to this Division, is enforceable in South Australia as if the judgement had been given by that court entirely in the exercise of the jurisdiction of that court apart from this Division or any such law.;

(b) by striking out from subsection (2) "the Federal Court, the Family Court," twice occurring.

Repeal of s. 52

27. Section 52 of the principal Act is repealed.

Amendment of s. 52A—Rules of the State Family Court

28. Section 52A of the principal Act is amended by striking out subsection (1).

Amendment of s. 54—Interpretation

29. Section 54 of the principal Act is amended by striking out from subsection (2)(a)(vii) ", and rules of court applied by the Federal Court because of a provision of this Act,".

Amendment of Sched.—Savings and Transitional Provisions

30. The Schedule of the principal Act is amended by inserting after clause 4 the following clause:

Application of s. 42AA

5. (1) In this clause—

"commencement" means the commencement of section 42AA;

"related criminal justice process decision", in relation to an offence, has the same meaning as in section 42AA.

(2) Section 42AA applies in relation to—

(a) a decision made on or after the commencement to prosecute a person for an offence, even if the conduct alleged to give rise to the offence occurred before that commencement; or

(b) a related criminal justice process decision made on or after the commencement in relation to an offence, even if either or both of the following apply:

(i) the conduct alleged to give rise to the offence occurred before the commencement;

(ii) the prosecution of the offence, or an appeal arising out of the prosecution, was commenced before the commencement.

(3) Section 42AA also applies in relation to—

- (a) a decision made before the commencement to prosecute a person for an offence, even if that decision is the subject of an application that is before a court at the commencement; or
- (b) a related criminal process decision made before the commencement in relation to an offence, even if either or both of the following apply:
 - (i) the decision is the subject of an application that is before a court at the commencement; or
 - (ii) the prosecution of the offence, or an appeal arising out of that prosecution, was commenced before the commencement.

PART 5

AMENDMENT OF GAS PIPELINES ACCESS (SOUTH AUSTRALIA) ACT 1997

Amendment of s. 9—Interpretation of some expressions in the Gas Pipelines Access (South Australia) Law and Gas Pipelines Access (South Australia) Regulations

31. Section 9 of the principal Act is amended by striking out "or the Federal Court" from the definition of "the Court".

Repeal of Divisions 2 and 3 of Part 4

32. Divisions 2 and 3 of Part 4 of the principal Act (comprising sections 18 to 21) are repealed.

Amendment of s. 23—Actions in relation to cross-boundary pipelines

33. Section 23 of the principal Act is amended—

- (a) by striking out from subsection (1)(c) "by the Federal Court, or by the Supreme Court," and substituting "by the Supreme Court,";
- (b) by striking out from subsection (1)(f) "by the Federal Court, or by the Supreme Court," and substituting "by the Supreme Court,";
- (c) by inserting after subsection (1) the following subsection:

(1a) Despite subsection (1), the Supreme Court does not have jurisdiction to make a declaration or order about the validity, or affecting the operation, of a decision of a relevant Minister, relevant Regulator or arbitrator in relation to a cross-boundary distribution pipeline unless this State has been determined to be the scheme participant most closely connected to the pipeline (*see Part 3 of Schedule 1*).

Amendment of Sched. 1—Third Party Access to Natural Gas Pipelines

34. Schedule 1 of the principal Act is amended—

- (a) by striking out the definition of "Federal Court" from clause 2;
- (b) by striking out from clause 32(4)(b) "as applying as a law of this scheme participant" and substituting "of the Commonwealth";

(c) by inserting after paragraph (b) of clause 32(4) the following paragraph:

- (c) to bring proceedings for judicial review of a decision under this Law of the local appeals body, local Minister, local Regulator or an arbitrator appointed under Part 4.

PART 6

AMENDMENT OF JURISDICTION OF COURTS (CROSS-VESTING) ACT 1987

Amendment of s. 4—Vesting of additional jurisdiction in certain courts

35. Section 4 of the principal Act is amended—

- (a) by striking out subsections (1) and (2);
- (b) by striking out paragraph (a) of subsection (5) and substituting the following paragraph:
- (a) invest a Supreme Court or a State Family Court with; or.

Amendment of s. 5—Transfer of proceedings

36. Section 5 of the principal Act is amended—

- (a) by striking out subparagraph (i) of subsection (1)(b);
- (b) by striking out from subsection (1)(b)(ii)(A) "this Act and";
- (c) by striking out from the end of subsection (1)(b)(ii) "or";
- (d) by striking out subparagraph (iii) of subsection (1)(b);
- (e) by striking out subparagraph (ii) of subsection (4)(b) and substituting the following subparagraph:
- (ii) it appears to the first court that having regard to—
- (A) whether, in the opinion of the first court, the relevant proceeding or a substantial part of it would have been incapable of being instituted in that court, apart from any law of the Commonwealth or another State relating to cross-vesting of jurisdiction; and
- (B) whether, in the opinion of the first court, the relevant proceeding or a substantial part of it would have been capable of being instituted in the Supreme Court, apart from any law of the Commonwealth or another State relating to cross-vesting of jurisdiction; and
- (C) 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 State and not within the jurisdiction of the first court apart from any law of the Commonwealth or another State relating to cross-vesting of jurisdiction; and

(D) the interests of justice,

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

(f) by striking out subsection (5);

(g) by inserting after subsection (8) the following subsection:

(9) Nothing in this section confers on a court jurisdiction that the court would not otherwise have.

Amendment of s. 6—Special federal matters

37. Section 6 of the principal Act is amended—

(a) by inserting after subsection (1) the following subsection:

(1a) However, the court must only transfer so much of the proceeding as is, in the opinion of the court, within the jurisdiction (including the accrued jurisdiction) of the Federal Court, or the court mentioned in subsection (2)(b), as the case may be.;

(b) by striking out from subsection (2) "be transferred, the proceeding" and substituting "or part of a proceeding be transferred, the proceeding or part of the proceeding".

Insertion of s. 6A

38. The following section is inserted after section 6 of the principal Act:

Special federal matters: Commonwealth authorities or officers acting under the laws of States

6A. (1) This section applies to a proceeding (the **federal matter proceeding**) if—

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

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

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

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

- (ii) none of the matters for determination in which are covered in paragraphs (c) or (e) of the definition of "special federal matter" in section 3(1) of the *Jurisdiction of Courts (Cross-vesting) Act 1987* of the Commonwealth,

regardless of which proceeding was commenced first.

(2) If—

- (a) the federal matter proceeding is pending in the Federal Court or the 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 the Family Court considers it appropriate to transfer the proceeding to the Supreme Court,

the Federal Court or the Family Court may transfer the proceeding to the Supreme Court.

(3) Section 5(4) does not apply to the federal matter proceeding.

(4) If the federal matter proceeding is pending in the Supreme Court and the State matter proceeding is pending in any court of this State—

- (a) neither section 5(1) nor section 6 applies to require the Supreme Court to transfer the federal matter proceeding to the Federal Court or the Family Court; but
- (b) the Supreme Court may do so if it considers that to be appropriate, having regard to the interests of justice, including the desirability of related proceedings being heard in the same jurisdiction.

(5) Nothing in this section confers on a court jurisdiction that the court would not otherwise have.

(6) 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.

(7) In this section—

"**Commonwealth authority**" means an authority or other body (whether incorporated or not) that is established or continued in existence by or under an Act of the Commonwealth;

"**officer of the Commonwealth**" has the same meaning as in section 75(v) of the Constitution of the Commonwealth of Australia.

Amendment of s. 10—Transfer of matters arising under Division 1 or 1A of Part V of the Trade Practices Act (Cwth.)

39. Section 10 of the principal Act is amended by striking out from paragraph (a) "the Federal Court, the Family Court,".

Amendment of s. 11—Conduct of proceedings

40. Section 11 of the principal Act is amended by striking out subsection (2).

Amendment of s. 14—Enforcement and effect of judgements

41. Section 14 of the principal Act is amended by striking out subsection (1).

PART 7**AMENDMENT OF NATIONAL CRIME AUTHORITY (STATE PROVISIONS) ACT 1984****Amendment of s. 12—Search warrant**

42. Section 12 of the principal Act is amended by striking out paragraph (a) of subsection (11).

Repeal of s. 15

43. Section 15 of the principal Act is repealed.

Amendment of s. 20—Warrant for arrest of witness

44. Section 20 of the principal Act is amended—

- (a) by striking out from subsection (1) "of the Federal Court or";
- (b) by striking out from subsection (1)(a) "section 15" and substituting "section 24 of the Commonwealth Act";
- (c) by striking out from subsection (3) "of the Federal Court or";
- (d) by striking out from subsection (4) "of the Federal Court or".

Amendment of s. 21—Applications to Federal Court of Australia

45. Section 21 of the principal Act is amended—

- (a) by striking out subsections (2), (3), (4) and (5);
- (b) by striking out from subsection (6)(b) "subsection (2)" and substituting "section 32(2) of the Commonwealth Act (as it has effect because of section 32B of that Act)";
- (c) by striking out subsections (7), (8), (9), (10) and (11);
- (d) by striking out from subsection (12)(a) "subsection (9)" and substituting "section 32(8A) of the Commonwealth Act (as it has effect because of section 32B of that Act)";
- (e) by striking out from subsection 12(b) "subsection (8)" and substituting "section 32(8) of the Commonwealth Act (as it has effect because of section 32B of that Act)";
- (f) by striking out subsections (13) and (14);
- (g) by striking out paragraph (b) of the definition of "relevant day" in subsection (15);
- (h) by striking out subsections (16) and (17).

Repeal of s. 22

46. Section 22 of the principal Act is repealed.

PART 8
**AMENDMENT OF NEW TAX SYSTEM PRICE EXPLOITATION CODE (SOUTH
AUSTRALIA) ACT 1999**

Repeal of Division 3 of Part 5

47. Division 3 (comprising sections 21 and 22) of Part 5 of the principal Act is repealed.

Amendment of s. 28—Definition

48. Section 28 of the principal Act is amended—

- (a) by inserting in paragraph (a)(i) of the definition of "Commonwealth administrative laws" "(excluding Part IVA)" after "Commonwealth";
- (b) by striking out subparagraph (ii) of paragraph (a) of the definition of "Commonwealth administrative laws".

Insertion of s. 32A

49. The following section is inserted after section 32 of the principal Act:

Construction of references to Part IVA of Administrative Appeals Tribunal Act (Cwth.)

32A. For the purposes of sections 29 and 30, a reference in a provision of the *Administrative Appeals Tribunal Act 1975* of the Commonwealth (as that provision applies as a law of this jurisdiction) to the whole or any part of Part IVA of that Act is taken to be a reference to the whole or any part of that Part as it has effect as a law of the Commonwealth.