

JURISDICTION OF COURTS (MISCELLANEOUS AMENDMENTS) ACT 1979 No.
19, 1979

JURISDICTION OF COURTS (MISCELLANEOUS AMENDMENTS) ACT 1979
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JURISDICTION OF COURTS (MISCELLANEOUS AMENDMENTS) ACT 1979

No. 19 of 1979

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JURISDICTION OF COURTS (MISCELLANEOUS AMENDMENTS) ACT 1979
No. 19 of 1979 - SECT. 1. Short title.

JURISDICTION OF COURTS (MISCELLANEOUS AMENDMENTS) ACT 1979
No. 19 of 1979

An Act to amend the provisions of certain Acts relating to the jurisdiction of courts and of the Administrative Appeals Tribunal.

BE IT ENACTED by the Queen, and the Senate and House of Representatives of the Commonwealth of Australia, as follows:

PART I-PRELIMINARY

Short title

1. This Act may be cited as the Jurisdiction of Courts (Miscellaneous Amendments) Act 1979.*1*

JURISDICTION OF COURTS (MISCELLANEOUS AMENDMENTS) ACT 1979
No. 19 of 1979 - SECT. 2. Commencement

2. (1) Parts I, XVIII and XIX shall come into operation on the day on which this Act receives the Royal Assent.*1*

(2) Parts II to XVI (inclusive) shall come into operation on such date as is, or such respective dates as are, fixed by Proclamation.

(3) Part XVII, so far as it amends an Act, shall come into operation on such date as is fixed by Proclamation as the date of commencement of the amendments made by that Part to that Act.

PART II-AMENDMENTS OF THE COPYRIGHT ACT 1968 AND
CONSEQUENTIAL AMENDMENT OF THE ADMINISTRATIVE APPEALS
TRIBUNAL ACT 1975

JURISDICTION OF COURTS (MISCELLANEOUS AMENDMENTS) ACT 1979
No. 19 of 1979 - SECT. 3. Principal Act

3. The Copyright Act 1968 is in this Part referred to as the Principal Act.

JURISDICTION OF COURTS (MISCELLANEOUS AMENDMENTS) ACT 1979
No. 19 of 1979 - SECT. 4.

4. After Division 4 of Part V of the Principal Act the following Division is inserted:

"Division 4A-Exercise of Jurisdiction and Appeals

Exercise of jurisdiction

"131A. The jurisdiction of the Supreme Court of a State or Territory in an action under this Part shall be exercised by a single Judge of the Court.

Appeals

"131B. (1) Subject to sub-section (2), a decision of a court (however constituted) under this Part is final and conclusive.

"(2) An appeal lies from a decision of a court under this Part-

(a) to the Federal Court of Australia; or

(b) by special leave of the High Court, to the High Court."

JURISDICTION OF COURTS (MISCELLANEOUS AMENDMENTS) ACT 1979
No. 19 of 1979 - SECT. 5. Restriction of importation of printed copies of works

5. Section 135 of the Principal Act is amended by adding at the end thereof the following sub-sections:

"(10) Where no appeal has been made to the Minister for Business and Consumer Affairs against a decision of the Comptroller-General made on or after 1 July 1976 not to grant permission under sub-section (6), an application may be made to the Administrative Appeals Tribunal for a review of the decision.

"(11) Where an application has been made to the Administrative Appeals Tribunal for a review of a decision referred to in sub-section (10), a person is not entitled to appeal to the Minister for Business and Consumer Affairs

under sub-section (6) against that decision."

JURISDICTION OF COURTS (MISCELLANEOUS AMENDMENTS) ACT 1979
No. 19 of 1979 - SECT. 6. Reference of questions of law to Federal Court of Australia

6. Section 161 of the Principal Act is amended by omitting from sub-sections (1), (2), (3), (4), (5), (6) and (7) "High Court" (wherever occurring) and substituting "Federal Court of Australia".

JURISDICTION OF COURTS (MISCELLANEOUS AMENDMENTS) ACT 1979
No. 19 of 1979 - SECT. 7. Regulations as to procedure

7. Section 166 of the Principal Act is amended by omitting from paragraphs (b) and (c) of sub-section (2) "High Court" and substituting "Federal Court of Australia".

JURISDICTION OF COURTS (MISCELLANEOUS AMENDMENTS) ACT 1979
No. 19 of 1979 - SECT. 8.
Use of copyright material for services of the Crown

8. Section 183 of the Principal Act is amended-

(a) by omitting from sub-section (5) "High Court" and substituting "Copyright Tribunal"; and

(b) by omitting sub-section (10).

JURISDICTION OF COURTS (MISCELLANEOUS AMENDMENTS) ACT 1979
No. 19 of 1979 - SECT. 9. Savings

9. Where, before the commencement of this Part, a question of law was referred to the High Court under section 161 of the Principal Act, the provisions of section 161 of the Principal Act as in force immediately before the commencement of this Part apply in relation to that reference and to

matters arising out of that reference.

JURISDICTION OF COURTS (MISCELLANEOUS AMENDMENTS) ACT 1979
No. 19 of 1979 –

SECT. 10. Amendment of Administrative Appeals Tribunal Act

10. The Schedule to the Administrative Appeals Tribunal Act 1975 is amended by omitting Part XI.

JURISDICTION OF COURTS (MISCELLANEOUS AMENDMENTS) ACT 1979
No. 19 of 1979 - SECT. 11.

Principal Act

PART III-AMENDMENTS OF THE DESIGNS ACT 1906

11. The Designs Act 1906 is in this Part referred to as the Principal Act.

JURISDICTION OF COURTS (MISCELLANEOUS AMENDMENTS) ACT 1979
No. 19 of 1979 - SECT. 12.

Interpretation

12. Section 4 of the Principal Act is amended by adding "or Territory" at the end of the definition of "The Supreme Court".

JURISDICTION OF COURTS (MISCELLANEOUS AMENDMENTS) ACT 1979
No. 19 of 1979 - SECT. 13.

13. Section 4A of the Principal Act is repealed and the following section is substituted:

Jurisdiction of Supreme Courts

"4A. The Supreme Court of a Territory does not have jurisdiction in a proceeding, being-

(a) an appeal under sub-section (3) of section 25;

(b) an application under section 28; or

(c) an application under sub-section (1) of section 39 (other than an application made under that sub-section in connection with and in the course of an action under Part V),
unless at the time of the institution of the proceeding, the person instituting the proceeding, being an individual, is resident in the Territory, or being a corporation, has its principal place of business in the Territory."

JURISDICTION OF COURTS (MISCELLANEOUS AMENDMENTS) ACT 1979
No. 19 of 1979 - SECT. 14.

Design to be used in manufacture in Australia

14. Section 28 of the Principal Act is amended by omitting "High Court" and substituting "Supreme Court".

JURISDICTION OF COURTS (MISCELLANEOUS AMENDMENTS) ACT 1979
No. 19 of 1979 - SECT. 15.

Rectification of register by Court

15. Section 39 of the Principal Act is amended by omitting sub-section (3).

JURISDICTION OF COURTS (MISCELLANEOUS AMENDMENTS) ACT 1979
No. 19 of 1979 - SECT. 16.

16. After Part VI of the Principal Act the following Part is inserted:

"PART VIA-EXERCISE OF JURISDICTION AND APPEALS

Exercise of jurisdiction

"40A. Proceedings (other than criminal proceedings) under this Act in a Supreme Court shall be heard by a single Judge of the Court.

Appeals

"40B. (1) Subject to sub-sections (2) and (3), a decision of a court (however constituted) under this Act is final and conclusive.

"(2) An appeal lies from a decision of a court under this Act-

(a) to the Federal Court of Australia; or

(b) with special leave of the High Court, to the High Court.

"(3) This section does not apply in relation to criminal proceedings under this Act (other than proceedings for offences against section 32).".

JURISDICTION OF COURTS (MISCELLANEOUS AMENDMENTS) ACT 1979
No. 19 of 1979 - SECT. 17. Principal Act

PART IV-AMENDMENTS OF THE ESTATE DUTY ASSESSMENT ACT
1914

17. The Estate Duty Assessment Act 1914 is in this Part referred to as the Principal Act.

JURISDICTION OF COURTS (MISCELLANEOUS AMENDMENTS) ACT 1979
No. 19 of 1979 - SECT. 18. Objections, reviews and appeals

18. Section 24 of the Principal Act is amended-

(a) by omitting from paragraph (b) of sub-section (4) "the High Court or to a Supreme Court" and substituting "a specified Supreme Court"; and

(b) by inserting after sub-section (4) the following sub-section:

"(4A) A request referred to in paragraph (a) of sub-section (4) shall be accompanied by a deposit of \$2.".

JURISDICTION OF COURTS (MISCELLANEOUS AMENDMENTS) ACT 1979
No. 19 of 1979 - SECT. 19.

References to Valuation Board and appeals and references to courts

19. Section 25 of the Principal Act is amended-

(a) by omitting sub-section (1) and substituting the following sub-section:

"(1) Where the objector has, in accordance with section 24 or sub-section (7) of section 26, requested the Commissioner to refer a decision to a Valuation Board, the Commissioner shall refer the decision to a Valuation Board not later than 60 days after receipt of the request.";

(b) by omitting from sub-section (6) "or to the High Court or a Supreme Court" and substituting "or to treat his objection, so far as it relates to those grounds, as an appeal and to forward it to a specified Supreme Court"; and

(c) by omitting sub-section (7) and substituting the following sub-sections:

"(7) The Commissioner or the objector may, within 30 days after the date of the decision, appeal to a Supreme Court from any decision of the Valuation Board under this section which involves a question of law.

"(8) The Valuation Board shall, upon the request of the Commissioner or the objector, refer any question of law arising before the Valuation Board to such Supreme Court as is agreed upon by the parties, or in the absence of agreement, to such Supreme Court as the Valuation Board considers appropriate.

"(9) An appeal or reference to a Supreme Court under this section shall be heard by a single Judge of the Court.

"(10) Except as provided in sub-section (11), an appeal does not lie from the decision of a Supreme Court constituted by a single Judge on an appeal or reference under this section.

"(11) The Commissioner or the objector may appeal against the decision of a Supreme Court on an appeal or reference under this section-

(a) by leave of the Federal Court of Australia, to that Court; or

(b) by special leave of the High Court, to that Court."

JURISDICTION OF COURTS (MISCELLANEOUS AMENDMENTS) ACT 1979

No. 19 of 1979 - SECT. 20.

References to Board of Review and appeals and references to courts

20. Section 26 of the Principal Act is amended-

(a) by omitting sub-section (1) and substituting the following sub-section:

"(1) Where the objector has, in accordance with section 24 or sub-section (6) of section 25, requested the Commissioner to refer a decision to a Board of Review, the Commissioner shall refer the decision to a Board of Review not later than 60 days after receipt of the request."; and

(b) by omitting sub-section (9) and substituting the following sub-sections:

"(9) The Commissioner or the objector may, within 30 days after the date of the decision, appeal to a Supreme Court from any decision of a Board of Review under this section which involves a question of law.

"(10) The Board of Review shall, upon the request of the Commissioner or the objector, refer any question of law arising before the Board of Review to such Supreme Court as is agreed upon by the parties or, in the absence of agreement, to such Supreme Court as the Board of Review considers appropriate.

"(11) An appeal or reference to a Supreme Court under this section shall be heard by a single Judge of the Court.

"(12) Except as provided in sub-section (13), an appeal does not lie from the decision of a Supreme Court constituted by a single Judge on an

appeal or reference under this section.

"(13) The Commissioner or the objector may appeal against the decision of a Supreme Court on an appeal or reference under this section-

- (a) by leave of the Federal Court of Australia, to that Court; or
- (b) by special leave of the High Court, to that Court."

JURISDICTION OF COURTS (MISCELLANEOUS AMENDMENTS) ACT 1979
No. 19 of 1979 - SECT. 21.

Appeals

21. Section 27 of the Principal Act is amended-

- (a) by omitting from sub-section (1) "the High Court or a Supreme Court" and substituting "a specified Supreme Court";
- (b) by omitting from sub-section (2) "Justice or"; and
- (c) by omitting sub-sections (6) and (7) and substituting the following sub-section:

"(6) An appeal does not lie from an order under this section except as provided in section 28."

JURISDICTION OF COURTS (MISCELLANEOUS AMENDMENTS) ACT 1979
No. 19 of 1979 - SECT. 22.

22. Sections 28 and 28A of the Principal Act are repealed and the following

sections are substituted:

Appeals from orders under section 27

"28. The Commissioner or the objector may appeal against an order of a Supreme Court under section 27 made in proceedings instituted on or after the date of commencement of this section-

(a) to the Federal Court of Australia; or

(b) by special leave of the High Court, to that Court.

Case stated to Federal Court of Australia

"28A. (1) The Supreme Court in which an appeal is instituted in accordance with section 27, may, if it thinks fit, state a case in writing for the opinion of the Federal Court of Australia upon a question of law arising on the appeal.

"(2) A Full Court of the Federal Court of Australia shall hear and, by order, determine the question, and remit the case with its opinion to the Supreme Court and may make such order as to the costs of the case stated as it thinks fit.

Appeals to High Court

"28AA. An appeal does not lie from a decision of the Federal Court of Australia in a matter under this Part unless the High Court gives special leave to appeal.

Transfer of proceedings

"28AB. (1) A Supreme Court in which proceedings under this Part have been instituted may, if the Court thinks fit, upon the application of a party made at any stage in the proceedings, by order, transfer the proceedings to another Supreme Court.

"(2) Where proceedings are transferred from a Court in pursuance of this section-

(a) all documents filed of record in that Court shall be transmitted by the Registrar or other proper officer of that Court to the Registrar or other proper officer of the Court to which the proceedings are transferred; and

(b) the Court to which proceedings are transferred shall proceed as if the proceedings had been originally instituted in that Court and as if the same proceedings had been taken in that Court as had been taken in the Court from which the proceedings were transferred."

JURISDICTION OF COURTS (MISCELLANEOUS AMENDMENTS) ACT 1979
No. 19 of 1979 - SECT. 23.

23. After section 28C of the Principal Act the following section is inserted in Part V:

Practice and procedure of Supreme Courts

"28D. (1) Until regulations have been made under this Act for or in relation to the practice and procedure of a Supreme Court in proceedings to which this section applies, and so far as regulations so made do not make adequate provision, the High Court Rules as in force under the Judiciary Act 1903 immediately before the date of commencement of this section apply, so far as practicable, to and in relation to proceedings to which this section applies in like manner as they applied immediately before that date to and in relation to the like proceeding in the High Court.

"(2) This section applies to a proceeding in a Supreme Court, being-

(a) a proceeding in respect of an objection to an assessment that has, under this Part, been forwarded to that Supreme Court;

(b) an appeal under this Part to that Supreme Court from a decision of a Valuation Board or of a Board of Review; or

(c) a reference under this Part of a question of law arising before a Valuation Board or a Board of Review to that Supreme Court."

JURISDICTION OF COURTS (MISCELLANEOUS AMENDMENTS) ACT 1979
No. 19 of 1979 - SECT. 24.

Duty-how payable

24. Section 38 of the Principal Act is amended by omitting from sub-section

(2) "the High Court or".

JURISDICTION OF COURTS (MISCELLANEOUS AMENDMENTS) ACT 1979
No. 19 of 1979 - SECT. 25.

Commissioner may apply for order to sell

25. Section 39 of the Principal Act is amended by omitting "the High Court or".

JURISDICTION OF COURTS (MISCELLANEOUS AMENDMENTS) ACT 1979

No. 19 of 1979 - SECT. 26.

Regulations

26. Section 50 of the Principal Act is amended by adding at the end thereof "and, in particular, regulations for and in relation to the practice and procedure of a Supreme Court in respect of proceedings to which section 28D applies".

JURISDICTION OF COURTS (MISCELLANEOUS AMENDMENTS) ACT 1979

No. 19 of 1979 - SECT. 27. Saving

27. (1) Notwithstanding the amendments made by this Part but subject to Part XIX, an appeal to the High Court-

(a) in accordance with paragraph 24 (4) (b) or sub-section 25 (6) of the Principal Act in respect of an objection in respect of which notice of the Commissioner's decision was served on the objector before the date of commencement of this Part;

(b) in accordance with sub-section 25 (7) of the Principal Act against a decision of a Valuation Board given before that date or in accordance with sub-section 26 (9) of the Principal Act against a decision of a Board of Review given before that date; or

(c) in accordance with section 28A of the Principal Act from an order made in proceedings instituted before that date, may be instituted, heard and determined as if those amendments had not been made, and the provisions of the Principal Act apply in relation to such an appeal and matters arising out of such an appeal.

(2) Notwithstanding the amendments made by this Part but subject to Part XIX, a case may be stated to the Full Court of the High Court under the

Principal Act upon a question of law arising in proceedings commenced in the High Court or a Supreme Court before the date of commencement of this Part, and may be heard and determined, as if those amendments had not been made, and the provisions of the Principal Act apply in relation to such a case stated and matters arising out of such a case stated.

(3) Notwithstanding the amendments made by this Part but subject to Part XIX, an appeal to the High Court instituted under the Principal Act before the date of commencement of this Part, a reference of a question of law to the High Court made under the Principal Act before that date or a case stated to the High Court under the Principal Act before that date may be heard and determined as if those amendments had not been made, and the provisions of the Principal Act apply in relation to such an appeal, reference or case stated and matters arising out of such an appeal, reference or case stated.

JURISDICTION OF COURTS (MISCELLANEOUS AMENDMENTS) ACT 1979
No. 19 of 1979 - SECT. 28.

Principal Act

PART V-AMENDMENTS OF THE EXPORT INCENTIVE GRANTS ACT
1971

28. The Export Incentive Grants Act 1971 is in this Part referred to as the Principal Act.

JURISDICTION OF COURTS (MISCELLANEOUS AMENDMENTS) ACT 1979
No. 19 of 1979 - SECT. 29.

Interpretation

29. Before section 29 of the Principal Act the following sections are inserted in Part IV:

"28A. In this Part, unless the contrary intention appears, 'Supreme Court' means-

(a) the Supreme Court of a State; or

(b) the Supreme Court of the Australian Capital Territory or the Supreme Court of the Northern Territory of Australia, being a Court having

jurisdiction in the proceedings concerned.

Jurisdiction of Supreme Courts of Territories

"28B. (1) Jurisdiction under this Part is conferred on the Supreme Court of the Australian Capital Territory or the Supreme Court of the Northern Territory of Australia only in a proceeding arising out of a determination made in relation to a person who, at the time of the institution of the proceeding-

(a) in the case of an individual-was ordinarily resident in the Australian Capital Territory or the Northern Territory, as the case may be; or

(b) in the case of a company-had its principal place of business in the Australian Capital Territory or the Northern Territory, as the case may be.

"(2) In this section, 'the Australian Capital Territory' includes the Jervis Bay Territory.

Transfer of proceedings

"28C. (1) A Supreme Court in which proceedings under this Part have been instituted (whether it has jurisdiction in the proceedings or not) may, if the Court thinks fit, upon the application of a party made at any stage in the proceedings, by order, transfer the proceedings to another Supreme Court having jurisdiction under this Part.

"(2) Where proceedings are transferred from a Court in pursuance of this section-

(a) all documents filed of record in that Court shall be transmitted by the Registrar or other proper officer of that Court to the Registrar or other proper officer of the Court to which the proceedings are transferred; and

(b) the Court to which the proceedings are transferred shall proceed as if the proceedings had been originally instituted in that Court and as if the same proceedings had been taken in that Court as had been taken in the Court from which the proceedings were transferred."

JURISDICTION OF COURTS (MISCELLANEOUS AMENDMENTS) ACT 1979
No. 19 of 1979 - SECT. 30.

References to Board of Review and appeals and references to courts

30. (1) Section 30 of the Principal Act is amended by omitting sub-sections (5) and (6) and substituting the following sub-sections:

"(5) The Commissioner or the person who requested a review by a Board of Review may, within 30 days after the date of the decision, appeal to a Supreme Court from any decision of the Board under this section which involves a question of law.

"(6) The Board of Review shall, upon the request of the Commissioner or the person who requested a review by the Board, refer any question of law arising before the Board of Review to such Supreme Court as is agreed upon by the parties or, in the absence of agreement, to such Supreme Court as the Board of Review considers appropriate.

"(7) An appeal or reference to a Supreme Court under this section shall be heard by a single Judge of the Court.

"(8) Except as provided in sub-section (9), an appeal does not lie from the decision of a Supreme Court constituted by a single Judge on an appeal or reference under this section.

"(9) The Commissioner or the person who requested a review by the Board of Review may appeal against the decision of a Supreme Court on an appeal or reference under this section-

(a) by leave of the Federal Court of Australia, to that Court; or

(b) by special leave of the High Court, to that Court.

"(10) If the determination is varied in a manner favourable to the person who requested the review, either by an amendment or as a result of the decision of the Board of Review or of a court, the fee paid in accordance with

sub-section (1) shall be refunded to him.

"(11) An appeal does not lie from a decision of the Federal Court of Australia in an appeal under this section unless the High Court gives special leave to appeal."

(2) Notwithstanding the amendment made by this section but subject to Part XIX-

(a) an appeal to the High Court in accordance with section 30 of the Principal Act against a decision of a Board of Review given before the date of commencement of this Part may be instituted, heard and determined; and

(b) an appeal to the High Court instituted before that date, or a reference of a question of law to the High Court made before that date, under section 30 of the Principal Act may be heard and determined, as if that amendment had not been made, and the provisions of the Principal Act continue to apply in relation to such an appeal or reference and to matters arising out of such an appeal or reference.

JURISDICTION OF COURTS (MISCELLANEOUS AMENDMENTS) ACT 1979
No. 19 of 1979 - SECT. 31.

31. After section 31 of the Principal Act the following section is inserted in Part IV:

Practice and procedure of Supreme Court

"31A. (1) Until regulations have been made under this Act for or in relation to the practice and procedure of a Supreme Court in proceedings to which this section applies, and so far as regulations so made do not make adequate provision, the High Court Rules as in force under the Judiciary Act 1903 immediately before the date of commencement of this section apply, so far as practicable, to and in relation to a proceeding to which this section applies in like manner as they applied immediately before that date to and in relation to the like proceeding in the High Court.

"(2) This section applies to a proceeding in a Supreme Court, being-

(a) an appeal under this Part to that Supreme Court; or

(b) a reference under this Part of a question of law arising before a Board of Review to that Supreme Court."

JURISDICTION OF COURTS (MISCELLANEOUS AMENDMENTS) ACT 1979
No. 19 of 1979 - SECT. 32.

Regulations

32. Section 36 of the Principal Act is amended-

(a) by omitting from paragraph (a) "and"; and

(b) by inserting after paragraph (a) the following paragraph:

"(aa) the practice and procedure of a Supreme Court in proceedings under this Act; and".

JURISDICTION OF COURTS (MISCELLANEOUS AMENDMENTS) ACT 1979
No. 19 of 1979 - SECT. 33.

Principal Act

PART VI-AMENDMENTS OF THE GIFT DUTY ASSESSMENT ACT 1941

33. The Gift Duty Assessment Act 1941 is in this Part referred to as the Principal Act.

JURISDICTION OF COURTS (MISCELLANEOUS AMENDMENTS) ACT 1979
No. 19 of 1979 - SECT. 34.

Interpretation

34. Section 4 of the Principal Act is amended by inserting after the definition of "Second Commissioner" in sub-section (1) the following definition:

" 'Supreme Court' means the Supreme Court of a State or Territory;".

JURISDICTION OF COURTS (MISCELLANEOUS AMENDMENTS) ACT 1979
No. 19 of 1979 - SECT. 35.

Objections and appeals

35. Section 31 of the Principal Act is amended-

(a) by omitting from paragraph (b) of sub-section (4) "the High Court, or to the Supreme Court of a State or Territory" and substituting "a specified Supreme Court"; and

(b) by inserting after sub-section (4) the following sub-section:

"(4A) A request referred to in paragraph (a) of sub-section (4) shall be accompanied by a deposit of \$2."

JURISDICTION OF COURTS (MISCELLANEOUS AMENDMENTS) ACT 1979
No. 19 of 1979 - SECT. 36.

References to Valuation Board and appeals and references to courts

36. Section 32 of the Principal Act is amended-

(a) by omitting sub-section (1) and substituting the following sub-section:

"(1) Where the objector has, in accordance with section 31 or sub-section (7) of section 33, requested the Commissioner to refer a decision to a Valuation Board, the Commissioner shall refer the decision to a Valuation Board not later than 60 days after receipt of the request.";

(b) by omitting from sub-section (6) "or to the High Court or the Supreme Court of a State or Territory" and substituting "or to treat his objection, so far as it relates to those grounds, as an appeal and to forward it to a specified Supreme Court"; and

(c) by omitting sub-section (7) and substituting the following sub-sections:

"(7) The Commissioner or the objector may, within 30 days after the date of the decision, appeal to a Supreme Court from any decision of the Valuation Board under this section which involves a question of law.

"(8) The Valuation Board shall, upon the request of the Commissioner or the objector, refer any question of law arising before the Valuation Board to such Supreme Court as is agreed upon by the parties, or in the absence of agreement, to such Supreme Court as the Valuation Board considers appropriate.

"(9) An appeal or reference to a Supreme Court under this section shall be heard by a single Judge of the Court.

"(10) Except as provided in sub-section (11), an appeal does not lie from the decision of a Supreme Court constituted by a single Judge on an appeal or reference under this section.

"(11) The Commissioner or the objector may appeal against the decision of a Supreme Court on an appeal or reference under this section-

(a) by leave of the Federal Court of Australia, to that Court; or

(b) by special leave of the High Court, to that Court."

JURISDICTION OF COURTS (MISCELLANEOUS AMENDMENTS) ACT 1979

No. 19 of 1979 - SECT. 37.

References to Board of Review and appeals and references to courts

37. Section 33 of the Principal Act is amended-

(a) by omitting sub-section (1) and substituting the following sub-section:

"(1) Where the objector has, in accordance with section 31 or sub-section (6) of section 32, requested the Commissioner to refer a decision

to a Board of Review, the Commissioner shall refer the decision to a Board of Review not later than 60 days after receipt of the request."; and

(b) by omitting sub-section (9) and substituting the following sub-sections:

"(9) The Commissioner or the objector may, within 30 days after the date of the decision, appeal to a Supreme Court from any decision of a Board of Review under this section which involves a question of law.

"(10) The Board of Review shall, upon the request of the Commissioner or the objector, refer any question of law arising before the Board of Review to such Supreme Court as is agreed upon by the parties or, in the absence of agreement, to such Supreme Court as the Board of Review considers appropriate.

"(11) An appeal or reference to a Supreme Court under this section shall be heard by a single Judge of the Court.

"(12) Except as provided in sub-section (13), an appeal does not lie from the decision of a Supreme Court constituted by a single Judge on an appeal or reference under this section.

"(13) The Commissioner or the objector may appeal against the decision of a Supreme Court on an appeal or reference under this section-

(a) by leave of the Federal Court of Australia, to that Court; or

(b) by special leave of the High Court, to that Court."

JURISDICTION OF COURTS (MISCELLANEOUS AMENDMENTS) ACT 1979
No. 19 of 1979 - SECT. 38.

Appeals

38. Section 34 of the Principal Act is amended-

(a) by omitting from sub-section (1) "the High Court or a Supreme Court" and substituting "a specified Supreme Court";

(b) by omitting from sub-section (2) "Justice or"; and

(c) by omitting sub-sections (6) and (7) and substituting the following sub-section:

"(6) An appeal does not lie from an order under this section except as provided in section 35."

JURISDICTION OF COURTS (MISCELLANEOUS AMENDMENTS) ACT 1979
No. 19 of 1979 - SECT. 39.

39. Sections 35 and 36 of the Principal Act are repealed and the following sections substituted:

Appeals from orders under section 34

"35. The Commissioner or the objector may appeal against an order of a Supreme Court under section 34 made in proceedings instituted on or after the date of commencement of this section-

(a) to the Federal Court of Australia; or

(b) by special leave of the High Court, to that Court.

Case stated to Federal Court of Australia

"36. (1) The Supreme Court in which an appeal is instituted in accordance with section 34, may, if it thinks fit, state a case in writing for the opinion of the Federal Court of Australia upon a question of law arising on the appeal.

"(2) A Full Court of the Federal Court of Australia shall hear and, by order, determine the question, and remit the case with its opinion to the Supreme Court and may make such order as to the costs of the case stated as it thinks fit.

Appeals to High Court

"36A. An appeal does not lie from a decision of the Federal Court of

Australia in a matter under this Part unless the High Court gives special leave to appeal.

Transfer of proceedings

"36B. (1) A Supreme Court in which proceedings under this Part have been instituted, may, if the Court thinks fit, upon the application of a party made at any stage in the proceedings, by order, transfer the proceedings to another Supreme Court.

"(2) Where proceedings are transferred from a Court in pursuance of this section-

(a) all documents filed of record in that Court shall be transmitted by the Registrar or other proper officer of that Court to the Registrar or other proper officer of the Court to which the proceedings are transferred; and

(b) the Court to which proceedings are transferred shall proceed as if the proceedings had been originally instituted in that Court and as if the same proceedings had been taken in that Court as had been taken in the Court from which the proceedings were transferred."

JURISDICTION OF COURTS (MISCELLANEOUS AMENDMENTS) ACT 1979 No. 19 of 1979 - SECT. 40.

40. After section 38 of the Principal Act the following section is inserted in Part VI:

Practice and procedure of Supreme Courts

"38A. (1) Until regulations have been made under this Act for or in relation to the practice and procedure of a Supreme Court in proceedings to which this section applies, and so far as regulations so made do not make adequate provision, the High Court Rules as in force under the Judiciary Act 1903 immediately before the date of commencement of this section apply, so far as practicable, to and in relation to proceedings to which this section applies in like manner as they applied immediately before that date to and in relation to the like proceeding in the High Court.

"(2) This section applies to a proceeding in a Supreme Court, being-

(a) a proceeding in respect of an objection to an assessment that has, under this Part, been forwarded to that Supreme Court;

(b) an appeal under this Part to that Supreme Court from a decision of a Valuation Board or of a Board of Review; or

(c) a reference under this Part of a question of law arising before a Valuation Board or a Board of Review to that Supreme Court."

JURISDICTION OF COURTS (MISCELLANEOUS AMENDMENTS) ACT 1979
No. 19 of 1979 - SECT. 41.

Regulations

41. Section 47 of the Principal Act is amended by omitting "and for prescribing penalties not less than Two dollars or more than Forty dollars for any breach of the regulations" and substituting:

"and, in particular-

(a) for and in relation to the practice and procedure of a Supreme Court in respect of proceedings to which section 38A applies; and

(b) for prescribing penalties not less than \$2 or more than \$40 for any breach of the regulations."

JURISDICTION OF COURTS (MISCELLANEOUS AMENDMENTS) ACT 1979
No. 19 of 1979 - SECT. 42.

Saving

42. (1) Notwithstanding the amendments made by this Part but subject to Part XIX, an appeal to the High Court-

(a) in accordance with paragraph 31 (4) (b) or sub-section 32 (6) of the Principal Act in respect of an objection in respect of which notice of the Commissioner's decision was served on the objector before the date of

commencement of this Part;

(b) in accordance with sub-section 32 (7) of the Principal Act against a decision of a Valuation Board given before that date or in accordance with sub-section 33 (9) of the Principal Act against a decision of a Board of Review given before that date; or

(c) in accordance with section 36 of the Principal Act from an order made in proceedings instituted before that date, may be instituted, heard and determined as if those amendments had not been made, and the provisions of the Principal Act apply in relation to such an appeal and matters arising out of such an appeal.

(2) Notwithstanding the amendments made by this Part but subject to Part XIX, a case may be stated to the Full Court of the High Court under the Principal Act upon a question of law arising in proceedings commenced in the High Court or a Supreme Court before the date of commencement of this Part, and may be heard and determined, as if those amendments had not been made, and the provisions of the Principal Act apply in relation to such a case stated and matters arising out of such a case stated.

(3) Notwithstanding the amendments made by this Part but subject to Part XIX, an appeal to the High Court instituted under the Principal Act before the date of commencement of this Part, a reference of a question of law to the High Court made under the Principal Act before that date or a case stated to the High Court under the Principal Act before that date may be heard and determined as if those amendments had not been made, and the provisions of the Principal Act apply in relation to such an appeal, reference or case stated and matters arising out of such an appeal, reference or case stated.

JURISDICTION OF COURTS (MISCELLANEOUS AMENDMENTS) ACT 1979
No. 19 of 1979 - SECT. 43.

PART VII-AMENDMENT OF THE INCOME TAX ASSESSMENT ACT
1936

43. After section 200 of the Income Tax Assessment Act 1936 the following

section is inserted:

Appeals to High Court from Federal Court

"200A. An appeal does not lie from a decision of the Federal Court of Australia in a matter under this Part unless the High Court gives special leave to appeal."

JURISDICTION OF COURTS (MISCELLANEOUS AMENDMENTS) ACT 1979

No. 19 of 1979 - SECT. 44.

Saving

44. The amendment made by this Part-

(a) does not affect the institution of an appeal to the High Court from a decision of the Federal Court of Australia given before the date of commencement of this Part; or

(b) the hearing and determination of an appeal to the High Court instituted before the date of commencement of this Part or in accordance with paragraph (a).

JURISDICTION OF COURTS (MISCELLANEOUS AMENDMENTS) ACT 1979

No. 19 of 1979 - SECT. 45.

Principal Act

PART VIII-AMENDMENTS OF THE LANDS ACQUISITION ACT 1955

45. The Lands Acquisition Act 1955 is in this Part referred to as the Principal Act.

JURISDICTION OF COURTS (MISCELLANEOUS AMENDMENTS) ACT 1979

No. 19 of 1979 - SECT. 46.

Supreme Court may adjust rights and determine basis of compensation

46. Section 13 of the Principal Act is amended by omitting from sub-sections (1) and (3) "the High Court or".

JURISDICTION OF COURTS (MISCELLANEOUS AMENDMENTS) ACT 1979
No. 19 of 1979 - SECT. 47.

Compensation for damage to land

47. Section 19 of the Principal Act is amended-

(a) by omitting from paragraph (a) of sub-section (2) "the High Court or"; and

(b) by omitting from paragraph (b) of that sub-section all the words to and including the word "Magistrate" and substituting "a County Court, District Court, Local Court or other court of a State or Territory presided over by a Judge or Magistrate".

JURISDICTION OF COURTS (MISCELLANEOUS AMENDMENTS) ACT 1979
No. 19 of 1979 - SECT. 48.

Proceedings where claim rejected

48. Section 21 of the Principal Act is amended by omitting from sub-section (1) "the High Court or".

JURISDICTION OF COURTS (MISCELLANEOUS AMENDMENTS) ACT 1979
No. 19 of 1979 - SECT. 49.

Proceedings for determination of compensation

49. Section 28 of the Principal Act is amended-

(a) by omitting from sub-section (9) "to the High Court or";

(b) by omitting sub-sections (10), (11), and (12);

(c) by omitting from paragraph (a) of sub-section (14) "the High Court or"; and

(d) by omitting from paragraph (b) of sub-section (14) all the words to and including the word "Magistrate" and substituting "a County Court, District

Court, Local Court or other court of a State or Territory presided over by a Judge or Magistrate".

JURISDICTION OF COURTS (MISCELLANEOUS AMENDMENTS) ACT 1979
No. 19 of 1979 - SECT. 50.

Determination of compensation on application of the Commonwealth

50. Section 29 of the Principal Act is amended by omitting paragraph (a) of sub-section (5) and substituting the following paragraph:

"(a) in relation to an application arising out of paragraph (a) of sub-section (1)-the Supreme Court or, where the Commonwealth does not make a request under sub-section (3), the Supreme Court or a court of a State or Territory, being a County Court, District Court, Local Court or other court presided over by a Judge or Magistrate; and".

JURISDICTION OF COURTS (MISCELLANEOUS AMENDMENTS) ACT 1979
No. 19 of 1979 - SECT. 51.

Court to ensure that acquisition is made on just terms

51. Section 31 of the Principal Act is amended by omitting from paragraph (b) of sub-section (2) "or the High Court".

JURISDICTION OF COURTS (MISCELLANEOUS AMENDMENTS) ACT 1979
No. 19 of 1979 - SECT. 52.

Order that claimant is entitled to compensation

52. Section 35 of the Principal Act is amended by omitting from sub-section (1) "the High Court or".

JURISDICTION OF COURTS (MISCELLANEOUS AMENDMENTS) ACT 1979
No. 19 of 1979 - SECT. 53.

Extent of powers under section 37

53. Section 38 of the Principal Act is amended by omitting from sub-section

(3) "the High Court or".

JURISDICTION OF COURTS (MISCELLANEOUS AMENDMENTS) ACT 1979

No. 19 of 1979 - SECT. 54.

Application of purchase money

54. Section 39 of the Principal Act is amended-

(a) by omitting from sub-section (4) "the Principal Registrar or a District Registrar of the High Court or"; and

(b) by omitting from sub-section (5) "High Court or the".

JURISDICTION OF COURTS (MISCELLANEOUS AMENDMENTS) ACT 1979

No. 19 of 1979 - SECT. 55.

Court may order stay of proceedings under mortgage

55. Section 44 of the Principal Act is amended by omitting from sub-section (1) "the High Court or".

JURISDICTION OF COURTS (MISCELLANEOUS AMENDMENTS) ACT 1979

No. 19 of 1979 - SECT. 56.

Vesting of lands in Commonwealth authorities

56. Section 52 of the Principal Act is amended by omitting "Australia" and substituting "the Commonwealth".

JURISDICTION OF COURTS (MISCELLANEOUS AMENDMENTS) ACT 1979

No. 19 of 1979 - SECT. 57.

Jurisdiction of courts

57. Section 62 of the Principal Act is amended-

(a) by omitting from sub-section (1) "the High Court and"; and

(b) by omitting sub-section (2).

JURISDICTION OF COURTS (MISCELLANEOUS AMENDMENTS) ACT 1979
No. 19 of 1979 - SECT. 58.

Formal amendments

58. (1) Section 67 of the Principal Act and Schedule 1 and Schedule 2 to that Act are repealed.

(2) The repeal effected by this section does not affect the operation of the amendments effected by section 67 of the Principal Act.

JURISDICTION OF COURTS (MISCELLANEOUS AMENDMENTS) ACT 1979
No. 19 of 1979 - SECT. 59. Principal Act

PART IX-AMENDMENTS OF THE LOAN (DROUGHT BONDS) ACT 1969

59. The Loan (Drought Bonds) Act 1969 is in this Part referred to as the Principal Act.

JURISDICTION OF COURTS (MISCELLANEOUS AMENDMENTS) ACT 1979
No. 19 of 1979 - SECT. 60.

60. After section 15 of the Principal Act the following section is inserted:

Interpretation

"15A. In this Part, unless the contrary intention appears, 'Supreme Court' means-

(a) the Supreme Court of a State; or

(b) the Supreme Court of the Australian Capital Territory or the Supreme Court of the Northern Territory of Australia, being a Court having jurisdiction in the proceedings concerned."

JURISDICTION OF COURTS (MISCELLANEOUS AMENDMENTS) ACT 1979
No. 19 of 1979 - SECT. 61.

61. After section 25 of the Principal Act the following sections are

inserted:

Jurisdiction of Supreme Courts of Territories

"25A. (1) Jurisdiction under this Part is conferred on the Supreme Court of the Australian Capital Territory or the Supreme Court of the Northern Territory of Australia only in a proceeding arising out of a request for a declaration made by a person who, at the time of the institution of the proceeding-

(a) in the case of an individual-was ordinarily resident in the Australian Capital Territory or the Northern Territory, as the case may be; or

(b) in the case of a company-had its principal place of business in the Australian Capital Territory or the Northern Territory, as the case may be.

"(2) In this section, 'the Australian Capital Territory' includes the Jervis Bay Territory.

Transfer of proceedings

"25B. (1) A Supreme Court in which proceedings under this Part have been instituted (whether it has jurisdiction in the proceedings or not) may, if the Court thinks fit, upon the application of a party made at any stage in the proceedings, by order, transfer the proceedings to another Supreme Court having jurisdiction under this Part.

"(2) Where proceedings are transferred from a Court in pursuance of this section-

(a) all documents filed of record in that Court shall be transmitted by the Registrar or other proper officer of that Court to the Registrar or other proper officer of the Court to which the proceedings are transferred; and

(b) the Court to which the proceedings are transferred shall proceed as if the proceedings had been originally instituted in that Court and as if the same proceedings had been taken in that Court as had been taken in the Court from which the proceedings were transferred."

JURISDICTION OF COURTS (MISCELLANEOUS AMENDMENTS) ACT 1979
No. 19 of 1979 - SECT. 62.

References to Board of Review and appeals to courts

62. (1) Section 26 of the Principal Act is amended by omitting sub-sections (7) and (8) and substituting the following sub-sections:

"(7) The person or persons who directed the authorized person to refer the request to a Board of Review may, within 30 days after the date of the decision, appeal to a Supreme Court from any decision of the Board of Review that involves a question of law.

"(8) An appeal to a Supreme Court under this section shall be heard by a single Judge of the Court.

"(8A) On an appeal under this section a Supreme Court may make such order as it thinks fit, including an order directing the Board of Review to make a declaration in accordance with the request.

"(8B) Except as provided in sub-section (8C), an appeal does not lie from the decision of a Supreme Court constituted by a single Judge on an appeal under this section.

"(8C) The person or persons who directed the authorized person to refer the request to a Board of Review may appeal against the decision of a Supreme Court on an appeal under this section-

(a) by leave of the Federal Court of Australia, to that Court; or

(b) by special leave of the High Court, to that Court.

"(8D) An appeal does not lie from a decision of the Federal Court of Australia in a matter under this section unless the High Court gives special leave to appeal."

(2) Notwithstanding the amendment made by this section but subject to Part XIX, an appeal to the High Court in accordance with the provisions of section

26 of the Principal Act against a decision of a Board of Review given before the date of commencement of this Part may be instituted, heard and determined, and an appeal to the High Court instituted under that section before that date may be heard and determined, as if that amendment had not been made, and the provisions of the Principal Act apply in relation to such an appeal and to matters arising out of such an appeal.

JURISDICTION OF COURTS (MISCELLANEOUS AMENDMENTS) ACT 1979
No. 19 of 1979 - SECT. 63.

63. After section 30 of the Principal Act the following section is inserted in Part III:

Practice and procedure of Supreme Courts

"30A. Until regulations have been made under this Act for or in relation to the practice and procedure of a Supreme Court in an appeal under this Part, and so far as regulations so made do not make adequate provision, the High Court Rules as in force under the Judiciary Act 1903 immediately before the date of commencement of this section apply, so far as practicable, to and in relation to such an appeal in like manner as they applied immediately before that date to and in relation to the like proceeding in the High Court."

JURISDICTION OF COURTS (MISCELLANEOUS AMENDMENTS) ACT 1979
No. 19 of 1979 - SECT. 64.

Regulations

64. Section 31 of the Principal Act is amended-

(a) by omitting from paragraph (a) of sub-section (1) "and" (last occurring); and

(b) by inserting after paragraph (a) of sub-section (1) the following paragraph:

"(aa) for and in relation to the practice and procedure of a Supreme Court in respect of appeals under Part III; and".

JURISDICTION OF COURTS (MISCELLANEOUS AMENDMENTS) ACT 1979
No. 19 of 1979 - SECT. 65. Principal Act

PART X-AMENDMENTS OF THE PATENTS ACT 1952

65. The Patents Act 1952 is in this Part referred to as the Principal Act.

JURISDICTION OF COURTS (MISCELLANEOUS AMENDMENTS) ACT 1979
No. 19 of 1979 - SECT. 66. Trusts not recognized

66. Section 25 of the Principal Act is amended by omitting "Except in pursuance of section one hundred and twenty-nine of this Act, notice" and substituting "Notice".

JURISDICTION OF COURTS (MISCELLANEOUS AMENDMENTS) ACT 1979
No. 19 of 1979 - SECT. 67. Sections 47, 47A, 47B and 47C

67. Sections 47, 47A, 47B and 47C are amended by omitting "or the expiration of two years after 1 January 1960, whichever is the later".

JURISDICTION OF COURTS (MISCELLANEOUS AMENDMENTS) ACT 1979
No. 19 of 1979 - SECT. 68. Time for acceptance

68. Section 54 of the Principal Act is amended by omitting sub-section (2) and substituting the following sub-section:

"(2) Where-

(a) an appeal under any of the provisions of this Act has been instituted in respect of an application;

(b) an application has been made to the Administrative Appeals Tribunal in accordance with section 151 for a review of a decision of the Commissioner in relation to an application; or

(c) in the case of an application for a patent of addition-

(i) an appeal under any of the provisions of this Act has been instituted in respect of; or

(ii) an application to the Administrative Appeals Tribunal under section 151 has been made for a review of a decision in relation to,

that application or the application for the original patent, the time within which the application and complete specification may be accepted is extended until the expiration of 3 months after the determination or other disposal of the appeal or application for review or until the expiration of such further time as the court to which the appeal, or any further appeal, is brought, or the Administrative Appeals Tribunal, or the court to which any appeal arising out of the decision of the Administrative Appeals Tribunal is brought, as the case may be, allows."

JURISDICTION OF COURTS (MISCELLANEOUS AMENDMENTS) ACT 1979
No. 19 of 1979 - SECT. 69. Time for sealing

69. Section 66 of the Principal Act is amended-

(a) by adding at the end of sub-section (1) "in accordance with section 160"; and

(b) by omitting sub-section (3) and substituting the following sub-section:

"(3) Where the sealing of a patent is delayed by-

(a) opposition to the grant of the patent;

(b) the taking of proceedings for obtaining the decision of the Commissioner under section 63;

(c) an appeal to a prescribed court; or

(d) an application to the Administrative Appeals Tribunal,

that patent, and any patent of addition the sealing of which is delayed in consequence of the delay in the sealing of the first-mentioned patent, may be sealed at such time as-

(e) in a case to which paragraph (a) or (b) applies-the Commissioner directs;

(f) in a case to which paragraph (c) applies-the court, or any court to which a further appeal is brought, directs, or, if the appeal or any such further appeal is discontinued, the Commissioner directs; or

(g) in a case to which paragraph (d) applies-the Tribunal, or a court to which an appeal arising out of the decision of the Tribunal is brought, directs, or, if the proceedings before the Tribunal are, or any such appeal is, discontinued, as the Commissioner directs."

JURISDICTION OF COURTS (MISCELLANEOUS AMENDMENTS) ACT 1979
No. 19 of 1979 - SECT. 70.

Duration of patent of addition

70. Section 75 of the Principal Act is amended by omitting from sub-section (3) "the High Court" and substituting "a prescribed court".

JURISDICTION OF COURTS (MISCELLANEOUS AMENDMENTS) ACT 1979
No. 19 of 1979 - SECT. 71.

Jurisdiction of prescribed courts

71. Section 146 of the Principal Act is amended by adding at the end thereof the following sub-section:

"(4) The regulations may make provision for and in relation to the practice and procedure of prescribed courts in proceedings under this Act, including provision prescribing the time within which any proceeding may be instituted or any other act or thing may be done, and providing for the extension of any such time."

JURISDICTION OF COURTS (MISCELLANEOUS AMENDMENTS) ACT 1979
No. 19 of 1979 - SECT. 72.

Appeals

72. Section 148 of the Principal Act is amended by adding at the end of sub-section (1) "or a judgment or order of any other court in an action or proceeding referred to in section 113".

JURISDICTION OF COURTS (MISCELLANEOUS AMENDMENTS) ACT 1979
No. 19 of 1979 - SECT. 73. Constitution of Tribunal

73. Section 151A of the Principal Act is repealed.

JURISDICTION OF COURTS (MISCELLANEOUS AMENDMENTS) ACT 1979
No. 19 of 1979 - SECT. 74. Applications for licences

74. Section 159C of the Principal Act is amended by omitting from sub-section (2) "a prescribed court" and substituting "the Administrative Appeals Tribunal".

JURISDICTION OF COURTS (MISCELLANEOUS AMENDMENTS) ACT 1979
No. 19 of 1979 - SECT. 75. Principal Act

PART XI-AMENDMENTS OF THE PAY-ROLL TAX
(TERRITORIES) ASSESSMENT ACT 1971

75. The Pay-roll Tax (Territories) Assessment Act 1971 is in this Part referred to as the Principal Act.

JURISDICTION OF COURTS (MISCELLANEOUS AMENDMENTS) ACT 1979
No. 19 of 1979 - SECT. 76.

76. Before section 38 of the Principal Act the following section is inserted in Part VI:

Interpretation

"37A. In this Part, 'Supreme Court' means the Supreme Court of the

Australian Capital Territory or the Supreme Court of the Northern Territory of Australia.".

JURISDICTION OF COURTS (MISCELLANEOUS AMENDMENTS) ACT 1979
No. 19 of 1979 - SECT. 77.

References to Board of Review and appeals and references to courts

77. (1) Section 40 of the Principal Act is amended by omitting sub-sections (5) and (6) and substituting the following sub-sections:

"(5) The Commissioner or an employer may, within 30 days after the date of the decision, appeal to a Supreme Court from any decision of the Board under this section which involves a question of law.

"(6) The Board of Review shall, upon the request of the Commissioner or an employer, refer any question of law arising before the Board of Review to such Supreme Court as is agreed upon by the parties or, in the absence of agreement, to such Supreme Court as the Board of Review considers appropriate.

"(7) An appeal or reference to a Supreme Court under this section shall be heard by a single Judge of the Court.

"(8) Except as provided in sub-section (9), an appeal does not lie from the decision of a Supreme Court constituted by a single Judge on an appeal or reference under this section.

"(9) The Commissioner or an employer may appeal against the decision of a Supreme Court on an appeal or reference under this section-

(a) by leave of the Federal Court of Australia, to that Court; or

(b) by special leave of the High Court, to that Court.

"(10) If the employer's liability or assessment is reduced, or the determination is varied in a manner favourable to the employer, either by an

amendment or as a result of the decision of a Board of Review or of a court, the fee paid in accordance with sub-section (1) shall be refunded to him.

"(11) An appeal does not lie from a decision of the Federal Court of Australia in a matter under this section unless the High Court gives special leave to appeal."

(2) Notwithstanding the amendment made by this section but subject to Part XIX-

(a) an appeal to the High Court in accordance with section 40 of the Principal Act against a decision of a Board of Review given before the date of commencement of this Part may be instituted, heard and determined; and

(b) an appeal to the High Court instituted before that date, or a reference of a question of law to the High Court made before that date, under section 40 of the Principal Act may be heard and determined, as if that amendment had not been made, and the provisions of the Principal Act apply in relation to such an appeal or reference and to matters arising out of such an appeal or reference.

JURISDICTION OF COURTS (MISCELLANEOUS AMENDMENTS) ACT 1979
No. 19 of 1979 - SECT. 78.

78. After section 40 of the Principal Act the following section is inserted:

Transfer of proceedings

"40A. (1) A Supreme Court in which proceedings under this Part have been instituted may, if the Court thinks fit, upon the application of a party made at any stage in the proceedings, by order, transfer the proceedings to the other Supreme Court.

"(2) Where proceedings are transferred from a Court in pursuance of this section-

(a) all documents filed of record in that Court shall be transmitted by the Registrar or other proper officer of that Court to the Registrar or other

proper officer of the Court to which the proceedings are transferred; and

(b) the Court to which the proceedings are transferred shall proceed as if the proceedings had been originally instituted in that Court and as if the same proceedings had been taken in that Court as had been taken in the Court from which the proceedings were transferred."

JURISDICTION OF COURTS (MISCELLANEOUS AMENDMENTS) ACT 1979
No. 19 of 1979 - SECT. 79.

79. After section 41 of the Principal Act the following section is inserted in Part VI:

Practice and procedure of Supreme Courts

"41A. (1) Until regulations have been made under this Act for or in relation to the practice and procedure of a Supreme Court in proceedings to which this section applies, and so far as regulations so made do not make adequate provision, the High Court Rules as in force under the Judiciary Act 1903 immediately before the date of commencement of this section apply, so far as practicable, to and in relation to a proceeding to which this section applies in like manner as they applied immediately before that date to and in relation to the like proceeding in the High Court.

"(2) This section applies to a proceeding in a Supreme Court, being-

(a) an appeal under this Part to that Supreme Court; or

(b) a reference under this Part of a question of law arising before a Board of Review to that Supreme Court."

JURISDICTION OF COURTS (MISCELLANEOUS AMENDMENTS) ACT 1979
No. 19 of 1979 - SECT. 80.

80. (1) Section 50 of the Principal Act is repealed and the following section is substituted:

Manner of institution of prosecutions

"50. A taxation prosecution may be instituted in the name of the

Commissioner by action, information or other appropriate proceeding in the Supreme Court of a State or Territory and, when the prosecution is for a pecuniary penalty not exceeding \$1,000 or the excess is abandoned, the taxation prosecution may be instituted in the name of the Commissioner or a Deputy Commissioner in a court of summary jurisdiction."

(2) The amendment made by this section does not affect the hearing and determination of a taxation prosecution instituted in the High Court before the date of commencement of this Part.

JURISDICTION OF COURTS (MISCELLANEOUS AMENDMENTS) ACT 1979
No. 19 of 1979 - SECT. 81.

81. Section 52 of the Principal Act is repealed and the following section is substituted:

Defendant to have right of trial in Supreme Court

"52. In a taxation prosecution where the penalty exceeds \$500 and the excess is not abandoned, the defendant, within seven days after service of process, may elect in the prescribed manner to have the case tried in the Supreme Court of the State or Territory in which the prosecution has been instituted and thereupon the prosecution shall stand removed to that Supreme Court and shall be conducted as if it had been originally instituted in that Supreme Court."

JURISDICTION OF COURTS (MISCELLANEOUS AMENDMENTS) ACT 1979
No. 19 of 1979 - SECT. 82.

Prosecution in accordance with practice rules

82. Section 53 of the Principal Act is amended by omitting "the High Court or".

JURISDICTION OF COURTS (MISCELLANEOUS AMENDMENTS) ACT 1979
No. 19 of 1979 - SECT. 83.

Regulations

83. Section 70 of the Principal Act is amended by omitting from sub-section (1) ", prescribing penalties not exceeding a fine of \$40 for offences against

the regulations." and substituting-

"(a) for and in relation to the practice and procedure of a Supreme Court in proceedings to which section 41A applies; and

(b) prescribing penalties not exceeding a fine of \$40 for offences against the regulations.".

JURISDICTION OF COURTS (MISCELLANEOUS AMENDMENTS) ACT 1979
No. 19 of 1979 - SECT. 84. Principal Act

PART XII-AMENDMENTS OF THE SALES TAX
ASSESSMENT ACT (No. 1) 1930

84. The Sales Tax Assessment Act (No. 1) 1930 is in this Part referred to as the Principal Act.

JURISDICTION OF COURTS (MISCELLANEOUS AMENDMENTS) ACT 1979
No. 19 of 1979 - SECT. 85.

85. Before section 40 of the Principal Act the following sections are inserted in Part VII:

Interpretation

"39A. In this Part, 'Supreme Court' means-

(a) the Supreme Court of a State; or

(b) the Supreme Court of the Australian Capital Territory or the Supreme Court of the Northern Territory of Australia, being a Court having jurisdiction in the proceedings concerned.

Jurisdiction of Supreme Courts of Territories

"39B. (1) Jurisdiction under this Part is conferred on the Supreme Court of the Australian Capital Territory or the Supreme Court of the Northern Territory of Australia only in a proceeding arising out of a decision of the Commissioner under section 41 in respect of a taxpayer who, at the time of the institution of the proceeding-

(a) in the case of an individual-was ordinarily resident in the Australian Capital Territory or the Northern Territory, as the case may be; or

(b) in the case of a company-had its principal place of business in the Australian Capital Territory or the Northern Territory, as the case may be.

"(2) In this section, 'the Australian Capital Territory' includes the Jervis Bay Territory.

Transfer of proceedings

"39C. (1) A Supreme Court in which proceedings under this Part have been instituted (whether it has jurisdiction in the proceedings or not) may, if the Court thinks fit, upon the application of a party made at any stage in the proceedings, by order, transfer the proceedings to another Supreme Court having jurisdiction under this Part.

"(2) Where proceedings are transferred from a Court in pursuance of this section-

(a) all documents filed of record in that Court shall be transferred by the Registrar or other proper officer of that Court to the Registrar or other proper officer of the Court to which the proceedings are transferred; and

(b) the Court to which the proceedings are transferred shall proceed as if the proceedings had been originally instituted in that Court and as if the same proceedings had been taken in that Court as had been taken in the Court from which the proceedings were transferred."

JURISDICTION OF COURTS (MISCELLANEOUS AMENDMENTS) ACT 1979 No. 19 of 1979 - SECT. 86.

References to Board of Review and appeals and references to courts

86. (1) Section 42 of the Principal Act is amended by omitting sub-section (6) and substituting the following sub-sections:

"(6) The Commissioner or the taxpayer may, within 30 days after the date of the decision, appeal to a Supreme Court from any decision of the Board under

this section which involves a question of law.

"(7) The Board shall, upon the request of the Commissioner or the taxpayer, refer a question of law arising before the Board to such Supreme Court as is agreed upon by the parties or, in the absence of agreement, to such Supreme Court as the Board considers appropriate.

"(8) An appeal or reference to a Supreme Court under this section shall be heard by a single Judge of the Court.

"(9) Except as provided in sub-section (10), an appeal does not lie from the decision of a Supreme Court constituted by a single Judge on an appeal or reference under this section.

"(10) The Commissioner or the taxpayer may appeal against the decision of a Supreme Court on an appeal or reference under this section-

(a) by leave of the Federal Court of Australia, to that Court; or

(b) by special leave of the High Court, to that Court.

"(11) An appeal does not lie from a decision of the Federal Court of Australia in a matter under this section unless the High Court gives special leave to appeal."

(2) Notwithstanding the amendment made by this section but subject to Part XIX-

(a) an appeal to the High Court in accordance with the provisions of section 42 of the Principal Act against a decision of a Board of Review given before the date of commencement of this Part may be instituted, heard and determined; and

(b) an appeal to the High Court instituted before that date, or a reference of a question of law to the High Court made before that date, under section 42 of the Principal Act may be heard and determined, as if that amendment had not been made, and the provisions of the Principal

Act apply in relation to such an appeal or reference and to matters arising out of such an appeal or reference.

JURISDICTION OF COURTS (MISCELLANEOUS AMENDMENTS) ACT 1979
No. 19 of 1979 - SECT. 87.

Adjustment of tax consequent upon objections

87. Section 44 of the Principal Act is amended by omitting "the High Court" and substituting "a court".

JURISDICTION OF COURTS (MISCELLANEOUS AMENDMENTS) ACT 1979
No. 19 of 1979 - SECT. 88.

88. After section 44 of the Principal Act the following section is inserted in Part VII:

Practice and procedure of Supreme Courts

"44A. (1) Until regulations have been made under this Act for or in relation to the practice and procedure of a Supreme Court in proceedings to which this section applies, and so far as regulations so made do not make adequate provision, the High Court Rules as in force under the Judiciary Act 1903 immediately before the date of commencement of this section apply, so far as practicable, to and in relation to a proceeding to which this section applies in like manner as they applied immediately before that date to and in relation to the like proceeding in the High Court.

"(2) This section applies to a proceeding in a Supreme Court, being-

(a) an appeal under this Part to that Supreme Court from a decision of a Board of Review; or

(b) a reference under this Part of a question of law arising before a Board of Review to that Supreme Court."

JURISDICTION OF COURTS (MISCELLANEOUS AMENDMENTS) ACT 1979
No. 19 of 1979 - SECT. 89.

89. (1) Section 54 of the Principal Act is repealed and the following section is substituted:

Manner of institution of prosecutions

"54. Taxation prosecutions may be instituted in the name of the Commissioner by action, information or other appropriate proceeding in the Supreme Court of a State or Territory and, when the prosecution is for a pecuniary penalty not exceeding \$1,000 or the excess is abandoned, the taxation prosecution may be instituted in the name of the Commissioner or a Deputy Commissioner in a County Court, District Court, Local Court or court of summary jurisdiction."

(2) The amendment made by this section does not affect the hearing and determination of a taxation prosecution instituted in the High Court before the date of commencement of this Part.

JURISDICTION OF COURTS (MISCELLANEOUS AMENDMENTS) ACT 1979
No. 19 of 1979 - SECT. 90.

90. Section 56 of the Principal Act is repealed and the following section is substituted:

Defendant to have right of trial in Supreme Court

"56. In a taxation prosecution instituted in a court other than a Supreme Court where the penalty exceeds \$500 and the excess is not abandoned, the defendant, within 7 days after service of process, may elect in the prescribed manner to have the case tried in the Supreme Court of the State or Territory in which the prosecution has been instituted and thereupon the prosecution shall stand removed to that Supreme Court and shall be conducted as if it had been originally instituted in that Supreme Court."

JURISDICTION OF COURTS (MISCELLANEOUS AMENDMENTS) ACT 1979
No. 19 of 1979 - SECT. 91.

Prosecution in accordance with practice rules

91. Section 57 of the Principal Act is amended by omitting "the High Court or the Supreme Court of any State" and substituting "the Supreme Court of a State or Territory".

JURISDICTION OF COURTS (MISCELLANEOUS AMENDMENTS) ACT 1979
No. 19 of 1979 - SECT. 92.

Practice in, and appeals from, courts of summary jurisdiction

92. Section 58 of the Principal Act is amended-

(a) by omitting "before Justices"; and

(b) by inserting "or Territory" after "State" (wherever occurring).

JURISDICTION OF COURTS (MISCELLANEOUS AMENDMENTS) ACT 1979
No. 19 of 1979 - SECT. 93. Regulations

93. Section 73 of the Principal Act is amended-

(a) by omitting from paragraph (aa) "and" (last occurring); and

(b) by inserting after paragraph (aa) the following paragraph:

"(ab) for and in relation to the practice and procedure of a Supreme Court in proceedings to which section 44A applies; and".

JURISDICTION OF COURTS (MISCELLANEOUS AMENDMENTS) ACT 1979
No. 19 of 1979 - SECT. 94. Principal Act

PART XIII-AMENDMENTS OF THE STATES
RECEIPTS DUTIES (ADMINISTRATION) ACT 1970

94. The States Receipts Duties (Administration) Act 1970 is in this Part referred to as the Principal Act.

JURISDICTION OF COURTS (MISCELLANEOUS AMENDMENTS) ACT 1979
No. 19 of 1979 - SECT. 95.

95. (1) Section 58 of the Principal Act is repealed and the following sections are substituted:

Appeals and references

"58. (1) The Commissioner or the person who requested the review by a Board of Review may, within 30 days after the date of the decision, appeal to the Supreme Court of a State from any decision of the Board under section 57 which

involves a question of law.

"(2) The Board of Review shall, upon the application of the Commissioner or the person who requested a review by a Board, refer any question of law arising before the Board to such Supreme Court of a State as is agreed upon by the parties, or in the absence of agreement, to such Supreme Court of a State as the Board of Review considers appropriate.

"(3) An appeal or reference to a Supreme Court under this section shall be heard by a single Judge of the Court.

"(4) Except as provided in sub-section (5), an appeal does not lie from the decision of a Supreme Court constituted by a single Judge on an appeal or reference under this section.

"(5) The Commissioner or the person who requested a review by a Board of Review may appeal against the decision of a Supreme Court on an appeal or reference under this section-

(a) by leave of the Federal Court of Australia, to that Court; or

(b) by special leave of the High Court, to that Court.

"(6) An appeal does not lie from a decision of the Federal Court of Australia in a matter under this section unless the High Court gives special leave to appeal.

Transfer of proceedings

"58A. (1) A Supreme Court in which proceedings under this Part have been instituted may, if the Court thinks fit, upon the application of a party made at any stage in the proceedings, by order, transfer the proceedings to another

Supreme Court having jurisdiction under this Part.

"(2) Where proceedings are transferred from a Court in pursuance of this section-

(a) all documents filed of record in that Court shall be transmitted by the Registrar or other proper officer of that Court to the Registrar or other proper officer of the Court to which the proceedings are transferred; and

(b) the Court to which the proceedings are transferred shall proceed as if the proceedings had been originally instituted in that Court and as if the same proceedings had been taken in that Court as had been taken in the Court from which the proceedings were transferred."

(2) Notwithstanding the amendment made by this section but subject to Part XIX-

(a) an appeal to the High Court in accordance with section 58 of the Principal Act against a decision of a Board of Review given before the date of commencement of this Part may be instituted, heard and determined; and

(b) an appeal to the High Court instituted before that date, or a reference of a question of law to the High Court made before that date, under section 58 of the Principal Act may be heard and determined, as if that amendment had not been made, and the provisions of the Principal Act continue to apply in relation to such an appeal or reference and to matters arising out of such an appeal or reference.

JURISDICTION OF COURTS (MISCELLANEOUS AMENDMENTS) ACT 1979 No. 19 of 1979 - SECT. 96.

96. After section 59 of the Principal Act the following section is inserted in Part VI:

Practice and procedure of Supreme Courts

"59A. (1) Until regulations have been made under this Act for or in relation to the practice and procedure of a Supreme Court in proceedings to which this section applies, and so far as regulations so made do not make

adequate provision, the High Court Rules as in force under the Judiciary Act 1903 immediately before the date of commencement of this section apply, so far as practicable, to and in relation to a proceeding to which this section applies in like manner as they applied immediately before that date to and in relation to the like proceeding in the High Court.

"(2) This section applies to a proceeding in a Supreme Court, being-

(a) an appeal under this Part to that Supreme Court; or

(b) a reference under this Part of a question of law arising before a Board of Review to that Supreme Court."

JURISDICTION OF COURTS (MISCELLANEOUS AMENDMENTS) ACT 1979

No. 19 of 1979 - SECT. 97.

How prosecution instituted

97. (1) Section 68 of the Principal Act is amended-

(a) by omitting from sub-section (1) "the High Court or in the Supreme Court of a State or Territory" and substituting "the Supreme Court of a State"; and

(b) by adding at the end of sub-section (2) " of a State".

(2) The amendment made by this section does not affect the hearing and determination of a proceeding instituted in a court before the date of commencement of this Part.

JURISDICTION OF COURTS (MISCELLANEOUS AMENDMENTS) ACT 1979

No. 19 of 1979 - SECT. 98.

98. Section 71 of the Principal Act is repealed and the following section is substituted:

Defendant to have right of trial in Supreme Court

"71. In a prosecution instituted in a court of summary jurisdiction, where the penalty exceeds \$500 and the excess is not abandoned, the defendant,

within 7 days after service of process, may elect in the prescribed manner to have the case tried in the Supreme Court of the State in which the prosecution has been instituted, and thereupon the prosecution shall stand removed to that Supreme Court and shall be conducted as if it had been originally instituted in that Supreme Court."

JURISDICTION OF COURTS (MISCELLANEOUS AMENDMENTS) ACT 1979
No. 19 of 1979 - SECT. 99.

Prosecution in accordance with practice rules

99. Section 72 of the Principal Act is amended by omitting "the High Court or the Supreme Court of a State or Territory" and substituting "the Supreme Court of a State".

JURISDICTION OF COURTS (MISCELLANEOUS AMENDMENTS) ACT 1979
No. 19 of 1979 - SECT. 100. Appeals

100. Section 73 of the Principal Act is amended by omitting " or Territory" (wherever occurring).

JURISDICTION OF COURTS (MISCELLANEOUS AMENDMENTS) ACT 1979
No. 19 of 1979 - SECT. 101.

Appearance by Commissioner, &c.

101. Section 85 of the Principal Act is amended by omitting from sub-section (1) " or the Supreme Court of a State or Territory" and substituting ", the Federal Court of Australia or the Supreme Court of a State".

JURISDICTION OF COURTS (MISCELLANEOUS AMENDMENTS) ACT 1979
No. 19 of 1979 - SECT. 102. Regulations

102. Section 89 of the Principal Act is amended by omitting from sub-section (1) "prescribing penalties not exceeding a fine of One hundred dollars for offences against the regulations." and substituting:

"(a) for and in relation to the practice and procedure of a Supreme Court

in respect of proceedings to which section 59A applies; and

(b) prescribing penalties not exceeding a fine of \$100 for offences against the regulations."

JURISDICTION OF COURTS (MISCELLANEOUS AMENDMENTS) ACT 1979
No. 19 of 1979 - SECT. 103. Principal Act

PART XIV-AMENDMENTS OF THE STEVEDORING INDUSTRY CHARGE
ASSESSMENT ACT
1947

103. The Stevedoring Industry Charge Assessment Act 1947 is in this Part referred to as the Principal Act.

JURISDICTION OF COURTS (MISCELLANEOUS AMENDMENTS) ACT 1979
No. 19 of 1979 - SECT. 104.

104. (1) Section 42 of the Principal Act is repealed and the following section is substituted:

Institution of prosecutions

"42. Prosecutions may be instituted in the name of the Commissioner by action, information or other appropriate proceeding in the Supreme Court of a State or Territory and, when the prosecution is for a pecuniary penalty not exceeding \$1,000 or the excess is abandoned, the prosecution may be instituted in the name of the Commissioner or a Deputy Commissioner in a County Court, District Court, Local Court or court of summary jurisdiction."

(2) The amendment made by this section does not affect the hearing and determination of a prosecution instituted in the High Court before the date of commencement of this Part.

JURISDICTION OF COURTS (MISCELLANEOUS AMENDMENTS) ACT 1979
No. 19 of 1979 - SECT. 105.

105. Section 45 of the Principal Act is repealed and the following section is substituted:

Defendant to have right of trial in Supreme Court

"45. In a prosecution instituted in a court other than a Supreme Court, where the penalty exceeds \$500 and the excess is not abandoned, the defendant, within 7 days after service of process, may elect in the prescribed manner to have the case tried in the Supreme Court of the State or Territory in which

the prosecution has been instituted, and thereupon the prosecution shall stand removed to that Supreme Court and shall be conducted as if it had been originally instituted in that Supreme Court."

JURISDICTION OF COURTS (MISCELLANEOUS AMENDMENTS) ACT 1979

No. 19 of 1979 - SECT. 106.

Prosecution in accordance with practice rules

106. Section 46 of the Principal Act is amended by omitting "in the High Court or the Supreme Court of any State" and substituting "in a Supreme Court".

JURISDICTION OF COURTS (MISCELLANEOUS AMENDMENTS) ACT 1979

No. 19 of 1979 - SECT. 107.

Practice in, and appeals from, courts of summary jurisdiction

107. Section 47 of the Principal Act is amended-

(a) by omitting "before Justices"; and

(b) by inserting "or Territory" after "State" (wherever occurring).

JURISDICTION OF COURTS (MISCELLANEOUS AMENDMENTS) ACT 1979

No. 19 of 1979 - SECT. 108.

Principal Act

PART XV-AMENDMENTS OF THE TAXATION ADMINISTRATION ACT 1953

108. The Taxation Administration Act 1953 is in this Part referred to as the Principal Act.

JURISDICTION OF COURTS (MISCELLANEOUS AMENDMENTS) ACT 1979
No. 19 of 1979 - SECT. 109. Interpretation

109. Section 14A of the Principal Act is amended by inserting, after the definition of "Second Commissioner", the following definition:

" 'Supreme Court' means-

- (a) the Supreme Court of a State; or
- (b) the Supreme Court of the Australian Capital Territory or the Supreme Court of the Northern Territory of Australia, being a Court having jurisdiction in the proceedings concerned;".

JURISDICTION OF COURTS (MISCELLANEOUS AMENDMENTS) ACT 1979
No. 19 of 1979 - SECT. 110.

References to Board of Review and appeals and references to courts

110. (1) Section 14H of the Principal Act is amended-

(a) by omitting sub-sections (5) and (6) and substituting the following sub-sections:

"(5) The Commissioner or the person who requested a review by a Board of Review may, within 30 days after the date of the decision, appeal to a Supreme Court from any decision of the Board under this section which involves a question of law.

"(6) The Board of Review shall, upon the request of the Commissioner or the person who requested a review by the Board, refer any question of law arising before the Board of Review to such Supreme Court as is agreed upon by the parties or, in the absence of agreement, to such Supreme Court as the Board of Review considers appropriate.

"(6A) An appeal or reference to a Supreme Court under this section shall be heard by a single Judge of the Court.

"(6B) Except as provided in sub-section (6C), an appeal does not lie from the decision of a Supreme Court constituted by a single Judge on an appeal or reference under this section.

"(6C) The Commissioner or the person who requested a review by the Board of Review may appeal against the decision of a Supreme Court on an appeal or reference under this section-

- (a) by leave of the Federal Court of Australia, to that Court; or
- (b) by special leave of the High Court, to that Court.

"(6D) An appeal does not lie from a decision of the Federal Court of Australia in a matter under this section unless the High Court gives special leave to appeal."; and

(b) by omitting from sub-section (7) "the High Court under sub-section (5)" and substituting "a Supreme Court under sub-section (5) or (6)".

(2) Notwithstanding the amendment made by this section but subject to Part XIX-

(a) an appeal to the High Court in accordance with section 14H of the Principal Act against a decision of a Board of Review given before the date of commencement of this Part may be instituted, heard and determined; and

(b) an appeal to the High Court instituted before that date, or a reference of a question of law to the High Court made before that date, under section 14H of the Principal Act may be heard and determined, as if that amendment had not been made, and the provisions of the Principal Act apply in relation to such an appeal or reference and to matters arising out of such an appeal or reference.

111. After section 14H of the Principal Act the following sections are inserted:

Jurisdiction of Supreme Courts of Territories

"14HA. (1) Jurisdiction under section 14H is conferred on the Supreme Court of the Australian Capital Territory or the Supreme Court of the Northern Territory of Australia only in a proceeding arising out of an application made under section 14B by a person who, at the time of the institution of the proceeding-

(a) in the case of an individual-was ordinarily resident in the Australian Capital Territory or the Northern Territory, as the case may be; or

(b) in the case of a company-had its principal place of business in the Australian Capital Territory or the Northern Territory, as the case may be.

"(2) In this section, 'the Australian Capital Territory' includes the Jervis Bay Territory.

Transfer of proceedings

"14HB. (1) A Supreme Court in which proceedings under section 14H have been instituted (whether it has jurisdiction in the proceedings or not) may, if the Court thinks fit, upon the application of a party made at any stage in the proceedings, by order, transfer the proceedings to another Supreme Court having jurisdiction under that section.

"(2) Where proceedings are transferred from a Court in pursuance of this section-

(a) all documents filed of record in that Court shall be transmitted by the Registrar or other proper officer of that Court to the Registrar or other proper officer of the Court to which the proceedings are transferred; and

(b) the Court to which the proceedings are transferred shall proceed as if the proceedings had been originally instituted in that Court and as if the same proceedings had been taken in that Court as had been taken in the Court from which the proceedings were transferred."

JURISDICTION OF COURTS (MISCELLANEOUS AMENDMENTS) ACT 1979
No. 19 of 1979 - SECT. 112.

112. After section 14O of the Principal Act the following section is inserted in Part IV:

Practice and procedure of Supreme Courts

"14P. (1) Until regulations have been made under this Act for or in relation to the practice and procedure of a Supreme Court in proceedings to which this section applies, and so far as regulations so made do not make adequate provision, the High Court Rules as in force under the Judiciary Act 1903 immediately before the date of commencement of this section apply, so far as practicable, to and in relation to a proceeding to which this section applies in like manner as they applied immediately before that date to and in relation to the like proceeding in the High Court.

"(2) This section applies to a proceeding in a Supreme Court, being-

(a) an appeal under this Part to that Supreme Court; or

(b) a reference under this Part of a question of law to that Supreme Court."

JURISDICTION OF COURTS (MISCELLANEOUS AMENDMENTS) ACT 1979
No. 19 of 1979 - SECT. 113. Regulations

113. Section 18 of the Principal Act is amended by omitting ", prescribing penalties, by way of fines not exceeding \$250, for offences against the regulations." and substituting:

"(a) for and in relation to the practice and procedure of a Supreme Court in proceedings to which section 14P applies; and

(b) prescribing penalties, by way of fines not exceeding \$250, for offences against the regulations."

JURISDICTION OF COURTS (MISCELLANEOUS AMENDMENTS) ACT 1979
No. 19 of 1979 - SECT. 114. Principal Act

PART XVI-AMENDMENTS OF THE WOOL TAX (ADMINISTRATION)
ACT 1964

114. The Wool Tax (Administration) Act 1964 is in this Part referred to as the Principal Act.

JURISDICTION OF COURTS (MISCELLANEOUS AMENDMENTS) ACT 1979
No. 19 of 1979 - SECT. 115. Interpretation

115. Section 4 of the Principal Act is amended by inserting in sub-section (5) "(other than Part IX)" after "Act".

JURISDICTION OF COURTS (MISCELLANEOUS AMENDMENTS) ACT 1979
No. 19 of 1979 - SECT. 116.

116. Before section 56 of the Principal Act the following sections are inserted in Part IX:

Interpretation

"55A. In this Part, unless the contrary intention appears, 'Supreme Court' means-

(a) the Supreme Court of a State; or

(b) the Supreme Court of the Australian Capital Territory or the Supreme Court of the Northern Territory of Australia, being a Court having jurisdiction in the proceedings concerned.

Jurisdiction of Supreme Courts of Territories

"55B. (1) Jurisdiction under this Part is conferred on the Supreme Court of the Australian Capital Territory or the Supreme Court of the Northern Territory of Australia only in a proceeding arising out of an assessment in respect of a person who, at the time of the institution of the proceeding-

(a) in the case of an individual-was ordinarily resident in the Australian Capital Territory or the Northern Territory, as the case may be; or

(b) in the case of a company-had its principal place of business in the Australian Capital Territory or the Northern Territory, as the case may be.

"(2) In this section, 'the Australian Capital Territory' includes the Jervis Bay Territory.

Transfer of proceedings

"55C. (1) A Supreme Court in which proceedings under this Part have been instituted (whether it has jurisdiction in the proceedings or not) may, if the Court thinks fit, upon the application of a party made at any stage in the proceedings, by order, transfer the proceedings to another Supreme Court having jurisdiction under this Part.

"(2) Where proceedings are transferred from a Court in pursuance of this section-

(a) all documents filed of record in that Court shall be transmitted by the Registrar or other proper officer of that Court to the Registrar or other proper officer of the Court to which the proceedings are transferred; and

(b) the Court to which the proceedings are transferred shall proceed as if the proceedings had been originally instituted in that Court and as if the same proceedings had been taken in that Court as had been taken in the Court from which the proceedings were transferred."

JURISDICTION OF COURTS (MISCELLANEOUS AMENDMENTS) ACT 1979
No. 19 of 1979 - SECT. 117.

117. (1) Section 59 of the Principal Act is repealed and the following section is substituted:

Appeals and references

"59. (1) The Commissioner or the person who requested the review by a Board of Review may, within 30 days after the date of the decision, appeal to a Supreme Court from any decision of the Board under section 58 which involves a question of law.

"(2) The Board of Review shall, upon the request of the Commissioner or the person who requested a review by a Board, refer any question of law arising before the Board to such Supreme Court as is agreed upon by the parties or, in the absence of agreement, to such Supreme Court as the Board considers appropriate.

"(3) An appeal or reference to a Supreme Court under this section shall be heard by a single Judge of the Court.

"(4) Except as provided in sub-section (5), an appeal does not lie from the decision of a Supreme Court constituted by a single Judge on an appeal or reference under this section.

"(5) The Commissioner or the person who requested a review by a Board of Review may appeal against the decision of a Supreme Court on an appeal or reference under this section-

(a) by leave of the Federal Court of Australia, to that Court; or

(b) by special leave of the High Court, to that Court.

"(6) An appeal does not lie from a decision of the Federal Court of Australia in a matter under this section unless the High Court gives special leave to appeal."

(2) Notwithstanding the amendment made by this section but subject to Part XIX-

(a) an appeal to the High Court in accordance with section 59 of the Principal Act against a decision of a Board of Review given before the date of commencement of this Part may be instituted, heard and determined; and

(b) an appeal to the High Court instituted before that date, or a reference of a question of law to the High Court made before that date, under section 59 of the Principal Act may be heard and determined, as if that amendment had not been made, and the provisions of the Principal Act apply in relation to such an appeal or reference and to matters arising

out of such an appeal or reference.

JURISDICTION OF COURTS (MISCELLANEOUS AMENDMENTS) ACT 1979
No. 19 of 1979 - SECT. 118.

118. After section 60 of the Principal Act the following section is inserted
in Part IX:

Practice and procedure of Supreme Courts

"60A. (1) Until regulations have been made under this Act for or in relation to the practice and procedure of a Supreme Court in proceedings to which this section applies, and so far as regulations so made do not make adequate provision, the High Court Rules as in force under the Judiciary Act 1903 immediately before the date of commencement of this section apply, so far as practicable, to and in relation to a proceedings to which this section applies in like manner as they applied immediately before that date to and in relation to the like proceeding in the High Court.

"(2) This section applies to a proceeding in a Supreme Court, being-

(a) an appeal under this Part to that Supreme Court; or

(b) a reference under this Part of a question of law to that Supreme Court."

JURISDICTION OF COURTS (MISCELLANEOUS AMENDMENTS) ACT 1979
No. 19 of 1979 - SECT. 119.

How prosecution instituted

119. (1) Section 71 of the Principal Act is amended by omitting from sub-section (1) "the High Court or in".

(2) The amendment made by this section does not affect the hearing and determination of a proceeding instituted in the High Court before the date of commencement of this Part.

JURISDICTION OF COURTS (MISCELLANEOUS AMENDMENTS) ACT 1979
No. 19 of 1979 - SECT. 120.

120. Section 74 of the Principal Act is repealed and the following section is substituted:

Defendant to have right of trial in Supreme Court

"74. In a prosecution instituted in a court of summary jurisdiction, where the penalty exceeds \$500 and the excess is not abandoned, the defendant, within 7 days after service of process, may elect in the prescribed manner to have the case tried in the Supreme Court of the State or Territory in which the prosecution has been instituted, and thereupon the prosecution shall stand removed to that Supreme Court and shall be conducted as if it had been originally instituted in that Supreme Court."

JURISDICTION OF COURTS (MISCELLANEOUS AMENDMENTS) ACT 1979

No. 19 of 1979 - SECT. 121.

Prosecution in accordance with practice rules

121. Section 75 of the Principal Act is amended by omitting "the High Court or".

JURISDICTION OF COURTS (MISCELLANEOUS AMENDMENTS) ACT 1979

No. 19 of 1979 - SECT. 122.

Regulations

122. Section 93 of the Principal Act is amended by omitting from sub-section (1) ", prescribing penalties not exceeding a fine of One hundred dollars for offences against the regulations." and substituting:

"(a) for and in relation to the practice and procedure of a Supreme Court in respect of proceedings to which section 60A applies; and

(b) prescribing penalties not exceeding a fine of \$100 for offences against the regulations."

JURISDICTION OF COURTS (MISCELLANEOUS AMENDMENTS) ACT 1979

No. 19 of 1979 - SECT. 123.

Schedule

PART XVII-AMENDMENTS OF OTHER ACTS

123. The Acts specified in the Schedule are amended as set out in that Schedule.

JURISDICTION OF COURTS (MISCELLANEOUS AMENDMENTS) ACT 1979

No. 19 of 1979 - SECT. 124.

Savings

PART XVIII-SAVINGS

124. (1) The amendments to an Act made by Part II, III, VIII or XVII do not affect the hearing and determination of a proceeding instituted in, or removed into, a court under that Act before the date on which those amendments take effect.

(2) If, before the date on which the amendments made by this Act to the Courts-Martial Appeals Act 1955 take effect, a request was made in accordance with section 51 of that Act, as in force before that date, a notice was given in accordance with sub-section 56 (1) of that Act, as so in force, or an order of the Tribunal under that sub-section was in operation, the provisions of Part V of that Act, as so in force, apply on and after that date for all purposes of or arising out of that request, notice or order.

(3) The provisions of sub-section 30A (1A) of the Crimes Act 1914, as in force immediately before the date on which the amendments made by this Act to that Act take effect, apply on and after that date in relation to an order of a court made before that date.

(4) Where, before the date on which the amendments made by this Act to the Service and Execution of Process Act 1901 take effect, leave was granted in respect of a writ in accordance with paragraph 19C (1) (a) of that Act, the provisions of that Act, as in force before that date, apply on and after that date in relation to that writ.

JURISDICTION OF COURTS (MISCELLANEOUS AMENDMENTS) ACT 1979

No. 19 of 1979 - SECT. 125.

Remittal of certain proceedings

PART XIX-REMITTAL TO SUPREME COURT OF CERTAIN PROCEEDINGS
PENDING IN HIGH COURT

125. Where a provision of Part IV, V, VI, IX, XI, XII, XIII, XV or XVI provides, that subject to this Part, certain proceedings may be heard and determined by the High Court as if amendments made by that Part had not been made, the High Court may, at any time after the commencement of that Part and at any stage of such a proceeding, and either on the application of a party or of its own motion, remit the proceeding to the Supreme Court of a State or Territory (being a court that would have jurisdiction in the proceeding if it had been instituted after the commencement of the Part concerned).

JURISDICTION OF COURTS (MISCELLANEOUS AMENDMENTS) ACT 1979
No. 19 of 1979 - SECT. 126.

Procedure upon remittal of proceeding

126. Where a proceeding is remitted by the High Court to a Supreme Court under section 125 -

(a) all documents filed of record, and moneys lodged, in the High Court in the proceeding shall be transmitted by the Registrar or other proper officer of the High Court to the Registrar or other proper officer of the Supreme Court;

(b) the Registrar or other proper officer of the High Court shall, unless the proceeding is remitted upon an application made by a party to the proceeding, cause the parties to the proceeding to be notified that the proceeding has been so remitted;

(c) the Supreme Court shall proceed as if the proceeding had been originally instituted in that Court and as if the same proceedings had been taken in that Court as had been taken in the High Court, and all subsequent proceedings shall be in accordance with the practice and procedure that would be applicable if it had been instituted in the Supreme Court; and

(d) the proceeding shall be heard by a single Judge of the Supreme Court

whose decision in the proceeding shall, subject to section 127, be final and conclusive.

JURISDICTION OF COURTS (MISCELLANEOUS AMENDMENTS) ACT 1979
No. 19 of 1979 - SECT. 127. Appeals

127. An appeal from a decision of a Supreme Court under section 126 may be brought to a court to which an appeal could have been brought, but subject to the same conditions with respect to leave or special leave as would have been applicable, if the proceedings had been instituted in that Supreme Court after the commencement of the relevant Part of this Act.

JURISDICTION OF COURTS (MISCELLANEOUS AMENDMENTS) ACT 1979
No. 19 of 1979 - SECT. 128.

Requests for certain matters to be referred to Supreme Court instead of High Court

128. (1) Where a person has, before the commencement of Part IV, requested the Commissioner of Taxation, in accordance with the Estate Duty Assessment Act 1914, to treat an objection as an appeal and forward it to the High Court, that person may, at any time before the objection is forwarded to the High Court, by an amendment of the request, request the Commissioner to forward the objection to the Supreme Court of a State or Territory and thereupon the provisions of Part V of the Estate Duty Assessment Act 1914, as amended by this Act, apply as if the person had originally requested the Commissioner to forward the objection to that Supreme Court.

(2) Where a person has, before the commencement of Part VI, requested the Commissioner of Taxation, in accordance with the Gift Duty Assessment Act 1941, to treat an objection as an appeal and forward it to the High Court, that person may, at any time before the objection is forwarded to the High Court, by an amendment of the request, request the Commissioner to forward the objection to the Supreme Court of a State or Territory and thereupon the provisions of Part VI of the Gift Duty Assessment Act 1941, as amended by this Act, apply as if the person had originally requested the Commissioner to forward the objection to that Supreme Court.

JURISDICTION OF COURTS (MISCELLANEOUS AMENDMENTS) ACT 1979
No. 19 of 1979 - SCHEDULE

SCHEDULE

Section

123

AMENDMENTS OF ACTS

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Acts	Provisions	Amendments
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Air Navigation Act 1920 Section 25 Repeal.

Arbitration (Foreign Awards and Agreements) Act 1974 Section

8 (a) Omit sub-section (3).

(b) Omit from sub-section (4)

"sub-sections (1), (2) and

(3)", substitute

"sub-sections

(1) and (2)".

Banking Act 1959 . . . Section 14 (6) . . (a) Omit "a Full Court of
the

High Court constituted by not
less than three Justices",
substitute "a Full Court of

the

Federal Court of Australia".

(b) Omit "High Court"

(second

occurring), substitute

"Court".

Section 65 (a) Omit from sub-section (1)
"a Full Court of the High
Court
constituted by not less than
three Justices", substitute

"a
Full Court of the Federal
Court
of Australia".
(b) Omit from sub-section (2)
"by the High Court".
(c) Omit from sub-section (2)
"High Court" (second
occurring), substitute

"Federal
Court of Australia".
(d) Omit from sub-section (4)
"High Court", substitute
"Federal Court of
Australia".

Section 69 (11) . . Omit "High Court" (wherever
occurring), substitute

"Federal
Court of Australia".

Civil Aviation (Damage by Aircraft) Act 1958 Section 15 (2) (b) Omit
sub-paragraph (i).

Commonwealth Electoral
Act 1918 Section 164BB (2) . Omit "any Federal court or".

Commonwealth Inscribed

Stock Act 1911 Section 21 Omit "the High Court or".
Section 43 Omit "the High Court, or".

Courts-Martial Appeals Act 1955 Section 50 (a)

Omit paragraphs (a) and (b)

of sub-section (2),

substitute:

"(a) in the case of a contempt of the Tribunal committed in a State or an internal Territory-to the

Supreme

Court of that State or

Territory;

or

"(b) in the case of a contempt of the Tribunal committed elsewhere than in a State or an internal

Territory-to

the Supreme Court of any State

or

Territory,".

(b) Omit from sub-section (4)

"Justice or".

(c) Omit sub-section (5).

(d) Omit sub-sections (8),

(9)

and (10), substitute:

"(8) The several Supreme Courts of the States are

invested

with federal jurisdiction, and jurisdiction is conferred on

the

several Supreme Courts of the Territories, to hear and determine proceedings,

instituted

in accordance with sub-

section

(2), in respect of a contempt

of

the Tribunal."

Heading to Part V . Omit "HIGH COURT",

substitute

"FEDERAL COURT OF

AUSTRALIA".

Sections 51, 52,

53, 54, 55 and 56 Omit "High Court" (wherever
occurring), substitute

"Federal

Court of Australia".

Sections 52 (2) (a)

and 53 Omit "Principal" (wherever
occurring).

Section 59 Repeal.

Crimes Act 1914 . . . Section 30A (1A) . Omit "High Court or the
Supreme

Court of a State", substitute

"Federal Court of

Australia".

Section 30AA . . . (a) Omit from sub-section (1)

"High Court or to the Supreme

Court of a State", substitute

"Federal Court of

Australia".

(b) omit sub-section (6).

(c) omit from sub-section (8)

"High Court", substitute

"Federal Court of

Australia".

(d) omit from sub-section (9)

"Full Court of the High Court

consisting of not less than

three

Justices", substitute "Full
Court of the Federal Court of
Australia".

Section 30FD . . . Omit "the High Court or the
Supreme Court of a State",

substitute "a court".

Customs Act 1901 . . . Section 198 Omit "High Court or the".

Section 221 Omit "High Court or the

Supreme

Court of a State", substitute
"Supreme Court of a State,

the

Supreme Court of the

Australian

Capital Territory or the

Supreme

Court of the Northern

Territory

of Australia".

Section 227 Omit "High Court or the

Supreme

Court of any State",

substitute

"Supreme Court of a State,

the

Supreme Court of the

Australian

Capital Territory or the

Supreme

Court of the Northern

Territory

of Australia".

Section 245 (a) Omit paragraphs (a) and
(b),
substitute:
"(a) in the Supreme Court
of
a State;
(b) in the Supreme Court
of
the Australian Capital
Territory;
or
(c) in the Supreme Court
of
the Northern Territory of
Australia,".
(b) Omit paragraph (c),
substitute:
"(d) any County Court,
District Court, Local Court or
court of summary jurisdiction
of
a State or of the Australian
Capital Territory or the
Northern
Territory of Australia."

Section 246 (a) Omit "in the option of
the
prosecutor either in the High
Court or".
(b) After "State" insert
"or
Territory".

Section 247 Omit "the High Court or the
Supreme Court of any State",
substitute "a Supreme
Court".

Section 248 (a) Omit "before Justices".

(b) Omit "such State",
substitute "a State or
Territory".

(c) After "the State"
(wherever occurring) insert

"or

Territory".

Defence Act 1903 . . . Section 91 (b) . . Omit "the High Court or a
Supreme Court or a Judge
thereof", substitute "the
Supreme Court of a State or an
internal Territory or of an
external Territory to which

this

Act extends".

Defence (Special Undertakings) Act 1952 Section 30 . . .

. Repeal. Excise Act 1901 . . . Section 109 Omit "High Court or
the Supreme

Court of a State", substitute
"Supreme Court of a State or
Territory".

Section 115 Omit "High Court or the

Supreme

Court of any State",

substitute

"Supreme Court of a State or
Territory".

Section 134 Omit paragraphs (a) and (b),
substitute "in the Supreme

Court

of a State or Territory".

Section 135 (a) Omit "in the option of

the

prosecutor either in the High Court or".

(b) After "State" insert

"or

Territory".

Section 136 Omit "the High Court or the Supreme Court of any State", substitute "a Supreme

Court".

Section 137 (a) Omit "before Justices".

(b) Omit "such State", substitute "a State or Territory".

(c) After "the State" (wherever occurring) insert

"or

Territory". Federal Court of

Australia Act 1976 Section 20 (1) . . Omit the sub-section, substitute:

"(1) Except as otherwise provided by this Act or any

other

Act, the original jurisdiction

of

the Court in either Division shall be exercised by a single Judge.".

Division 3 of Part

III Insert the following section:

State Supreme Courts invested with jurisdiction in

Chambers "32A. (1) In any matter

pending in the
General
Division
of the Federal
Court of
Australia, the
Supreme Court
of
a State is
invested with
federal
jurisdiction
to
hear and
determine any
application
that
may be made to
a
Judge of the
first-mentioned
court sitting
in
Chambers.
"(2) The
jurisdiction
under this
section may be
exercised by a
single Judge
of
the Supreme
Court
sitting in
Chambers, and

the

order of the
Judge shall

have

the effect of

an

order of a

Judge

of the Federal
Court of
Australia

sitting

in Chambers

and

any appeal
against the
order, or
proceedings

for

enforcement of
the order or

for

contempt of

court

in relation to
the order,

shall

be brought and
dealt with as

if

the order were

an

order of a

Judge

of the Federal
Court of

Australia.
"(3) The
power
of the Judges
of
the Federal
Court
of Australia or
a
majority of
them
under section
59
to make Rules
of
Court shall be
deemed to
extend
to Rules of
Court
relating to
the
practice and
procedure to
be
followed in
applications
in
accordance
with
this
section."

Section 37 Repeal the section,
substitute:

Writs, &c. "37. All

writs,

commissions

and

process issued
from the Court
shall be-

(a) under

the

seal of the
Court; and

(b) signed

by

the Registrar,

a

District
Registrar or

an

officer acting
with the
authority of

the

Registrar or a
District
Registrar."

Section 47 (3) . . . Omit the sub-section,

substitute:

"(3) The Court or a Judge

may

at any time, for sufficient
reason and on such conditions

(if

any) as the Court or Judge

thinks

necessary in the interests of

justice, direct or allow proof
by
affidavit at the trial of a
cause
to such extent as the Court or
Judge thinks fit."
Section 49 Omit "read" (wherever
occurring), substitute "made
public". Financial Agreements
(Commonwealth Liability) Act 1932 Section 4 (2) . . . Omit "High
Court", substitute
"Supreme Court of a State or
Territory".
Foreign Takeovers Act 1975 Section 3 After
sub-section (4) insert:
the
"(4A) For the purposes of
institution, after the
commencement of this
sub-section,
of proceedings for an offence
referred to in section 21 of
the
Companies (Foreign Takeovers)
Act
1972, the reference in that
section to the Commonwealth
Industrial Court shall be read
as
a reference to the Federal
Court
of Australia."
Historic Shipwrecks Act 1976 Section 21 (a) Omit
from sub-section (1)
"the High Court or".
(b) Omit from sub-section (3)

Act,

be decided by the
Treasurer, whose
decision is,

subject

to sub-section (2),
binding and
conclusive.

"(2) Applications

may

be made to the
Administrative

Appeals

Tribunal for review

of

decisions of the
Treasurer under
sub-section (1)."

Section 18 (3) . . . Omit "Court" (first

occurring),

substitute "Federal Court of
Australia".

Section 20 (a) Omit sub-section (3).

(b) Omit from sub-section (4)

"or as decided by the Court

on

appeal".

Sections 24 and 25 Repeal.

Judiciary Act 1903 . . . Section 21 After sub-section (2) insert-

"(3) The reference in
sub-section (2) to the Supreme
Court of a State sitting as a
Full Court shall be read as a
reference to the Supreme Court

of

a State when constituted by 2

or

more Judges, and includes the
Supreme Court of a State when

so

constituted for the purpose of
sitting as the Court of Appeal

of

the State."

Section 35 (a) After sub-section (6)
insert-

the

"(6A) An Act passed after

commencement of sub-section

(6)

shall not be construed as
intended to exclude the

operation

of that sub-section unless

that

Act expressly excludes the
operation of that

sub-section."

Section 56 (2) . . . Omit "paragraph (c)",
substitute "paragraphs (b)

and

(c)".

Overseas Telecommunications Act 1946

Section 66

(a) Omit from sub-section (6)

"High Court", substitute
"Supreme Court of a State or
Territory (being, where the

claim

arises from an acquisition of
property, the Supreme Court of

Review of
decisions "25. (1) In this
section-
'decision' has the
same meaning as in
the
Administrative
Appeals
Tribunal Act 1975,
but
does not include a
decision in respect
of
which an appeal has
been made to the
High
Court before the
commencement of
this
section;
decision' 'reviewable
means a decision of
the Trust or a
delegate of the
Trust,
given under this
Act
or under the
regulations, and
includes a decision
of
the Trust, or a
delegate of the

Trust,

given under the
Parliamentary
Contributory
Superannuation Act
1948, or under the
regulations under

that

Act, before the
commencement of

this

section.

"(2) A person
affected by a
reviewable decision
who is dissatisfied
with the decision

may,

by notice in

writing

given to the Trust
within the period

of

30 days after the

day

on which the

decision

first comes to the
notice of the

person,

or within such

further

period as the Trust
allows, request the
Trust to reconsider
the decision.

be
request
making
of
Trust
the
the
the
Trust
or
the
notice
or
person
request,

"(3) There shall
set out in the
the reasons for
the request.
"(4) Upon receipt
the request, the
shall reconsider
decision and may
confirm or revoke
decision or vary
decision in such
manner as it thinks
fit.
"(5) Where the
confirms, revokes
varies a decision,
Trust shall, by
in writing served
either personally
by post on the
who made the

of
inform the person
the result of the
Trust's
reconsideration of
the

revoking
decision and its
reasons for
confirming,
or varying the
decision, as the
case
may be.

Appeals
"(6) Applications
may be made to the
Administrative
Tribunal for review
of
reviewable
decisions

(4)
that have been
confirmed or varied
under sub-section
of this section and
for review of
decisions of the
Trust
made under section

25
of the

Parliamentary

Contributory
Superannuation Act
1948 as amended and

in

force before the
commencement of

this

section."

Patents Amendment Act 1976
from paragraph 1 "98

Schedule (a) Omit

(6) (first occurring),"

(b) Omit from paragraph 2 ",

98

(6) (second occurring)".

Royal Commissions Act 1902
"Judge" insert "of any

Section 60 (2) . . . After

other Federal Court, of the
Supreme Court of a Territory
or".

Section 10 (1) . . . Omit "High Court",

substitute

"Federal Court of

Australia".

Section 10 (2) . . . Omit.

Section 11 Omit.

Seamen's Compensation Act 1911
from sub-section (1)

Section 13 (a) Omit

"a Justice of the High Court
or".

(b) After "State" insert in
sub-section (1) "or

Territory".

(c) Omit from sub-sections

(1)

and (3) "Justice or".

Service and Execution of Process Act 1901 Section 19C (a) Omit from paragraph (a) of

sub-section (1) "a Justice of the High Court", substitute "a Judge of the Federal Court of Australia".

(b) Omit from paragraph (a)

of Justice", sub-section (1) "the

substitute "the Judge". (c) Omit from paragraph (b)

of sub-section (2) "the Marshall of the High Court", substitute

"the Sheriff of the Federal Court of Australia". Trade Marks Act 1955 Section 48 Omit sub-sections (2) and (3), substitute:

"(2) Where, in respect of an application, an appeal under any provision of this Act has been instituted or an application

has been made to the Administrative Appeals Tribunal for a review

of a decision, the Registrar

shall not give notice of the

non-acceptance of the
first-mentioned application

until

the expiration of 3 months

after

the determination or other
disposal of the appeal or

review

or until the expiration of

such

further time as the court to
which the appeal, or any

further

appeal, is brought, or the
Administrative Appeals

Tribunal,

or the court to which any

appeal

arising out of the decision of
the Administrative Appeals
Tribunal, is brought, as the

case

may be, allows.

"(3) Where-

(a) the time within which an
appeal, or an application to

the

Administrative Appeals

Tribunal,

mentioned in sub-section (2)

may

be instituted or made has not
expired; or

(b) the applicant has died,
the Registrar shall not give
notice of the non-acceptance

of

the application for the registration of a trade mark until such time as he determines."

Section 54 Omit sub-section (3),

substitute:

"(3) Where the registration

of

a trade mark is delayed by-
(a) opposition to the registration of the trade

mark;

(b) an appeal to a

prescribed

court; or

(c) an application to the Administrative Appeals

Tribunal,

that trade mark may be

registered

within such time as-

(d) in a case to which paragraph (a) applies-the Registrar directs;

(e) in a case to which paragraph (b) applies-the prescribed court, or any court

to

which a further appeal is brought, directs, or, if the appeal or any such further

appeal

is discontinued, the Registrar directs; or

(f) in a case to which

paragraph (c) applies-the
Tribunal, or a court to which
an

appeal arising out of the
decision of the Tribunal is
brought, directs, or, if the
proceedings before the

Tribunal

are, or any such appeal is,
discontinued, as the Registrar
directs."

Section 111 (b) and

(c) Omit "46", substitute
"44".

Section 112 Add the following sub-section:

"(4) The regulations may
make
to
proceedings
may
or
providing
provision for and in relation
the practice and procedure of
prescribed courts in
under this Act, including
provision prescribing the time
within which any proceeding
be instituted or any other act
thing may be done, and
for the extension of any such
time."

Section 114 (1) . . . At the end of the sub-section

add
any
"or a judgment or order of

other court in an action or
proceeding referred to in

section

67".

Section 116A . . . Repeal.

Treasury Bills Act 1914 Section 10 (1) . . Omit "High
Court", substitute

"Federal Court of Australia".

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JURISDICTION OF COURTS (MISCELLANEOUS AMENDMENTS) ACT 1979
No. 19 of 1979 - NOTE

NOTE

1. Act No. 19, 1979; assented to 28 March 1979.