



Speech by

Hon. PETER BEATTIE

MEMBER FOR BRISBANE CENTRAL

Hansard 24 August 2000

FEDERAL COURTS (CONSEQUENTIAL AMENDMENTS) BILL

Hon. P. D. BEATTIE (Brisbane Central— ALP) (Premier) (4.32 p.m.): I move—

"That the Bill be now read a second time."

The Federal Courts (Consequential Amendments) Bill 2000 is the third piece of legislation in a trilogy of legislation that the Commonwealth and the States are enacting to address the effect of the High Court decision in the case of *Re Wakim*. The High Court decision in the case of *Re Wakim* was that the act of a State vesting State jurisdiction in a Federal Court, and the Commonwealth consenting to the vesting of State jurisdiction in a Federal Court, is constitutionally invalid. Following the decision, the Standing Committee of Attorneys-General, with the Special Committee of Solicitors-General and the Parliamentary Counsels' Committee, developed a trilogy of legislation to address the effect of the High Court decision.

The first piece of legislation is the Federal Courts (States Jurisdiction) Act 1999, which the Commonwealth and the States enacted in 1999. The Queensland legislation was introduced into Parliament by the Honourable the Attorney-General on 20 July 1999, and the legislation commenced operation on 29 July 1999. The purpose of the Federal Courts (States Jurisdiction) Act 1999 is to retrospectively validate decisions of the Federal Court or Family Court made relying on cross-vesting of jurisdiction, and to deem those relevant decisions of the Federal Court or Family Court to be decisions of the appropriate Supreme Court.

The second piece of legislation is the Jurisdiction of Courts Legislation Amendment Act 2000, which commenced operation on 1 July 2000. The purpose of the Jurisdiction of Courts Legislation Amendment Act is for the Commonwealth to amend the Administrative Decisions (Judicial Review) Act 1975, the Administrative Appeals Tribunal Act 1975, and the Jurisdiction of Courts (Cross-vesting) Act 1987 to the extent that the legislation is invalid. The second piece of legislation is complementary with the third piece of legislation.

The third piece of legislation is the present legislation, the Federal Courts (Consequential Amendments) Bill 2000. The main purposes of this Bill are—

- (a) to remove from State Acts provisions purporting to confer jurisdiction on a Federal Court;
- (b) to remove from State Acts any provisions purporting to apply the Commonwealth Administrative Decisions (Judicial Review) Act 1977 ("ADJR Act") as a law of the State;
- (c) to make changes to the State cross-vesting schemes that are complementary to amendments to Commonwealth legislation proposed by the Jurisdiction of Courts Legislation Amendment Act that was introduced into the Parliament of the Commonwealth in March 2000.

The purpose of the legislation is to amend the seven pieces of legislation establishing national schemes which rely on cross-vesting of jurisdiction between the Commonwealth and the States to achieve national administration and regulation of a number of industries and agencies. The schemes include the Agricultural and Veterinary Chemicals scheme, the Competition Policy scheme, the Corporations scheme, the Gas Pipelines scheme and the National Crime Authority scheme.

The Bill is essential because the legislation will amend the following legislation to the extent that the legislation is invalid—

Agricultural and Veterinary Chemicals (Queensland) Act 1994

Competition Policy Reform (Queensland) Act 1996

Corporations (Queensland) Act 1990

Gas Pipelines Access (Queensland) Act 1998

Jurisdiction of Courts (Cross-vesting) Act 1987

National Crime Authority (State Provisions) Act 1985

New Tax System Price Exploitation Code (Queensland) Act 1999.

I commend the Bill to the House.

Debate, on motion of Mr Springborg, adjourned.
