



New South Wales

Federal Courts (State Jurisdiction) Regulation 1999

under the

Federal Courts (State Jurisdiction) Act 1999

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Federal Courts (State Jurisdiction) Act 1999*.

JEFFREY SHAW, Q.C., M.L.C.,
Attorney General.

Explanatory note

The object of this Regulation is to prescribe the *Coal Industry Act 1946* and *Industrial Relations Act 1996* as relevant State Acts for the purposes of the *Federal Courts (State Jurisdiction) Act 1999*. The Act provides that a decision made by the Federal Court or Family Court in exercise of jurisdiction purportedly conferred by a relevant State Act is taken to be a decision made by the Supreme Court of New South Wales. The Act was passed following the decision of the High Court in *Re Wakim; Ex parte McNally* [1999] HCA 27 in which it was held that a federal court could not be invested with State jurisdiction by a State Act.

The Regulation is made under the *Federal Courts (State Jurisdiction) Act 1999*, including paragraph (i) of the definition of **relevant State Act** in section 3 and section 16 (the general regulation-making power).

This Regulation relates to matters arising under legislation that is substantially uniform or complementary with legislation of other States.

1999 No 516

Federal Courts (State Jurisdiction) Regulation 1999

Contents

Contents

	Page
1 Name of Regulation	3
2 Commencement	3
3 Definition	3
4 Prescribed relevant State Acts	3

Federal Courts (State Jurisdiction) Regulation 1999

1 Name of Regulation

This Regulation is the *Federal Courts (State Jurisdiction) Regulation 1999*.

2 Commencement

This Regulation commences on 20 September 1999.

3 Definition

In this Regulation:

the Act means the *Federal Courts (State Jurisdiction) Act 1999*.

4 Prescribed relevant State Acts

For the purposes of paragraph (i) of the definition of *relevant State Act* in section 3 of the Act, the following Acts are prescribed:

- (a) *Coal Industry Act 1946*,
- (b) *Industrial Relations Act 1996*.