



New South Wales

# Federal Courts (State Jurisdiction) Regulation 2005

under the

Federal Courts (State Jurisdiction) Act 1999

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

BOB DEBUS, M.P.,  
Attorney General

## Explanatory note

The object of this Regulation is to remake, without any changes in substance, the provisions of the *Federal Courts (State Jurisdiction) Regulation 1999* which is repealed on 1 September 2005 by section 10 (2) of the *Subordinate Legislation Act 1989*.

This Regulation prescribes the *Coal Industry (Industrial Matters) Act 1946* (previously entitled the *Coal Industry Act 1946*) as a relevant State Act for the purposes of the *Federal Courts (State Jurisdiction) Act 1999* (**the Act**). 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 comprises or relates to matters arising under legislation that is substantially uniform or complementary with legislation of other States.

## 2005 No 452

Clause 1                      Federal Courts (State Jurisdiction) Regulation 2005

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# Federal Courts (State Jurisdiction) Regulation 2005

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Federal Courts (State Jurisdiction) Act 1999

### 1    Name of Regulation

This Regulation is the *Federal Courts (State Jurisdiction) Regulation 2005*.

### 2    Commencement

This Regulation commences on 1 September 2005.

**Note.** This Regulation replaces the *Federal Courts (State Jurisdiction) Regulation 1999* which is repealed on 1 September 2005 by section 10 (2) of the *Subordinate Legislation Act 1989*.

### 3    Prescribed relevant State Act

For the purposes of paragraph (i) of the definition of **relevant State Act** in section 3 of the *Federal Courts (State Jurisdiction) Act 1999*, the *Coal Industry (Industrial Matters) Act 1946* (previously entitled the *Coal Industry Act 1946*) is prescribed.

### 4    Notes

Notes included in this Regulation do not form part of this Regulation.

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BY AUTHORITY