

## **JURISDICTION OF COURTS (FOREIGN LAND) BILL 1989**

### **NEW SOUTH WALES**



### **EXPLANATORY NOTE**

**(This Explanatory Note relates to this Bill as introduced into Parliament)**

The Family Provision (Foreign Land) Amendment Bill 1989 is cognate with this Bill.

These Bills implement the recommendations of the Law Reform Commission contained in its Report on the Jurisdiction of Local Courts over Foreign Land 1988 (LRC 58), in the Community Law Reform Program.

The objects of this Bill are:

- (a) to provide that the jurisdiction of any court is not excluded or limited because the proceedings relate to or may otherwise concern land or immovable property outside New South Wales (the Mozambique rule abolished); and
- (b) to provide that a court is not required to exercise this jurisdiction if it considers that it is not the appropriate court to hear the proceedings.

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**Clause 1 specifies the short title of the proposed Act.**

**Clause 2 provides for the proposed Act to commence on a day to be appointed by proclamation.**

**Clause 3 provides that a court may determine proceedings involving land or immovable property outside New South Wales.**

**Clause 4 provides that a court may decline to exercise jurisdiction if it considers that it is not the appropriate court to hear the proceedings.**

**Clause 5 provides that the Act applies to existing as well as new causes of action.**

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