

HOUSE OF REPRESENTATIVES

# Supplementary Order Paper

Tuesday, 26 June 1990

LAW REFORM (MISCELLANEOUS PROVISIONS) BILL 1990  
*Proposed Amendments*

Hon. W. P. JEFFRIES, in Committee, to move the following amendments:

*Clause 4: New section 56F:* To omit the proposed new section 56F, and substitute the following section:

**“56F. Australian counsel entitled to practise in High Court—**A person who is entitled to practise as a barrister, or solicitor, or both, in the Federal Court is entitled to practise as a barrister, or solicitor, or both in relation to—

“(a) A New Zealand proceeding before the High Court sitting in Australia:

“(b) The examination, cross-examination, or re-examination of a witness in Australia whose evidence is being taken by video link or telephone conference in a New Zealand proceeding before the High Court in New Zealand:

“(c) The making of submissions by video link or telephone conference to the High Court in New Zealand in a New Zealand proceeding.

*New section 56G:* To insert in the proposed new section 56G (3) (d), after the number “80”, the expression “or section 83”.

*New section 56I:* To omit from the proposed new section 56I (1) (b) the word “counsel”, and substitute the words “a barrister, or solicitor, or both”.

*Clause 18: New section 12A:* To omit from subsection (3) (b) the word “refusal”, in the second place where it appears, and substitute the word “exemption”.

#### EXPLANATORY NOTE

The proposed new *section 56F* of the Judicature Act 1908 makes it clear that Australian lawyers who are entitled to practise before the Federal Court of Australia may undertake work in connection with the giving of evidence and the making of submissions as well as examining, cross-examining, or re-examining witnesses or making submissions to the High Court.

The new section adopts the same language in the equivalent Australian provision.

The amendment to *section 56G* results from the proposal to enact a new section 83 in the Commerce Act 1986 for the imposition of pecuniary penalties in cases where the proposed new section 47 of that Act is contravened. That section will prohibit business acquisitions that result in persons acquiring a dominant position in a market or strengthening a dominant position in a market.

The amendment to *section 56I* is consequential on extending the application of section 56F to solicitors as well as barristers.

The amendment to the proposed new section 12A of the Overseas Investment Act 1973 substitutes the word "exemption" for the word "refusal" in subsection (3) (b). The correct word is "exemption".