

Chapter 1

Introduction

Purpose of the Bill

1.1 On 4 December 2008, the Senate referred the Federal Court of Australia Amendment (Criminal Jurisdiction) Bill 2008 to the Senate Standing Committee on Legal and Constitutional Affairs for inquiry and report by 20 February 2009. The reporting date was subsequently extended to 26 February 2009.

1.2 The Bill amends the *Federal Court of Australia Act 1976*, the *Judiciary Act 1903* and the *Director of Public Prosecutions Act 1983*, and makes consequential and other amendments to six Commonwealth Acts.

1.3 The purpose of the Bill is to provide a procedural framework, allowing the Federal Court of Australia to exercise the indictable criminal jurisdiction which it will be given if the Trade Practices Amendment (Cartel Conduct and Other Measures) Bill 2008 is enacted. That bill is currently before the Senate and under consideration by the Standing Committee on Economics.

Conduct of the inquiry

1.4 The committee advertised its inquiry in *The Australian* on 17 December 2008, and details of the inquiry, the Bill and associated documents were placed on the committee's website from 5 December 2008. The committee also wrote to 64 organisations and individuals inviting submissions by 12 January 2009.

1.5 The committee received 6 submissions, which are listed in Appendix 1 and available online at http://www.aph.gov.au/senate/committee/legcon_ctte/index.htm.

1.6 The committee held public hearings in Melbourne on 29 January 2009 and in Canberra on 5 & 6 February 2009.

1.7 A list of witnesses who appeared at the hearings is at Appendix 2, and copies of the Hansard transcript are available through the internet at <http://www.aph.gov.au/hansard>.

Acknowledgement

1.8 The committee thanks those organisations and individuals who made submissions and gave evidence at the public hearings, particularly in view of the Christmas/New Year holiday period over which the inquiry was conducted.

Scope of the report

1.9 Chapter 2 provides an overview of the Bill. Chapter 3 discusses the issues raised in submissions and evidence.

Notes on references

1.10 References in this report are to individual submissions as received by the committee, not to a bound volume. References to Committee Hansard are to the proof Hansard: page numbers may vary between the proof and the official Hansard.