

reflected by the fact that the Court was created to replace two courts, being the Federal Court of Bankruptcy and the Australian Industrial Court. However, effective from 25 May 1997, there is no longer any separation of the original jurisdiction into divisions. On 25 May 1997 the staff and resources of the Industrial Relations Court of Australia were transferred to the Federal Court of Australia. However, ultimately, the Industrial Relations Court of Australia was abolished as at 1 March 2021.

Today, the Federal Court sits in all capital cities and elsewhere in Australia from time to time as required.

Jurisdiction

[13.260] The *Federal Court of Australia Act 1976* (Cth) confers on the Court both original (s 19) and appellate (ss 24, 25) jurisdiction.

Original jurisdiction

[13.270] The original jurisdiction of the Court is also specified in various other Commonwealth Acts. The jurisdiction includes:

- Administrative law: under the *Administrative Appeals Tribunal Act 1975* (Cth), hearing appeals from the Administrative Appeals Tribunal on questions of law and under the *Administrative Decisions (Judicial Review) Act 1977* (Cth);
- Admiralty: under the *Admiralty Act 1988* (Cth);
- Bankruptcy: under the *Bankruptcy Act 1966* (Cth), including whether a person should be made bankrupt and examination of the bankrupt's affairs;
- Corporations: under the *Corporations Act 2001* (Cth), including whether insolvent companies should be wound up;
- Industrial: under the *Fair Work (Registered Organisations) Act 2009* (Cth);
- Intellectual property: dealing with matters such as copyright, designs, patents and trade marks;
- Native Title: under the *Native Title Act 1993* (Cth);
- Taxation: under the *Income Tax Assessment Act 1936* (Cth) and other Acts dealing with sales tax and fringe benefits tax; and

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- Taxation: under the *Income Tax Assessment Act 1936* (Cth) and other Acts dealing with sales tax and fringe benefits tax; and
- Trade Practices: under the *Competition and Consumer Act 2010* (Cth) (formerly the *Trade Practices Act 1974* (Cth)), including whether a person has suffered loss as a result of a corporation in trade or commerce engaged in misleading and or deceptive conduct.

While the jurisdiction of the Federal Court is very wide, the court is primarily concerned with matters “involving” the interpretation and application of Commonwealth legislation. It is not a court of general commercial jurisdiction and generally not the appropriate forum for the interpretation of State statutes: *Down to Earth Spring Water Pty Ltd v State Bank of New South Wales* (1991) 31 FCR 81.

However, the Court has associated and “accrued” (an inapt term) jurisdiction. This enables the Court to determine claims which are outside its jurisdiction but are associated with a matter within its jurisdiction because e.g. the matter arises out of substantially the same factual dispute: *Fencott v Muller* (1983) 152 CLR 570; *Patrick Stevedores Operations No 2 Pty Ltd v Maritime Union of Australia (No 3)* (1998) 195 CLR 1; *Re Wakim; Ex parte McNally* (1999) 198 CLR 511. These terms are explained in *ALL IS 1 PTY LTD (t/as Banga Legal) v Townsend* [2026] NSWSC 224.

The Court also has jurisdiction by reason of cross-vesting legislation: see [13.790].

Appellate jurisdiction

[13.280] The Court sits as a Full Court and hears appeals from the following main sources:

- a justice in the general division exercising original jurisdiction — as of right;
- the Supreme Court of the Territories — as of right;
- from single justices of the State Supreme Courts exercising federal jurisdiction in matters such as bankruptcy, and intellectual property matters; and