HIGH COURT OF AUSTRALIA

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IN THE HIGH COURT OF AUSTRALIA
MELBOURNE REGISTRY

BETWEEN:

ANTHONY BOGAN

First Applicant

MICHAEL THOMAS WALTON

Second Applicant

and

THE ESTATE OF PETER JOHN SMEDLEY (DECEASED)

First Respondent

ANDREW GERARD ROBERTS

Second Respondent

PETER GRAEME NANKERVIS

Third Respondent

JEREMY CHARLES ROY MAYCOCK

Fourth Respondent

KPMG (A FIRM) ABN 51 194 660 183

Fifth Respondent

APPLICANTS' REPLY TO THE COMMONWEALTH'S SUBMISSIONS ("CS") AND KPMG'S REPLY ON QUESTION 2 ("KR")

PART I: CERTIFICATION

1. This reply is in a form suitable for publication on the internet.

PART II: ARGUMENT

Question 1

2. ***The "Neutrality" Logic is Absolute*:** The Commonwealth and the Applicants agree that the GCO is relevant to a transfer application; indeed, that the transferor court "*must take account of the existence of a GCO*": CS[62]; cf KPMG's submissions dated 18 April 2024 (**KS**) [32]. However, the Commonwealth submits that a GCO is "*neutral*" on any transfer application because a transfer would give rise to "*no lessening of procedural or substantive rights*": CS [62]. This submission is based on false premises: [10]-[28] below. Before developing that part of the argument, it is important first to expose an absolute quality to the Commonwealth's logic.

3. The GCO could only ever be "*neutral*" if in truth there were no risks to the GCO in the NSWSC which were different to any risks it faced in the VSC. The GCO has a safe and stable environment in the VSC: there is a calibrated statutory framework, and an un-appealed judgment of John Dixon J. In order to accept that the transfer would be "neutral", it would therefore be necessary to conclude that the NSWSC provides an equally safe and stable habitat for the GCO. This is because any real and non-fanciful risk to the GCO arising upon transfer to the NSWSC would displace the "neutrality" for which the Commonwealth contends.

4. But the "neutrality" logic is falsified by the very first thing that would confront a GCO upon transfer to the NSWSC according to the Commonwealth: namely, the exercise of the transferee court's assumed capability to disapply the statutory fiction in s 1337P(2). Despite KPMG's professed bona fides (KR[6]), no party in this litigation has been prepared to offer the Applicants an undertaking that they will not seek to discharge or vary the GCO after transfer. It should be inferred that the NSWSC *will* be invited to discharge or vary the GCO. This would be the materialisation of a risk to which the GCO is not exposed in the VSC; it is, as the Commownealth puts it, a "*method*", not available in the VSC, "*by which a transferee court could vary or discontinue the effect of orders previously made*" (CS[17]). Moreover, neither the Commonwealth nor KPMG have identified any standard by which that "method" is to be exercised by the NSWSC, except that KPMG submitted below (and does not now submit to the

contrary) that it is: "*quite possible that a relevant consideration in deciding whether to revoke the [GCO] would be that [NSW] doesn't have an equivalent regime*": see Applicants submissions dated 21 May 2024 (**AS**) [17].

5. Accordingly, the position against which the Commonwealth's "neutrality" logic must be tested is as follows: **(a)** upon transfer, there is a real and non-fanciful risk that the NSWSC would be asked or would cause itself to exercise its assumed capacity to disapply the fiction, with the resulting risk that the GCO may come to an end; **(b)** a consideration identified by KPMG (and not disavowed by the Commonwealth) as relevant to deciding that capacity is that NSW does not have an equivalent regime to the GCO; **(c)** no party offers the Applicants any comfort that they will not agitate for the disapplication of the statutory fiction in NSW; and **(d)** on the agreed facts, in the absence of the GCO, the proceeding would likely come to an end (see ASOF [120]-[125]).

6. Even assuming the GCO survived this risk, the Commonwealth's submission logically entails that the NSWSC is bound to deal with the GCO exactly as if it had the same statutory powers and constraints of the VSC, and indeed was bound by the findings of Dixon J. Absent an order varying or setting it aside, s 1337P(2) would on this view command the NSWSC to do all the practical things to enforce and administer the GCO (see eg CS [32], [53]). How this occurs through s 1337P(2) and consistently with s 79 of Judiciary Act remains unexplained.

7. Sections 1337H and 1337P(2) will have to be applied not in some theoretical legal paradise but instead as instruments of, and guidance for, list judges, or judges managing dockets, in dealing with the routine phases of litigation, including group proceedings. If, for example, further security for costs was required, s 1337P(2) is apparently said to require the NSWSC to act on the fictional GCO, read with s 33ZDA(2) of the Vic Supreme Court Act, so as to require the law practice representing the Applicants and group members to give security for costs, notwithstanding that s 79 of the *Judiciary Act 1903* (Cth) commands the NSWSC to apply the relevant NSW rule, which only concerns ordering a plaintiff to give security for costs.[1] If the action proceeds to a successful settlement or judgment, s 1337P is

[1] See r 42.21 of the *Uniform Civil Procedure Rules 2005* (NSW).

apparently said to require the NSWSC to act on the fictional GCO and order a distribution between lawyers and group members in accordance with its terms.[2]

8. ***Discretionary nature of power***: This Court would reject the Commonwealth's suggestion at CS [60] and [66] that the power of transfer in s 1337H(2) is mandatory in nature. The text and context of s 1337H(2) is clear, conferring a discretion to transfer ("may transfer"). As made clear by the deliberate use of "may" rather than "must" in ss 1337H(3) and 1337J(2)-(4), s 1337H(2) does not exhibit any "contrary intention"[3] to displace s 33(2A) of the *Acts Interpretation Act 1901*.[4]

9. Like KPMG and the Director Defendants, the Commonwealth seeks to assimilate the provisions of Part 9.6A of the Corporations Act with the Cross-vesting Acts (see eg CS [23], [60], [61]). As explained at AS [10]-[12], [23]-[25], [27]-[31], Part 9.6A has a fundamentally different text and juridical context to Cross-vesting Acts. The Commonwealth does not confront these differences and the difficulties they pose for the argument it advances.

First Premise: Question 2(a)

10. The first premise of the Commonwealth's "neutrality" submission is that the statutory fiction in s 1337P(2) operates upon "all steps" taken in the transferor court: CS [16] (original emphasis); see also KR [19]. Section 1337P(2) does not use the adjective "all". Instead, it uses the definite article ("the") as part of a composite expression forming the subject-matter of the statutory fiction. The statutory fiction is that: "*the steps ... **or similar steps**, had been taken*" in the transferee court. The words following the disjunction ("or") must inform the meaning of the statutory fiction. The word "steps" appears twice and should be given consistency of meaning.[5] In circumstances where "steps" expressly include the making of an order, the words "or similar steps" should be read as extending the fiction to, relevantly, similar orders: cf KR [20].

11. Neither the Commonwealth nor KPMG justify reading in the adjective "all" in s 1337P(2). Instead, the Commonwealth submits that the Applicants are contending for "*an implied limitation*", and then sets about refuting that "*implied limitation*" (see

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2 See ss 173 and 177-178 of the *Civil Procedure Act 2005* (NSW) (**CPA**).
3 Section 2(2) of the *Acts Interpretation Act 1901.*
4 As to the relevance of context, see *Victorian Building Authority v Andriotis* (2019) 372 ALR 1, [43] (Kiefel CJ, Bell and Keane JJ).
5 See *Regional Express Holdings Ltd v Australian Federation of Air Pilots* (2017) 262 CLR 456, [21].

CS [16], [17], [18], [21], [22], [23]) in a classic form of straw-man argumentation. The "all" premise should not be adopted. It suffers three compounding errors. ***First,*** s 1337P(2) does not say "*all steps*"; it refers to "*the steps… or similar steps*". It is erroneous to read in the words "*all steps*", or "*all orders*" into s 1337P(2) (cf CS [14], [15], [23], [24], [36]; KR [19], [22]). ***Second,*** if s 1337P(2) applied to "*all steps*", the words "*or similar steps*" would be redundant: see also Applicants' Submissions (**AS**) [42]. Furthermore, on the construction advanced by the Commonwealth and KPMG, there would be no need to ensure a "*smooth[]*" transfer (cf CS [18], [21], [30] and KR [19]-[20]) because the fiction must be implemented by the transferee court regardless of whether it has power to take the "step" and regardless of whether it "*lacks a precise equivalent*" to the transferor court (CS [18]). ***Third***, the "all" premise wrongly construes s 1337P(2) in a bifurcated manner.[6]

12. ***The terms of the Statutory Fiction***: KPMG and the Commonwealth's construction of s 1337P(2) (see KR [18], [23]; CS [31]) fails to grapple with the terms of the fiction. Section 1337P(2) does not deem "the continuation of orders made by" the transferor court: cf KR [18]. The fiction is only that the "*steps … (including the making of an order), or similar steps, had been taken in the transferee court*". This fiction corresponds to the fiction imposed by s 1337N(b)(ii) of the Corporations Act that the transferee court "*must proceed as if… the same proceedings had been taken in the [transferee] court as were taken in the transferor court*" (emphasis added) (cf CS [19] and KR [20]).

13. Textually, there is no foothold for an extension of the fiction created by s 1337P(2), such that the transferee court must pretend that it had (and has) the same powers as the transferor court. The "*something*" which s 1337P(2) deems "*to be what it is not*"[7] (CS [15]) is the making of the order, not the power to make the order. That is why it is not "irrelevant" that the NSWSC lacks power to make a GCO or a similar order (cf CS [29] and [32]).[8] KPMG's and the Commonwealth's radical extension of the fiction

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6 See *SZTAL v Minister Immigration and Border Protection* (2017) 262 CLR 362, [14] (Kiefel CJ, Nettle and Gordon JJ); *Alcan (NT) Alumina Pty Ltd v Commissioner of Territory Revenue* (2009) 239 CLR 27, [47] (Hayne, Heydon, Crennan and Kiefel JJ).

7 *Re Macks; Ex parte Saint* (2000) 204 CLR 158, [115] (McHugh J).

8 The Applicants note that the Full Federal Court of Australia has recently heard argument on a different, but related, question whether it is a "*licit exercise of power*" for the Federal Court, upon settlement or judgment of a representative proceeding, to make a common fund order which would provide for the distribution of funds or other property to a solicitor otherwise than as payment for costs and disbursements incurred in relation to the conduct of the proceeding: *R&B Investments Pty Ltd (Trustee) v Blue Sky Alternative Investments Limited* [2023] FCA 1499. Judgment is reserved and it

would be inconsistent with the presumption (which is "*no artificial presumption*") that a legislature conferring jurisdiction on a court takes the court "*as it finds it with all its incidents*":[9] cf KR [21].

14. ***Identification of purpose***: The Commonwealth accepts (CS [24]) that, as a deeming provision, s 1337P(2) "*cannot be taken to have a legal operation beyond that required to achieve the object of its enactment*".[10] In the way that the written argument has developed, the correct identification of the purpose of s 1337P(2) has become centrally important. The purpose of s 1337P(2) was to enable proceedings to be transferred from one court to another where the interests of justice so require: see AS [26]. The language in the extrinsic material for the *Corporations Legislation Amendment Bill 1990* (Cth) of "*reciprocal recognition*"[11] reflects an assumption that the transferee court could take the same or similar step (including pursuant to the power conferred by s 54(1) of the *Corporations Act 1989* (Cth)): see AS [44]; cf KR [22].[12] Indeed, s 1337H only enables transfers between two courts of coordinate jurisdiction and power "*in the matters for determination*" (s 1337H(2)) and s 1337L(c) makes the other courts that "have jurisdiction **to deal with** the proceeding" a mandatory relevant consideration in any decision to transfer: see AS [26]. As the VCA held, "*[t]he purpose of s 1337P is not to extend the powers of the transferee court or to require it to proceed on the fiction that it had made an order that it has no power to make*" (J [151]). KPMG and the Commonwealth accordingly receive no assistance from s 15AA of the *Acts Interpretation Act 1901* (Cth) (cf CS [23]).

15. **Legislative History of s 1337P**: Despite asserting that "*consideration of the immediately surrounding provisions*" reinforces its construction of s 1337P(2) (CS [20], [23]), the Commonwealth's construction of s 1337P(2) completely fails to deal

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is not known what the outcome will be, whether it will survive any appeal and whether the NSWSC would reach the same view. Saliently, and without foreclosing future developments in the law, no party or intervenor has relied on such a power in these proceedings or submits that it would be relevant to the GCO following transfer.

9 *Electric Light and Power Supply Corporation Ltd v Electricity Commission* (1956) 94 CLR 554, 560 (Dixon CJ, McTiernan, Williams, Webb, Fullagar, Kitto and Taylor JJ).

10 *Minister for Immigration and Border Protection v Makasa* (2021) 270 CLR 430, [51] (Kiefel CJ, Gageler, Keane, Gordon and Edelman JJ). See also *Wellington Capital Ltd v Australian Securities Investment Commission* (2014) 254 CLR 288, [51] (Gageler J) and *Muller v Dalgety & Co Ltd* (1909) 9 CLR 693, 696 (Griffith CJ).

11 EM to the *Corporations Legislation Amendment Bill 1990* (Cth), [179].

12 The Applicants also note that Wilcox J's observation in *Springfield Nominees Pty Ltd v Bridgelands Securities Ltd* (1992) 38 FCR 217 at 220, which is relied on at CS [23], is expressly qualified (by the words "*as nearly as is possible*") and was premised on the transferee court having "*all necessary jurisdiction*" pursuant to s 4(3) of the Commonwealth Cross-vesting Act.

with s 1337P(1) and the legislative history of its predecessor provision in s 54(1) of the *Corporations Act 1989* (Cth): see AS [44].

16. KPMG's belated attempt at KR [22] to engage with the legislative history of s 1337P is misguided. ***First,*** the criticised requirement for the transferor court to assess the transferee court's power to make the same or similar orders flows from s 1337L(c): see [14] above. As explained at AS [26], s 1337L(c) requires the transferee court to consider whether the statutory fiction in s 1337P(2) would have a sensible operation. This requirement was previously found in s 53B(c) of the *Corporations Act 1989* (Cth).

17. **Second**, Parliament did not "radically alter the effect" of s 54(2) of the *Corporations Act 1989* by enacting s 1337P. Like s 1337P(2), s 54(2) always compelled the transferee court to "deal with the proceeding" as if it had made the same or similar order. By s 54(1) and (3) (i.e. the sub-sections between which s 54(2) was located), Parliament armed the transferee court with the freedom to chose another set of rules from a Superior Court in Australia to give effect to that obligation, if the transferee court did not have the power under its own rules to make the same or similar order as had been made by the transferor court. Section 54(2) of the *Corporations Act 1989* never required the transferee court to proceed as if it had made an order or a similar order that it had no power to make. Nor does s 1337P(2).

18. **Third**, if s 1337P(2) has an operation as broad as the Commonwealth and KPMG suggest, Parliament would not, when s 54(2) was first introduced, have thought it necessary to confer in the immediately preceding sub-section a "*freedom to choose the rules of any superior court in Australia or an external Territory, whichever the court considers appropriate*".[13] On the Commonwealth and KPMG's construction, the transferee court would have been obliged to give effect to the fiction irrespective of any power and choice under s 54(1).

19. A debate has emerged in the written submissions about the applicability of the words "reciprocal recognition" in the Explanatory Memorandum of the *Corporations Legislation Amendment Bill 1990* (Cth) (**1990 EM**), which introduced the predecessor for s 1337P(2). The Commonwealth and KPMG seek to yoke those words to their construction of s 1337P(2): see CS [23], KR [22]. However, understood in proper context, the relevant legislative history does not support attributing an "all orders"

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[13] EM to the *Corporations Legislation Amendment Bill 1990* (Cth), [177].

operation to the statutory fiction in s 1337P(2) regardless of whether transferee court has power to make the relevant order. It is worth extracting the relevant passages from the 1990 EM in full context (emphasis added):

> **Proposed s.54: Conduct of proceedings**
>
> 177. This section deals with the questions of which laws, and which rules of evidence and procedure, should be applied in a case involving cross-vested jurisdiction. In effect, the section gives the court freedom to choose the rules of any superior court in Australia or an external Territory, whichever the court considers appropriate.
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> 178. Where the Federal Court or the Supreme Court of the Capital Territory will be, or will be likely to be, exercising jurisdiction with respect to a civil matter arising under the Corporations Law of any jurisdiction, the Court is empowered by sub-s.54(l) to apply such rules of evidence and procedure as the court considers appropriate in the circumstances, being rules that are applied in a superior court in Australia or in an external Territory.
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> 179. Where a proceeding is transferred from another court, the accepting court must give reciprocal recognition to the steps that had been taken for the purposes of the proceeding in the transferring court.
>
> …

20. Understood in context, the meaning of "reciprocal recognition" is informed by the "freedom" which was at the same time being granted to the transferee court to adopt whichever rules of procedure it considered "appropriate in the circumstances". The transferee court had the "freedom to choose" such rules as would enable it meaningfully to give "reciprocal recognition": see [16] above. But the "freedom to choose" was relevantly removed when s 1337P(2) was enacted. In that circumstance, there is no warrant for assuming that the Parliament intended that the language of "reciprocal recognition", as used in the 1990 EM, to have equivalent application and constructional force to the new bill, which dealt with the same subject matter in a materially different way. In that regard, it is significant that no reference was made to the 1990 EM in the extrinsic materials for the *Corporations Bill 2001* (Cth) (reference instead being made to Parliament's intention to produce "substantially the same outcomes" as Pt 9 of the Corporations Act 1989, and the corresponding provisions of the State Corporations Acts "before the decision in *Wakim*").[14] Instead of adopting the old drafting to which the 1990 EM was directed, Parliament changed the immediate context of the relevant provision, including by narrowing the definition of "relevant

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[14] Notably, neither the Commonwealth nor KPMG has identified any decision which has adopted their proposed construction of s 54(2) of the *Corporations Act 1989* (Cth).

jurisdiction" in s 1337P(3) and recognising the concurrent operation of s 79 of the Judiciary Act: see AS [11] and [44].

Second Premise: Question 2(b)

21. The second premise of the Commonwealth's submission is that the NSWSC would have plenary power to administer, vary or revoke the GCO (see eg CS [17]), ie: "*power to make orders in the nature of variation or revocation of the GCO*" (see eg CS [62.2]); "*a sufficient suite of powers to deal with a GCO*" (CS [29]); and "*power to administer the GCO*" (CS [32]). This was rejected by the VCA (J [152]-[154]) and would not be accepted by this Court: see [23]-[25] below.

22. The critical matter not addressed by the Commonwealth is **by what standard** a Judge of the NSWSC would exercise any of these alleged powers when it comes to administering, varying or revoking the GCO. In the VSC, the standard is clear; "*the power to amend or revoke would fall to be exercised having regard to the criteria that conditions the making of a GCO*" (J [145]) i.e. what is appropriate or necessary to ensure that justice is done in the proceeding (s 33ZDA(1) of the Vic Supreme Court Act). Upon any transfer, s 33ZDA of the Vic Supreme Court Act will <u>not</u> constrain the NSWSC directly or through the operation of s 79 of the Judiciary Act, which will be "*binding*" the NSWSC to apply the laws of NSW. How then is the NSWSC (consistently with s 79) to deal with the GCO? Are the alleged powers wholly unconstrained as to what the NSWSC is to do with it? Other than by asserting the paramountcy of Commonwealth law (CS [27]), the Commonwealth nowhere explains what the relevant considerations are and how they might bear upon the administration, variation or revocation of the GCO.

23. The principal source of power relied upon by the Commonwealth is the NSWSC's inherent power (CS [33]-[35]).[15] Neither the Commonwealth nor KPMG identifies any authority for the proposition that superior courts have an inherent power to vary or set aside the operation of Commonwealth statutory fictions or "orders deemed to exist by s 1337P(2)" (cf KR [25]). It forms no part of the recognised "*species of the*

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[15] The Applicants note that inferior courts do not have inherent powers (see eg *John Fairfax Publications Pty Ltd v District Court of New South Wales* (2004) 61 NSWLR 344, [24], [28] (Spigelman CJ, Handley JA and Campbell AJA agreeing) and the Commonwealth's explanation would be inapplicable to transfers to inferior courts. Division 1 of Part 9.6A of the Corporations Act relevantly confers jurisdiction on inferior courts with respect to civil matters (other than superior court matters) arising under the Corporations legislation (s 1337E) and makes provision for the transfer of proceedings in lower courts (s 1337K).

genus of the inherent power" identified in *NH v The Director of Public Prosecutions (SA)*.[16] Why or how a superior court's inherent power to set aside orders (which are "*procedural only and have not determined in whole or in part the rights or status of parties on the essential issues involved in the case*")[17] "*[a]dapt[s] to the circumstances of a transferred proceeding and the effect of s 1337P(2)*" (CS [35]) is wholly unexplained.

24. If the argument about the inherent power fails, and accepting that s 1337P(2) does not confer any express power on the transferee court, the Commonwealth says that s 1337P(2) should be construed as "*impliedly conferring such power on transferee courts*" (CS [36], emphasis added). This is a bootstraps argument. It postulates that such power is conferred because, given the Commonwealth's construction of the statutory fiction, "*[t]he existence of such power is essential*" (CS [36]), which again ignores the legislative history of s 1337P(1): see [15]-[20] above. The principle of construction invoked at CS [37] and KR [25] concerns identifying implications and limitations not found in the express words of express conferrals of power (see *Owners of "Shin Kobe Maru" v Empire Shipping Co Inc* (1994) 181 CLR 404, 421) not whether a provision should be read as impliedly conferring power.

25. The Commonwealth's further alternative reliance on s 183 of the *Civil Procedure Act 2005* (CS [38]-[39]), as filling a gap in Part 9.6A of the Corporations Act rather than Pt 10 of the CPA, suffers from the same defects as that of KPMG (see AS [52]: cf KR [25]).[18] Furthermore, contrary to CS [39], there are various matters in the scheme of Pt 10 that suggest the NSW Parliament would have made specific provision if it intended the NSWSC to have power to administer a GCO. For example, unlike s 33ZD of the Vic Supreme Court Act, the general prohibition on the Court awarding costs against group members (see s 181 of the CPA) is not subject to any exception to a GCO (or an order in the nature of a GCO).

26. **Constitutional invalidity**: As to the existence of a relevant head of power, the Commonwealth's reliance on the implied incidental power is contrary to authority.[19] Contrary to CS [42]-[43] and [45], whether the incidental power supports s 1337P(2)

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16 (2016) 260 CLR 546, [69] (French CJ, Kiefel and Bell JJ).
17 *Wilkshire and Coffey v Commonwealth of Australia* (1976) 9 ALR 325, 330 (Muirhead J).
18 The Applicants also observe that s 183 of the CPA only applies to representative proceedings and would be inapplicable to non-representative proceedings transferred to NSW.
19 See *Rizeq v Western Australia* (2017) 262 CLR 1, [59] (Bell, Gageler, Keane, Nettle and Gordon JJ).

is to be determined by reference to Ch III of Constitution not Part 9.6A of the Corporations Act. The Commonwealth is obliged to, but does not, establish that Ch III supports the existence of a power to make a law like s 1337P(2), having the operation contended for by KPMG and/or the Commonwealth.

27. Section 51(xxxvii) of the Constitution and the text-based referral of power does not assist because, as the Commonwealth accepts, s 1337P(2) is a law regulating federal jurisdiction in respect of which States have no legislative power: CS [49]. In any event, text-based referral from the States, who are subject to the *Kable* doctrine, could not override Ch III.

28. There has been no real joining of issue on the Applicants' Ch III argument. Like KPMG, the Commonwealth's submissions simply fail to engage with the construction of s 1337P(2) upon which it is premised (see CS [50]-[58]). However, s 1337P(2) has no similarity to s 44 of the *Judiciary Act* (see AS [39]; cf CS [58], KR [18]) and does not have a "*long history*" "*dating back to the early years of Federation*" (cf CS [58]). No case has been identified, in state or federal jurisdiction, where anything like this has been foist on a superior court, by the Parliament of its own polity or another polity.

Dated: 18 June 2024

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IN THE HIGH COURT OF AUSTRALIA

MELBOURNE REGISTRY

CAUSE REMOVED FROM THE COURT OF APPEAL

OF THE SUPREME COURT OF VICTORIA

BETWEEN: **ANTHONY BOGAN**

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Fourth Respondent

KPMG (A FIRM) ABN 51 194 660 183

Fifth Respondent

ANNEXURE TO THE APPLICANTS' SUBMISSIONS

Pursuant to paragraph 2 of Practice Direction No 1 of 2019, the Applicants sets out a list of the constitutional provisions, statutes and statutory instruments referred to in their reply submissions below.

No	Description	Version / Date	Provision(s)
1.	*Acts Interpretation Act 1901* (Cth)	Current	ss 2, 15A, 33
2.	*Civil Procedure Act 2005* (NSW)	Current	Pt 10 (ss 173, 178-178, 181, 183)
3.	Constitution	Current	Ch III
4.	*Corporations Act 2001* (Cth)	Current	Pt 9.6A, Div. 1 (ss 1337E, 1337H, 1337J, 1337L, 1337K, 1337N, 1337P)
5.	*Corporations Act 1989* (Cth)	No longer in force – 13 March 2000 – 29 May 2000	ss 53B, 54
6.	*Judiciary Act 1903* (Cth)	Current	ss 43, 79
7.	*Jurisdiction of Courts (Cross-vesting) Act 1987* (Cth)	Current	ss 4(3), 11
8.	*Supreme Court Act 1986* (Vic)	Version 105 (effective 1 July 2020)	ss 33ZD, 33ZDA
9.	*Uniform Civil Procedure Rules 2005* (NSW)	Current	r 42.21