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FEDERAL COURT OF AUSTRALIA

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## FOREWORD

by THE HONOURABLE CHIEF JUSTICE MORTIMER

The proposal to create a Federal Court was not without controversy.<sup>1</sup> Its early jurisdiction largely absorbed the jurisdictions of the Bankruptcy and Industrial Courts, with some other specified matters of federal jurisdiction, such as jurisdiction in federal administrative law and trade practices matters.<sup>2</sup> Almost 50 years on, the Court's jurisdiction has expanded and developed significantly, and its reputation has remained high across all its practice areas.

The Court has grown from its original 19 Judges to 54 Judges at the time of writing. The Court's original jurisdiction now derives from over 260 statutes,<sup>3</sup> with significant early expansions due to the *Administrative Decisions (Judicial Review) Act 1977* (Cth) and the introduction and subsequent amendments of s 39B of the *Judiciary Act 1903* (Cth).<sup>4</sup> The *Native Title Act 1993* (Cth) provides the Court with a unique and important function of adjudicating, and facilitating the resolution of, native title determination applications and compensation applications amongst other matters. The Court's migration caseload has grown significantly over the years and has resulted in this Court being a leader in the development of Australian administrative law. The Court's jurisdiction in defamation has grown in recent years, and the Court has an expanding federal criminal jurisdiction. The Court exercises a substantial and diverse appellate jurisdiction, hearing appeals from the decisions of single Judges, from the Federal Circuit and Family Court, and from other courts exercising certain federal jurisdiction. It remains one of the only courts exercising its complete original and appellate jurisdiction amongst the same group of Judges. Since 2016, the Court has organised its work into nine National Practice Areas, which allows the Court to operate as a truly national Court.

The first volume of the *Federal Court Reports* was published in 1984. Forty years on, the *Federal Court Reports* now marks the publication of its 300<sup>th</sup> volume. For a court with such a broad and busy jurisdiction, the production of a dedicated authorised report series was a natural and important step. The *Federal Court Reports* series allows Judges, practitioners, students and the academy to engage closely with carefully selected jurisprudence of the Court, enhanced by careful editing and the preparation of headnotes which are of significant assistance to those consulting the reports.

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<sup>1</sup> Hon Sir Gerard Brennan AC KBE GBS, 'Creation of the Federal Court: A Reflection' (2017) 91 ALJ 461.

<sup>2</sup> *Ibid.*

<sup>3</sup> Federal Court of Australia, *Acts which confer jurisdiction* ([www.fedcourt.gov.au/about/jurisdiction/acts](http://www.fedcourt.gov.au/about/jurisdiction/acts)).

<sup>4</sup> Brennan (2017) 91 ALJ 461 at 469-470.

The *Federal Court Reports* have been under the experienced stewardship of Mr Victor Kline since 1990 or Volume 21. Mr Kline's service deserves prominent acknowledgement. He has the thanks of all the Judges and staff, and former Judges and staff, of the Federal Court. Mr Kline has been assisted by dedicated reporters over the years, who are always diligent and thoughtful in carrying out their task. The Court is grateful for the continued efforts of the *Federal Court Reports'* editorial team and wishes them all the best on this occasion.