

ATTORNEY-GENERAL FOR THE STATE OF VICTORIA
v
DIRECTOR OF CONSUMER AFFAIRS VICTORIA & ORS
[2024] HCASL 319
M75/2024

- 1 This is an application for an order under s 40 of the *Judiciary Act 1903* (Cth) removing the whole of a cause now pending in the Supreme Court of Victoria, being proceeding number S ECI 2023 02355. The applicant also seeks an order under s 44(2) of the *Judiciary Act* that the matter be remitted to the Supreme Court of Victoria. The purpose of the orders sought is to avoid a dispute as to the jurisdiction of the Supreme Court of Victoria to hear and determine the proceeding. The proceeding concerns a statutory charge over land formerly used as a retirement village under the *Retirement Villages Act 1986* (Vic) and includes questions arising under the *Constitution* or involving its interpretation. In the circumstances, it is appropriate to make the orders sought.
- 2 Pursuant to s 40(1) of the *Judiciary Act*, the whole of the cause now pending in the Supreme Court of Victoria, which is proceeding number S ECI 2023 02355, be removed into this Court.
- 3 Pursuant to s 44(2) of the *Judiciary Act*, the matter be remitted to the Supreme Court of Victoria.
- 4 There be no order as to costs.

Gageler CJ
Gordon J
Edelman J
Steward J
Gleeson J
Jagot J
Beech-Jones J

5 December 2024