

JUDICIARY.

No. 31 of 1912.

An Act to amend the *Judiciary Act* 1903-1910.

[Assented to 24th December, 1912.]

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:—

Short title and
citation.

1.—(1.) This Act may be cited as the *Judiciary Act* 1912.

(2.) The *Judiciary Act* 1903-1910 is in this Act referred to as the Principal Act.

(3.) The Principal Act, as amended by this Act, may be cited as the *Judiciary Act* 1903-1912.

Number of
Justices.

2. Section four of the Principal Act is amended by omitting the word “four” and inserting in its stead the word “six.”

3. Section twenty-three of the Principal Act is repealed, and the following section inserted in its stead:—

Decision of
majority
in case of
difference of
opinion.

“23.—(1.) A Full Court consisting of less than all the Justices shall not give a decision on a question affecting the constitutional powers of the Commonwealth, unless a majority of all the Justices concur in the decision.

(2.) Subject to the last preceding sub-section, when the Justices sitting as a Full Court are divided in opinion as to the decision to be given on any question, the question shall be decided according to the decision of the majority, if there is a majority; but if the Court is equally divided in opinion,—

(a) in the case where a decision of a Justice of the High Court (whether acting as a Justice of the High Court or in some other capacity), or of a Supreme Court of a State or a Judge thereof, is called in question by appeal or otherwise, the decision appealed from shall be affirmed; and

(b) in any other case, the opinion of the Chief Justice, or if he is absent the opinion of the Senior Justice present, shall prevail.”