

# JUDICIARY.

## No. 50 of 1940.

An Act to enable Justices of the High Court during the War to accept and hold certain other Offices, and for other purposes.

[Assented to 22nd August, 1940.]

**B**E 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* 1940.

(2.) The *Judiciary Act* 1903–1939\*, as amended by this Act, may be cited as the *Judiciary Act* 1903–1940.

Commencement.

2. This Act shall come into operation on the day on which it receives the Royal Assent.

Authority to  
accept and  
hold a  
certain office.

3.—(1.) Notwithstanding anything contained in section eight of the *Judiciary Act* 1903–1939, the Right Honourable Sir John Greig Latham, the Chief Justice of the High Court of Australia, may, during the war and the period of twelve months immediately succeeding the termination thereof, accept and hold the office of Envoy Extraordinary and Minister Plenipotentiary for the Commonwealth of Australia in Japan, in the event of His Majesty appointing him to that office.

(2.) For the purposes of this section, the expression “the war” means the war in which His Majesty is engaged and which commenced on the third day of September, One thousand nine hundred and thirty-nine.

Acting Chief  
Justice.

4. After section seven of the *Judiciary Act* 1903–1939, the following section is inserted :—

“7A. In the case of the absence of the Chief Justice from Australia, the senior Justice shall, during such absence, be designated Acting Chief Justice.”

\* Act No. 6, 1903, as amended by No. 5, 1906; No. 8, 1907; No. 34, 1910; No. 31, 1912; No. 11, 1914; No. 4, 1915; No. 38, 1920; No. 39, 1926; No. 9, 1927; No. 60, 1932; No. 34, 1933; No. 35, 1933; No. 45, 1934; No. 5, 1937; and No. 43, 1939.