

# JUDICIARY.

No. 50 of 1959.

An Act to amend the *Judiciary Act* 1903–1955.

[Assented to 22nd May, 1959.]

**B**E it enacted by the Queen's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:—

Short title.

1.—(1.) This Act may be cited as the *Judiciary Act* 1959.

(2.) The *Judiciary Act* 1903–1955\* is in this Act referred to as the Principal Act.

Commencement.

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

3. Section one of the Principal Act is repealed and the following sections are inserted in its stead:—

Short title.

“ 1. This Act may be cited as the *Judiciary Act* 1903–1959.

\* 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; Nos. 34 and 65, 1933; No. 45, 1934; No. 5, 1937; No. 43, 1939; No. 50, 1940; No. 10, 1946; No. 52, 1947; No. 65, 1948; Nos. 51 and 80, 1950; and Nos. 17 and 35, 1955.

“ 1A. This Act is divided into Parts, as follows:—

Parts.

Part I.—Preliminary (Sections 1–3A).

Part II.—Constitution and Seat of the High Court (Sections 4–14).

Part III.—Jurisdiction and Powers of the High Court Generally (Sections 15–29).

Part IV.—Original Jurisdiction of the High Court (Sections 30–33A).

Part V.—Appellate Jurisdiction of the High Court (Sections 34–37).

Part VI.—Exclusive and Invested Jurisdiction (Sections 38–39).

Part VII.—Removal of Causes (Sections 40–46).

Part VIII.—Members and Officers of the High Court (Sections 47–55).

Part IX.—Suits by and against the Commonwealth and the States (Sections 56–67).

Part X.—Criminal Jurisdiction (Sections 68–77).

Part XI.—Supplementary Provisions (Sections 78–87).”.

4. Section two of the Principal Act is amended by adding at the end thereof the following definition :—

Definitions.

“ ‘ Territory ’ means a Territory of the Commonwealth.”.

5. After section three of the Principal Act the following section is inserted in Part I. :—

“ 3A.—(1.) Without prejudice to the application of this Act in a Territory forming part of the Commonwealth, sections forty-nine, fifty, fifty-six, sixty-one and sixty-three to sixty-seven (inclusive) and Part XI. of this Act extend to all the Territories.

Extension of certain provisions of Act to Territories.

“ (2.) A reference in this Act to the Supreme Court of a Territory shall, in relation to Norfolk Island, be read as including a reference to the Court of Norfolk Island sitting in its Full Jurisdiction.”.

6. Section eleven of the Principal Act is amended by omitting from sub-section (2A.) the words “ Territory for the Seat of Government ” and inserting in their stead the words “ Australian Capital Territory ”.

Registries.

7. Section forty-nine of the Principal Act is amended by omitting from sub-section (1.) the words “ under the control of the Commonwealth ”.

Barristers and solicitors.

Crown Solicitor  
entitled to  
rights and  
privileges of  
a solicitor in  
every State and  
Territory.  
Cf. U.K. 37 and  
38 Vict., c. 68,  
s. 12.

8. Section fifty of the Principal Act is amended by inserting after the word "State" (wherever occurring) the words "or Territory".

Suits against  
the  
Commonwealth.

9. Section fifty-six of the Principal Act is amended by inserting after the word "State" the words "or Territory".

Application of  
sections 79  
and 80 to  
Territory  
courts.

10. After section eighty of the Principal Act the following section is inserted:—

"80A. The provisions of the last two preceding sections apply, in so far as they are capable of application, to and in relation to the Supreme Court of a Territory exercising jurisdiction by virtue of section fifty-six of this Act and for that purpose references in the last two preceding sections to a State shall be read as references to a Territory."

Security of  
the peace and  
for good  
behaviour.  
U.S. 727.

11. Section eighty-one of the Principal Act is amended by inserting after the word "States" (wherever occurring) the words "and Territories".

Venue in suits  
for penalties.  
U.S. 732.

12. Section eighty-two of the Principal Act is amended—

- (a) by omitting the words "part of the Commonwealth" and inserting in their stead the word "Territory"; and
- (b) by omitting the word "part" (second occurring) and inserting in its stead the word "Territory".

Venue in suits  
for taxes.  
U.S. 733.

13. Section eighty-three of the Principal Act is amended—

- (a) by omitting the words "part of the Commonwealth" and inserting in their stead the word "Territory"; and
- (b) by omitting the word "part" (second occurring) and inserting in its stead the word "Territory".

Venue in suits  
for forfeiture.  
U.S. 734.

14. Section eighty-four of the Principal Act is amended—

- (a) by inserting after the word "State" (first occurring) the words "or Territory";
- (b) by omitting the words "part of the Commonwealth" and inserting in their stead the word "Territory"; and
- (c) by omitting the word "part" (second occurring) and inserting in its stead the word "Territory".

Rules of Court.

15. Section eighty-six of the Principal Act is amended—

- (a) by omitting paragraph (g); and
- (b) by omitting from paragraph (h) all the words after the words "High Court".