

Judiciary Amendment Act 1979

No. 86 of 1979

An Act to amend the *Judiciary Act* 1903.

BE IT ENACTED by the Queen, and the Senate and House of Representatives of the Commonwealth of Australia, as follows:

Short title,
&c.

1. (1) This Act may be cited as the *Judiciary Amendment Act* 1979.¹
(2) The *Judiciary Act* 1903² is in this Act referred to as the Principal Act.

Commence-
ment

2. This Act shall come into operation on the date fixed under section 2 of the *Northern Territory Supreme Court (Repeal) Act* 1979.

3. After Part IX of the Principal Act the following Part is inserted:

“PART IXA—SUITS RELATING TO THE NORTHERN TERRITORY

Interpret-
ation

- “67A. In this Part, unless the contrary intention appears—
‘Commonwealth’ includes a person suing or being sued on behalf of the Commonwealth;
‘Territory’ means the Northern Territory, and includes a person suing or being sued on behalf of the Territory.

Suits
between
Common-
wealth and
Northern
Territory

- “67B. The Commonwealth may bring a suit against the Territory, and the Territory may bring a suit against the Commonwealth, in the Supreme Court of the Territory in respect of a cause of any description, whether at law or in equity, including (but without limiting the generality of the foregoing) a claim in tort.

Jurisdiction
of Supreme
Court of
Territory

- “67C. The jurisdiction of the Supreme Court of the Territory extends to—

- (a) matters in which an injunction or declaratory order or a writ of mandamus, prohibition or certiorari is sought by the Commonwealth against the Territory or an officer of the Territory;
(b) matters in which a writ of mandamus or prohibition or an injunction is sought against the Commonwealth or an officer of the Commonwealth, being matters arising in, or under the laws in force in, the Territory; and
(c) matters in which the Supreme Court of the Territory would, but for the repeal of the *Northern Territory Supreme Court Act* 1961, have jurisdiction by virtue of sub-section 15 (2) of that Act.

“67D. Nothing in this or any other Act shall be taken to limit the power of the Legislative Assembly of the Territory in relation to the making of laws relating to the prosecution in the Supreme Court of the Territory of indictable offences against laws in force in the Territory under or by virtue of the *Northern Territory (Self-Government) Act* 1978.

Prosecution
of indictable
offences in
Supreme
Court of
Territory

“67E. No execution or attachment, or process in the nature thereof, shall be issued against the property or moneys of the Territory.

No execution
against
Territory

“67F. (1) Subject to section 67D, nothing in this Part shall be taken to limit the operation of any other provision of this Act.

Effect of this
Part

“(2) The jurisdiction conferred on the Supreme Court of the Territory by this Part is in addition to, and not in derogation of, any jurisdiction otherwise conferred on that Court.”.

4. Section 71A of the Principal Act is amended—

- (a) by omitting from sub-section (1) “State law” and substituting “law of a State or Territory”; and
- (b) by inserting in sub-section (1) “or Territory” after “State” (last occurring).

Trial of
indictable
offence
without
preliminary
examination

5. Section 55D of the Principal Act is amended by adding at the end of sub-section (7) “or to practice in the Northern Territory”.

Right to
practice as
barrister or
solicitor in
Territories

6. Section 80A of the Principal Act is amended by inserting “or Part IXA” after “56”.

Application
of sections
79 and 80 to
Territory
courts

NOTES

1. Act No. 86, 1979; assented to 31 August 1979.
2. Act No. 6, 1903, as amended. For previous amendments *see* Act 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; Nos. 17 and 35, 1955; No. 50, 1959; Nos. 32 and 109, 1960; No. 91, 1965; Nos. 55 and 93, 1966; No. 134, 1968; No. 39, 1969; No. 216, 1973 (as amended by No. 20, 1974); No. 164, 1976; No. 36, 1978; and No. 19, 1979.