

1926-27.

THE PARLIAMENT OF THE COMMONWEALTH

HOUSE OF REPRESENTATIVES

JUDICIARY BILL.

MEMORANDUM SHOWING THE ALTERATIONS PROPOSED TO BE MADE IN THE PRINCIPAL ACT, THE SEAT OF GOVERNMENT ACCEPTANCE ACT 1909 AND THE SEAT OF GOVERNMENT (ADMINISTRATION) ACT 1910.

(Circulated by the Attorney-General, the Honorable J. G. Latham.)

The words printed in italic type are words proposed to be omitted from the Principal Act, the *Seat of Government Acceptance Act 1909* and the *Seat of Government (Administration) Act 1910*.

The words printed in black type are words proposed to be added to the Principal Act.

REGISTRIES.

Section 11 of the Principal Act, as proposed to be amended by clause 3 of the Bill, will read as follows:—

11.—(1.) There shall be a Principal Registry of the High Court, which shall be at the principal seat of the Court.

(2.) There shall also be a District Registry of the High Court in every State except the State in which the principal seat of the Court is situated. Such District Registry shall be at the seat of Government of the State.

(2A.) There shall also be a Registry of the High Court in the Territory for the Seat of Government, and that Registry shall be a District Registry until the principal seat of the High Court is at the Seat of Government.

(3.) The Governor-General may on the recommendation of the Justices of the High Court, or a majority of them of whom the Chief Justice is one, establish District Registries at other places within any State or Territory.

ORIGINAL JURISDICTION OF HIGH COURT IN TERRITORIAL MATTERS.

Section 30B, proposed to be inserted in the Principal Act by clause 4 of the Bill, is as follows :—

30B.—(1.) The High Court shall have, in relation to the Territory for the Seat of Government—

- (a) the same original jurisdiction, both civil and criminal, as immediately before the first day of January One thousand nine hundred and eleven the Supreme Court of the State of New South Wales had in relation to that State ; and
- (b) such original jurisdiction, both civil and criminal, as is from time to time vested in the High Court by Ordinances made by the Governor-General.

(2.) The jurisdiction vested in the High Court by this section shall be exercised in accordance with the practice, procedure and powers of the High Court, and with Rules of Court made in that behalf.

(3.) In relation to the jurisdiction vested in the High Court by this section, the Rules of Court may provide for the places of sitting of the Court and for the service and execution of the process of the Court, and the execution of the judgments of the Court, in any part of the Commonwealth and in any Territory under the control of the Commonwealth.

(4.) A decision of the High Court in the exercise of the jurisdiction vested by this section shall be final and conclusive except so far as, under the Constitution or the laws of the Commonwealth, an appeal may be brought to a Full Court of the High Court.

APPEALS FROM COURTS OF TERRITORY FOR SEAT OF GOVERNMENT.

Section 34A, proposed to be inserted in the Principal Act by clause 5 of the Bill, is as follows :—

34A.—(1.) The High Court shall have such jurisdiction to hear and determine appeals from all judgments whatsoever of any Court of the Territory for the Seat of Government as is vested in it by Ordinance made by the Governor-General.

(2.) The jurisdiction of the High Court under this section may be exercised by one Justice or by a Full Court ; and, when it is exercised by one Justice, an appeal from his decision may, upon leave being granted by a Full Court of the High Court, be brought to a Full Court of the High Court.

BARRISTERS AND SOLICITORS.

Section 49 of the Principal Act, as proposed to be amended by clause 6 of the Bill, will read as follows :—

49.—(1.) Any person entitled to practise as a barrister or solicitor or both in any State shall have the like right to practise in any federal Court or in any Court of a Territory under the control of the Commonwealth.

(2.) Provided that before so doing he shall produce to the Principal Registrar evidence showing that he is so entitled and in what capacity, and the Principal Registrar shall thereupon enter his name in a Register of Practitioners to be kept at the Principal Registry.

(3.) A copy of the Register shall be kept at every District Registry.

(4.) The High Court may direct the name of any person to be struck off the Register upon proof that he has been guilty of conduct which renders him unfit to be allowed to continue to practise as a barrister or solicitor, *or that he has been deprived by the Supreme Court of the State, by virtue of his right to practise wherein he was registered, of the right to practise in that State as a barrister or solicitor.*

(5.) Upon proof that any person has been deprived by the Supreme Court of the State, by virtue of his right to practise wherein he was registered, of the right to practise in that State as a barrister or solicitor, the Principal Registrar shall strike the name of that person off the Register of Practitioners of the High Court.

JURISDICTION OF HIGH COURT.

Section 8 of the *Seat of Government Acceptance Act 1909* proposed to be repealed by clause 7 of the Bill is as follows:—

8. *Until the Parliament otherwise provides, the High Court and the Justices thereof shall have, within the Territory, the jurisdiction which immediately before the proclaimed day belonged to the Supreme Court of the State and the Justices thereof.*

JURISDICTION OF INFERIOR COURTS.

Section 11 of the *Seat of Government (Acceptance) Act 1910*, proposed to be repealed by clause 8 of the Bill, is as follows:—

11. *For the enforcement of all laws in force in the Territory and the administration of justice in the Territory the several inferior courts of the State of New South Wales shall, subject to any Ordinance made by the Governor-General—*

- (a) *continue to have and exercise the jurisdiction in the Territory which they had before the commencement of this Act; and*
- (b) *have and exercise such jurisdiction as is conferred on them by Ordinance made by the Governor-General.*

