

1926-27.

THE PARLIAMENT OF THE COMMONWEALTH.

HOUSE OF REPRESENTATIVES.

Read 1° 22nd March, 1927.

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

A BILL
FOR
AN ACT

To amend the *Judiciary Act* 1903-1926,
 and for other purposes.

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

- 1.—(1.) This Act may be cited as the *Judiciary Act* 1927.
- 5 (2.) The *Judiciary Act* 1903-1926* 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* 1903-1927.

Short title and
 citation.

2. This Act shall commence on a date to be fixed by
 10 Proclamation. Commencement.

3. Section eleven of the Principal Act is amended by inserting Registries.
 after sub-section (2.) the following sub-section:—

- 15 “(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.”

4. Section

* Act No. 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; and No. 39, 1926.

4. After section thirty A of the Principal Act the following section is inserted:—

Original
jurisdiction of
High Court in
territorial
matters.

“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 5
- (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. 10

“(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. 20

“(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.”

5. After section thirty-four of the Principal Act the following section is inserted:— 25

Appeals from
Courts of
Territory for
Seat of
Government.

“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. 30

“(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.” 35

Barristers and
solicitors.

6. Section forty-nine of the Principal Act is amended—

- (a) by adding at the end of sub-section (1.), the words “or in any Court of a Territory under the control of the Commonwealth”;
- (b) by omitting from sub-section (4.) the words “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”; and 40

(c) by

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(c) by adding at the end thereof the following sub-section :—

“ (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
5 as a barrister or solicitor, the Principal Registrar shall strike the name of that person off the Register of Practitioners of the High Court.”

7. Section eight of the *Seat of Government Acceptance Act 1909* is repealed as from a date to be fixed by proclamation, but such
10 repeal shall not affect any legal proceedings pending in the High Court at the date so fixed. Jurisdiction of High Court.

8. Section eleven of the *Seat of Government (Administration) Act 1910* is repealed as from a date to be fixed by proclamation, but such
15 repeal shall not affect any legal proceedings pending in any inferior Court of the State of New South Wales at the date so fixed. Jurisdiction of inferior courts.

