

AUSTRALIAN CAPITAL TERRITORY SUPREME COURT.

No. 109 of 1964.

An Act to amend the *Australian Capital Territory Supreme Court Act 1933-1960*.

[Assented to 20th November, 1964.]

BE it enacted by the Queen'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 *Australian Capital Territory Supreme Court Act 1964*. Short title and citation.

(2.) The *Australian Capital Territory Supreme Court Act 1933-1960*,* is in this Act referred to as the Principal Act.

(3.) The Principal Act, as amended by this Act, may be cited as the *Australian Capital Territory Supreme Court Act 1933-1964*.

2.—(1.) Subject to the next succeeding sub-section, this Act shall come into operation on the day on which it receives the Royal Assent. Commencement.

(2.) Section five of this Act shall be deemed to have come into operation on the twenty-seventh day of October, One thousand nine hundred and sixty.

3. Section two of the Principal Act is amended by omitting the word and figures “(Sections 34-37)” and inserting in their stead the word and figures “(Sections 34-37A)”. Parts.

4. Section five of the Principal Act is amended— Definitions.

(a) by inserting after the definition of “defendant” the following definitions:—

“ ‘Deputy Registrar’ means a Deputy Registrar of the Supreme Court;

‘Deputy Sheriff’ means a Deputy Sheriff of the Territory;”;

* Act No. 34, 1933, as amended by No. 27, 1935; No. 57, 1945; No. 52, 1947; No. 65, 1948; Nos. 51 and 80, 1950; Nos. 17 and 36, 1955; No. 47, 1956; No. 34, 1957; No. 43, 1958; No. 51, 1959; and No. 110, 1960.

- (b) by omitting from the definition of "the Registrar" the words "the Deputy Registrar" and inserting in their stead the words "a Deputy Registrar"; and
- (c) by inserting after the definition of "the Registrar" the following definition:—
" 'the Sheriff' means the Sheriff of the Territory;".

5. Section eight A of the Principal Act is repealed and the following section inserted in its stead:—

Holding of
other judicial
offices.

" 8A. A person may be a Judge of the Supreme Court notwithstanding that he is also a Judge of another court created by the Parliament, or is also the holder of a judicial office in a Territory of the Commonwealth other than the Australian Capital Territory, by virtue of an appointment made either before or after his appointment as a Judge of the Supreme Court."

6.—(1.) Section thirty-four of the Principal Act is repealed and the following section inserted in its stead:—

Registrar,
Sheriff and
other
officers.

" 34.—(1.) There shall be—

- (a) a Registrar of the Supreme Court, and such Deputy Registrars and other officers of the Supreme Court as are necessary; and
- (b) a Sheriff of the Territory and such Deputy Sheriffs of the Territory as are necessary.

" (2.) The Registrar, the Deputy Registrars and other officers of the Supreme Court, and the Sheriff and the Deputy Sheriffs, shall be appointed by the Attorney-General.

" (3.) Subject to the directions of the Registrar, a Deputy Registrar has, and may exercise and perform, all the powers and functions of the Registrar under this or any other Act, an Ordinance or Rules of Court.

" (4.) The appointment of a person to be a Deputy Registrar does not affect the exercise or performance of a power or function by the Registrar."

(2.) The persons respectively holding office under the Principal Act at the commencement of this section as Registrar of the Supreme Court and Sheriff of the Territory shall continue to hold office as if appointed as Registrar or Sheriff, as the case may be, under section thirty-four of the Principal Act as amended by this Act.

(3.) The person holding office as Deputy Registrar of the Supreme Court under the Principal Act at the commencement of this section shall continue to hold office as if appointed as a Deputy Registrar of the Supreme Court under section thirty-four of the Principal Act as amended by this Act.

(4.) A reference in a law of the Territory (including Rules of Court made under this Act) to the Deputy Registrar of the Supreme Court shall, after the commencement of this section, be read as a reference to a Deputy Registrar of that Court.

7. After section thirty-seven of the Principal Act the following section is inserted in Part IV. :—

“ 37A.—(1.) Subject to the directions of the Sheriff, a Deputy Sheriff has, and may exercise and perform, all the powers and functions of the Sheriff under this or any other Act, an Ordinance or Rules of Court, and, in exercising or performing those powers and functions, has the same rights, privileges, immunities, duties and liabilities as the Sheriff. Deputy Sheriff.

“ (2.) The appointment of a person to be a Deputy Sheriff does not affect the exercise or performance of a power or function by the Sheriff.”.

8.—(1.) Section fifty-two of the Principal Act is repealed and the following section inserted in its stead :—

“ 52.—(1.) A person convicted on indictment before the Supreme Court may appeal to the Full Court of the High Court— Appeal from Supreme Court in criminal cases.

(a) against his conviction—

- (i) on any ground of appeal that involves a question of law alone;
- (ii) with the leave of the Supreme Court or the Judge, on any ground of appeal that involves a question of fact alone or a question of mixed law and fact; or
- (iii) with the leave of the Full Court of the High Court, on any ground of appeal mentioned in the last preceding sub-paragraph or on any other ground that appears to the Full Court of the High Court to be a sufficient ground of appeal; and

(b) with the leave of the Full Court of the High Court, against the sentence passed on his conviction, unless the sentence is one fixed by law,

and the Full Court of the High Court has jurisdiction to hear and determine the appeal.

“ (2.) For the purposes of the last preceding sub-section, a person who, although he has not been convicted on indictment before the Supreme Court, has been sentenced or otherwise dealt with by the Supreme Court in respect of an indictable offence shall be deemed to be a person convicted on indictment before that Court.”.

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(2.) An appeal under section fifty-two of the Principal Act, and any application for the leave of the Full Court of the High Court or of the Supreme Court or a Judge of the Supreme Court under that section, pending at the commencement of this section may be continued and dealt with as if instituted or made under section fifty-two of the Principal Act as amended by this Act.

Action by
or against
Sheriff, &c.

9. Section fifty-nine of the Principal Act is amended by inserting after the word "Sheriff" the words "or a Deputy Sheriff".
