

JUDICIARY.

No. 34 of 1910.

An Act to amend the *Judiciary Act* 1903-1907.

[Assented to 1st December, 1910.]

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* 1910.

Short title and citation.

(2.) The *Judiciary Act* 1903-1907, as amended by this Act, may be cited as the *Judiciary Act* 1903-1910.

2. Section one of the *Judiciary Act* 1903-1907 is amended by adding at the end thereof the words :—“ Part XII.—Reference of Constitutional Questions, ss. 88-94.”

Amendment of Section 1 of Principal Act.

3. The *Judiciary Act* 1903-1907 is amended by adding after section eighty-seven thereof the following Part :—

“ PART XII.—REFERENCE OF CONSTITUTIONAL QUESTIONS.

“ 88. Whenever the Governor-General refers to the High Court for hearing and determination any question of law as to the validity of any Act or enactment of the Parliament the High Court shall have jurisdiction to hear and determine the matter.

Jurisdiction of High Court as to constitutional questions referred by the Governor-General.

“ 89. The matter shall be heard and determined by a Full Court consisting of all the Justices :

Cf. Canada, 54-5 Vic. c. 25, s. 4.

Provided that if any of the Justices are absent from the Commonwealth or incapacitated by illness the matter may be heard and determined by all the other Justices.

Hearing and determination of the matter.

“ 90. The Attorney-General of each State shall be notified of the hearing of the matter and be entitled to appear or be represented at the hearing.

Notification to State Attorney-General.

“ 91. The High Court or a Justice may direct that any person or class of persons or association claiming to be interested in the matter shall be notified of the hearing of the matter and be entitled to appear or be represented at the hearing.

Power to direct that persons interested be notified.

Power to request counsel to argue as to any interest not represented.

“ 92. The Court may request any counsel to argue the matter as to any interest which in the opinion of the Court is affected and as to which counsel does not appear ; and the reasonable expenses thereby occasioned shall be paid by the Commonwealth out of moneys to be appropriated by the Parliament.

Determination of Court to be final.

“ 93. The determination of the Court upon the matter shall be final and conclusive and not subject to any appeal.

Rules of Court.

“ 94. The Justices of the High Court or a majority of them may make Rules of Court for carrying this Part of this Act into effect and in particular for regulating the procedure in relation to any matter referred to the High Court in accordance with this Part of this Act.”

SUPPLEMENTARY APPROPRIATION 1910-11.

No. 35 of 1910.

An Act to grant and apply a further sum out of the Consolidated Revenue Fund for the service of the year ending the thirtieth day of June One thousand nine hundred and eleven.

[Assented to 1st December, 1910.]

Preamble.

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, for the purpose of appropriating the grant originated in the House of Representatives, as follows :—

Short title.

1. This Act may be cited as the *Supplementary Appropriation Act 1910-11.*

Issue and application of £467,950.

2. The Treasurer may issue out of the Consolidated Revenue Fund and apply towards making good the supply hereby granted to His Majesty for the service of the year ending the thirtieth day of June One thousand nine hundred and eleven the sum of Four hundred and sixty-seven thousand nine hundred and fifty pounds.

Appropriation of supply.

3. The said sum granted by this Act is appropriated and shall be deemed to have been appropriated as from the date of the passing of the Act No. 1 of 1910 for the purposes and services expressed in the Schedule.