

JUDICIARY.

No. 32 of 1960.

An Act to amend the *Judiciary Act* 1903–1959.

[Assented to 26th May, 1960.]

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

Short title and citation.

1.—(1.) This Act may be cited as the *Judiciary Act* 1960.

(2.) The *Judiciary Act* 1903–1959* 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* 1903–1960.

Commencement.

2. This Act shall come into operation on the day on which it receives the Royal Assent.

Extension of certain provisions of Act to Territories.

3. Section three A of the Principal Act is amended by omitting sub-section (2).

* Act No. 6, 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; 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; and No. 50, 1959.

4. Section fifty-six of the Principal Act is repealed and the following section inserted in its stead:—

“ 56.—(1.) A person making a claim against the Commonwealth, whether in contract or in tort, may in respect of the claim bring a suit against the Commonwealth—

Suits against the Commonwealth.

- (a) in the High Court;
- (b) in the Supreme Court of the State or Territory in which the claim arose; or
- (c) in any other court of competent jurisdiction of the State or Territory in which the claim arose.

“ (2.) For the purposes of paragraph (c) of the last preceding sub-section—

- (a) any court exercising jurisdiction at any place in the capital city of a State, or in the principal or only city or town of a Territory, that would be competent to hear the suit if the Commonwealth were, or had at any time been, resident in that city or town, or in a particular area in that city or town, is a court of competent jurisdiction; and
- (b) any other court is not a court of competent jurisdiction if its competence to hear the suit would depend upon the place where the Commonwealth resides or carries on business or at any time resided or carried on business.”.

5. Section sixty-five of the Principal Act is amended by inserting after the word “ Registrar ” the words “ or other appropriate officer ”.

No execution against Commonwealth or a State.

6. Section eighty A of the Principal Act is amended by omitting the words “ the Supreme Court of a Territory exercising jurisdiction ” and inserting in their stead the words “ a court of a Territory exercising jurisdiction in a suit brought ”.

Application of sections 79 and 80 to Territory courts.

7. The Schedule to the Principal Act is repealed and the following Schedule inserted in its stead:—

The Schedule.

THE SCHEDULE.

Section 65.

FORM OF CERTIFICATE OF JUDGMENT.

A.B. v. The Commonwealth (*or as the case may be*).

I hereby certify that A.B. of (*address and occupation*) did on the day of _____, 19____, obtain a judgment of the (*name of Court*) in his favour and that by that judgment the sum of _____ was awarded to him.

Dated this _____ day of _____, 19____.

Registrar (*or as the case may be*).