

THE TERRITORY FOR THE SEAT OF GOVERNMENT.

No. 4 of 1937.

AN ORDINANCE

**To amend the Seat of Government (Administration)
Ordinance 1930-1933 and for other purposes.**

BE it ordained by the Deputy of the Governor-General in and
over the Commonwealth of Australia, acting with the advice
of the Federal Executive Council, in pursuance of the powers con-
ferred by the *Seat of Government Acceptance Act 1909* and the
Seat of Government (Administration) Act 1910-1933, as follows:—

1.—(1.) This Ordinance may be cited as the *Seat of Govern- Short title
ment (Administration) Ordinance 1937.* and citation.

(2.) The *Seat of Government (Administration) Ordinance*
1930-1933 is in this Ordinance referred to as the Principal
Ordinance.

(3.) The Principal Ordinance, as amended by this Ordinance,
may be cited as the *Seat of Government (Administration)*
Ordinance 1930-1937.

2. The Ordinances mentioned in the Schedule to this Ordinance Repeal.
are, to the extent therein expressed, hereby repealed.

3. Section three of the Principal Ordinance is amended by Definitions.
adding at the end thereof the words “and ‘The State’ means the
State of New South Wales.”.

4. Sections four A, four B, four C, four D, five, six and eight Renumbering
of the Principal Ordinance are renumbered 5, 6, 7, 8, 9, 10 and 11 of sections.
respectively.

5. After section eleven of the Principal Ordinance, as amended
by this Ordinance, the following sections are inserted:—

“12. Where, by virtue of section six of the *Seat of Government Application of
Acceptance Act 1909*, any law of the State continues in force, in State laws.
the Territory, it shall, while this section remains in force, have
effect in the Territory, and continue to be administered by the
authorities of the State, as if the Territory continued to form part
of the State:

Provided that all revenue received in or solely in relation to
the Territory under any such law (not being fees received by
virtue of the laws relating to Public Instruction) shall belong to
the Commonwealth.

Trial of offenders.

“13. Where any Court of the State has jurisdiction with respect to the trial of any offence committed in the Territory against any law of the State or any Act or Ordinance in force in the Territory, the trial of the offence (whether on indictment or by summary proceeding) and all proceedings in relation to the custody of the person charged with the offence, his examination and commitment for trial, and his trial and conviction, may be taken and held at any place in the State at which they might have been taken and held if the Territory had continued to form part of the State.

Trial of civil actions by Judge.

“14. The trial of any civil action, cause, suit, or other proceeding in any District Court of the State of New South Wales while exercising jurisdiction in the Territory, shall be by a Judge of that Court without a jury.

Barristers and solicitors.

“15. Any person entitled to practise as a barrister or solicitor in the High Court of Australia shall have the right to practise as a barrister or solicitor, or both, in the Territory.

Right of barrister or solicitor to appear in Courts.

“16. Any person who is entitled to practise in the Territory as a barrister or solicitor shall be entitled to appear, in any Court exercising jurisdiction in the Territory, on behalf of any party to any cause, suit, action or proceeding before any such Court.

Justices of the Peace.

“17.—(1.) The Attorney-General may appoint such Justices of the Peace as he thinks fit.

“(2.) The Registrar of the Supreme Court of the Australian Capital Territory shall keep a register to be known as ‘The Register of Justices of the Peace of the Territory for the Seat of Government’.

“(3.) The Registrar shall enter in the Register the names of all Justices of the Peace appointed under this section.

“(4.) The Registrar shall also enter in the Register the name of any Justice of the Peace of a State who makes application in writing in that behalf to the Registrar and who satisfies the Registrar that he—

- (a) is resident in the Territory;
- (b) has been so resident for at least one month before application; and
- (c) is a Justice of the Peace of a State,

and the Justice of the Peace shall thereupon, so long as his name is so entered, be a Justice of the Peace of the Territory and have jurisdiction as such in the Territory.

“(5.) If a Justice of the Peace whose name is entered in the Register in pursuance of the last preceding sub-section—

- (a) ceases to be a Justice of the Peace of a State; or
- (b) ceases to be resident in the Territory; or
- (c) is guilty of conduct which, in the opinion of the Attorney-General, renders him unfit to continue to be a Justice of the Peace of the Territory,

the Attorney-General may direct the Registrar to strike the name of the Justice of the Peace off the Register, and the Registrar shall strike the name off accordingly.

“(6.) The Registrar shall strike off the Register the name of any Justice of the Peace whose appointment under this section is determined.”.

6. The Second Schedule to the Principal Ordinance is amended— Amendment of
Second
Schedule.

- (a) by omitting the words “*Administration and Probate Ordinance 1929—The whole*” and inserting in their stead the words “*Administration and Probate Ordinance 1929-1934—The whole*”;
- (b) by omitting the words “*Provisional Government Ordinance 1911-1928—Sections 1 to 5A (inclusive) and sections 8 and 9*”; and
- (c) by inserting after the words “*Real Property Ordinance 1925-1927—The whole*” the words “*Seat of Government (Administration) Ordinance 1930-1937—Sections 12 to 18 (inclusive)*”.

THE SCHEDULE.

REPEAL OF ORDINANCES.

Section 5.

Ordinance Affected.	Extent of Repeal.
The Ordinance for the Provisional Government of the Territory of the Seat of Government (No. 1 of 1911)	Sections three, four and five.
<i>Provisional Government Ordinance 1924</i>	The whole.
<i>Provisional Government Ordinance 1926 (No. 2)</i> ..	The whole.
<i>Provisional Government Ordinance 1927</i>	The whole.
<i>Provisional Government Ordinance (No. 2) 1927</i> ..	The whole.

Dated this ninth day of April, 1937.

HUNTINGFIELD

Deputy of the Governor-General.

By His Excellency's Command,

ROBERT G. MENZIES

for Minister of State for the Interior.

By Authority: L. F. JOHNSTON, Commonwealth Government Printer, Canberra.