
JUDICIARY.

No. 5 of 1937.

An Act to amend the *Judiciary Act* 1903-1934
and for other purposes.

[Assented to 3rd July, 1937.]

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* 1937.

Short title
and citation.

(2.) The *Judiciary Act 1903-1934*,* as amended by this Act, may be cited as the *Judiciary Act 1903-1937*.

Rules of Court. 2. Section eighty-six of the *Judiciary Act 1903-1934* is amended—
 (a) by omitting the words “ not inconsistent with this Act for carrying this Act into effect ” and inserting in their stead the words “ necessary or convenient to be made for carrying into effect the provisions of this Act or so much of the provisions of any other Act as confers jurisdiction on the High Court or relates to the practice or procedure of the High Court ”; and

(b) by inserting after paragraph (b) the following paragraph :—
 “ (ba) regulating the means by which particular facts may be proved and the mode in which evidence thereof may be given ; ”.

3. Section eighty-seven of the *Judiciary Act 1903-1934* is repealed and the following section inserted in its stead :—

Tabling of
Rules of Court.

“ 87.—(1.) All Rules of Court made in pursuance of the last preceding section shall—

- (a) be notified in the *Gazette* ;
- (b) take effect from the date of notification or from a later date specified in the Rules ; and
- (c) be laid before each House of the Parliament within fifteen sitting days of that House after the making of those Rules.

(2.) If either House of the Parliament passes a resolution, of which notice has been given within fifteen sitting days after the Rules have been laid before the House, disallowing any Rule, that Rule shall thereupon cease to have effect.”.

Amendment of
certain Acts.

4. The Acts specified in the first column of the Schedule to this Act are amended as respectively specified in the second column of that Schedule and, as so amended, may be cited in the manner respectively specified in the third column of that Schedule.

Saving.

5. All Rules of Court made by the Justices of the High Court, or a majority of them, under the powers conferred by any provision repealed by this Act, which were in force immediately prior to the commencement of this Act, shall continue in force as if this Act had not been passed and shall for all purposes, including the purpose of amendment or annulment, be deemed to be Rules of Court made under the powers conferred by section eighty-six of the *Judiciary Act 1903-1934* as amended by this Act.

* 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 ; No. 34, 1933 ; No. 65, 1933 ; and No. 45, 1934.

THE SCHEDULE.

Section 4.

Act.	Extent of amendment.	Manner of citation as amended.
<i>Australian Industries Preservation Act 1906-1930.</i> <i>Crimes Act 1914-1932.</i>	Section 25—Repeal .. Section 30AA—Omit sub-section (10.).	<i>Australian Industries Preservation Act 1906-1937.</i> <i>Crimes Act 1914-1937.</i>
<i>High Court Procedure Act 1903-1933.</i>	Section 1—Omit the words " Rules of Court, ss. 32-34.". Section 16—Repeal. Omit the words " Rules of Court " immediately preceding section 32. Sections 32, 33, 34 and The Schedule—Repeal.	<i>High Court Procedure Act 1903-1937.</i>
<i>Income Tax Assessment Acts 1936.</i>	Section 203—Repeal.	<i>Income Tax Assessment Act 1936-1937.</i>
<i>Insurance Acts 1932.</i> ..	Section 25—Omit sub-section (2.).	<i>Insurance Act 1932-1937.</i>
<i>Land Tax Assessment Act 1910-1934.</i>	Section 47—Repeal ..	<i>Land Tax Assessment Act 1910-1937.</i>
<i>War-time Profits Tax Assessment Act 1917-1918.</i>	Section 31—Repeal ..	<i>War-time Profits Tax Assessment Act 1917-1937.</i>