

SUPREME COURT ORDINANCE 1911-1954.*

An Ordinance to establish a Supreme Court for the Northern Territory of Australia.

Short title.

Short title amended:
No. 17, 1938,
s. 4.

Commencement.

Definitions.

Inserted by
No. 5, 1931,
s. 2;
substituted by
No. 15, 1954,
s. 2.

1. This Ordinance may be cited as the *Supreme Court Ordinance 1911-1954*.*

2. This Ordinance shall come into operation on the date thereof.†

2A. In this Ordinance, unless the contrary intention appears—

“salary” means salary at the rate payable to the Judge of the Northern Territory immediately prior to his retirement or to his death before retirement, as the case may be;

* The *Supreme Court Ordinance 1911-1954* comprises the *Supreme Court Ordinance 1911* as amended. Particulars of the Principal Ordinance and of the amending Ordinances are set out in the following table:—

Ordinance.	Number and Year.	Date notified in Commonwealth Gazette.	Date of Commencement.
<i>Supreme Court Ordinance 1911</i> ..	No. 9, 1911	30th May, 1911 ..	30th May, 1911
<i>Supreme Court Ordinance 1912</i> ..	No. 4, 1912	9th May, 1912 ..	9th May, 1912
<i>Supreme Court Ordinance 1918</i> ..	No. 1, 1918	27th February, 1918 ..	27th February, 1918
<i>Supreme Court Ordinance 1918</i> ..	No. 12, 1918	17th October, 1918 ..	17th October, 1918
<i>Supreme Court Ordinance 1919</i> ..	No. 6, 1919	8th May, 1919 ..	8th May, 1919
<i>Supreme Court Ordinance (No. 2) 1919</i> ..	No. 13, 1919	27th November, 1919 ..	27th November, 1919
<i>Supreme Court Ordinance 1920</i> ..	No. 9, 1920	11th November, 1920 ..	11th November, 1920
<i>Supreme Court Ordinance 1921</i> ..	No. 5, 1921	29th April, 1921 ..	29th April, 1921
<i>Supreme Court Ordinance (No. 2) 1921</i> ..	No. 6, 1921	24th May, 1921 ..	24th May, 1921
<i>Supreme Court Ordinance 1922</i> ..	No. 5, 1922	13th May, 1922 ..	13th May, 1922
<i>Supreme Court Ordinance (No. 2) 1922</i> ..	No. 10, 1922	10th August, 1922 ..	10th August, 1922
<i>Supreme Court Ordinance 1927</i> ..	No. 4, 1927	7th July, 1927 ..	7th July, 1927
<i>Supreme Court Ordinance (No. 2) 1927</i> ..	No. 12, 1927	18th October, 1927 ..	18th October, 1927
<i>Supreme Court Ordinance 1931</i> ..	No. 5, 1931	23rd April, 1931 ..	23rd April, 1931
<i>Supreme Court Ordinance 1933</i> ..	No. 1, 1933	12th April, 1933 ..	12th April, 1933
<i>Supreme Court Ordinance (No. 2) 1933</i> ..	No. 10, 1933	24th August, 1933 ..	24th August, 1933
<i>Supreme Court Ordinance 1934</i> ..	No. 11, 1934	3rd May, 1934 ..	3rd May, 1934
<i>Supreme Court Ordinance 1936</i> ..	No. 9, 1936	23rd July, 1936 ..	23rd July, 1936
		Date of Assent by Administrator.	
<i>Supreme Court Ordinance 1953</i> ..	No. 12, 1953	29th June, 1953 ..	29th June, 1953
<i>Supreme Court Ordinance 1954</i> ..	No. 15, 1954	8th December, 1954 ..	8th December, 1954

Note.—Section 9 of the *Supreme Court Ordinance 1921*, No. 5 of 1921, as amended by section 2 of the *Supreme Court Ordinance (No. 2) 1921*, No. 6 of 1921, reads as follows:—

“9.—(1.) All judgments, decrees, orders and sentences, and other judicial acts given, made, imposed or done by a person who has, in pursuance of the Principal Ordinance, been appointed a Deputy Judge of the Northern Territory, other than—

(a) the order made in the case of In the matter of the estate of Goodya Singh purporting to suspend Ross Ibbotson Dalton Mallam from practise as a practitioner of the Supreme Court of the Northern Territory; and

(b) the judgment delivered in the case of Edward Patrick Geraghty in the name and on behalf of Henry McNamara Robinson v. Villiers Clarence Murray Presley,

and all writs purporting to be issued out of the Supreme Court of the Northern Territory and tested in the name of a person who has been so appointed a Deputy Judge of the Northern Territory, shall, notwithstanding a vacancy in the office of Judge of the Northern Territory, be deemed to be as valid as if they had been given, made, imposed or done by, or tested in the name of, the Judge of the Northern Territory.

[Footnotes continued on next page.]

“ the Master ” means the Master of the Supreme Court of the Northern Territory appointed, or deemed to be appointed, under section eleven of this Ordinance and includes an Acting Master of the Supreme Court of the Northern Territory appointed under sub-section (2.) of that section.

3. There shall be a Supreme Court of the Northern Territory, which court shall be constituted in the manner provided by this Ordinance.

Establishment of Supreme Court.

4. Subject to this Ordinance, the Supreme Court shall have in the Northern Territory all the jurisdiction and powers of the Supreme Court of the State of South Australia, and of the Court of Insolvency of that State, immediately prior to the acceptance by the Commonwealth of the Northern Territory.

Jurisdiction of Supreme Court.

5.—(1.) An appeal shall lie to the Supreme Court from every Court in the Northern Territory from which an appeal lay to any Court of the State of South Australia immediately prior to the acceptance of the Northern Territory by the Commonwealth.

Appellate jurisdiction of Supreme Court.

(2.) This section shall extend to authorize an appeal from any judgment, decree or decision made or given before the commencement of this Ordinance if the time for appealing had not expired before the appeal was instituted.

6. The Supreme Court shall be constituted by the Judge or Acting Judge of the Northern Territory sitting as such Supreme Court.

Constitution of Supreme Court.

Amended by No. 5, 1921, s. 2.

7. The qualifications of the Judge of the Northern Territory shall be as follow:—He must either be or have been a practising barrister or solicitor of the High Court or of the Supreme Court of a State or of the Supreme Court of the Northern Territory of not less than five years' standing.

Qualifications of Judge.

Footnotes continued from previous page.]

(2.) Notwithstanding anything contained in the last preceding sub-section no proceedings whatsoever shall lie in any Court against any person so appointed a Deputy Judge of the Northern Territory for damages or any remedy of any other kind in respect of any acts done, or authorized by, or any omissions of, that person in or in connexion with the cases mentioned in paragraphs (a) and (b) of that sub-section.”

Section 10 of the *Supreme Court Ordinance* 1921, No. 5 of 1921, reads as follows:—

“ 10.—(1.) Any reference in any Ordinance, other than the *Supreme Court Ordinance* 1911-1921, to the Judge of the Northern Territory shall be read as a reference to the Judge or Acting Judge of the Northern Territory.

(2.) Any reference in any instrument (including rules, regulations, or by-laws) made, granted or issued, under any Ordinance (including the *Supreme Court Ordinance* 1911-1921), to the Judge of the Northern Territory shall be read as a reference to the Judge or Acting Judge of the Northern Territory.”

† The date of making of the *Supreme Court Ordinance* 1911 was 26th May, 1911. The Ordinance came into operation on date of notification in the *Commonwealth Gazette*, viz. 30th May, 1911—see *Interpretation Ordinance* 1931-1959, s. 11 (1.).

Age of retirement of Judge.

Sub-section (1.) substituted by No. 4, 1912, s. 2; amended by No. 1, 1933, s. 2.

Inserted by No. 4, 1912, s. 2.

8.—(1.) The Judge of the Northern Territory shall be appointed by the Governor-General by commission, and shall hold office during good behaviour until he attains the age of seventy years, unless he is sooner removed from office by the Governor-General on the ground of misbehaviour or incapacity.

(1A.) Any appointment of a Judge of the Northern Territory in accordance with sub-section (1.) of this section shall be deemed to have been lawfully made, notwithstanding that it was made before sub-section (1.) of this section came into operation.

(2.) The Judge of the Northern Territory, holding office at the commencement of this Ordinance, shall be the Judge of the Northern Territory while his commission remains in force, or until a Judge of the Northern Territory is appointed under this Ordinance.

Oaths of allegiance and office by Judge.

Inserted by No. 4, 1912, s. 3; amended by No. 10, 1933, s. 2.

8A. The Judge of the Northern Territory shall, before entering on the duties of his office, take before a Justice of the High Court of Australia, or before the Administrator, or some person appointed by the Administrator in that behalf, an oath or affirmation of allegiance in the form in the Schedule to the Constitution of the Commonwealth, and also an oath or affirmation in the following form:—

“ I, A.B., do swear that I will well and truly serve our Sovereign Lord the King in the office of Judge of the Northern Territory, and I will do right to all manner of people according to law, without fear or favour, affection or ill-will. So help me God! ”; or

“ I, A.B., do solemnly and sincerely promise and declare that I will well and truly serve our Sovereign Lord the King in the office of Judge of the Northern Territory, and I will do right to all manner of people according to law, without fear or favour, affection or ill-will.”

Pension to Judge.

Inserted by No. 12, 1953, s. 3.

8B.—(1.) Where the Judge of the Northern Territory, having attained the age of sixty years, retires after serving as Judge for not less than ten years, he is entitled, on retiring, to an annual pension at the rate of twenty-seven and one-half per centum of his salary and at the additional rate of two and one-half per centum of his salary for each completed year of his service in excess of ten years, but so that the rate of his pension shall not exceed forty per centum of his salary.

(2.) Where the Judge of the Northern Territory retires, and the Attorney-General of the Commonwealth certifies that his retirement is by reason of permanent disability or infirmity—

(a) if his retirement occurs during the first five years of his service as Judge, he is entitled, on retiring, to an annual pension at the rate of fifteen per centum of his salary; or

- (b) if his retirement occurs after he has served as Judge for not less than five years, he is entitled, on retiring, to an annual pension at the rate of fifteen per centum of his salary and at the additional rate of two and one-half per centum of his salary for each completed year of his service in excess of five years, but so that the rate of his pension shall not exceed forty per centum of his salary.

8c. Where the Judge of the Northern Territory dies before his retirement, his widow is entitled to an annual pension—

- (a) if his death occurs during the first five years of his service as Judge, at the rate of seven and one-half per centum of his salary; or
- (b) if his death occurs after he has served as Judge for not less than five years, at the rate of seven and one-half per centum of his salary and at an additional rate of one and one-quarter per centum of his salary for each completed year of his service in excess of five years, but so that the rate of her pension shall not exceed twenty per centum of that salary.

Pension to widow on death of Judge before retirement.
Inserted by No. 12, 1953, s. 3.

8d. Upon the death of a retired Judge of the Northern Territory, his widow, if her marriage to the retired Judge occurred prior to his retirement, is entitled to an annual pension at the rate of one-half of the rate of pension payable to the retired Judge immediately prior to his death.

Pension to widow on death of retired Judge.
Inserted by No. 12, 1953, s. 3.

8e. If the widow of a Judge of the Northern Territory re-marries, a pension payable to her under section eight c or eight d of this Ordinance ceases on the day preceding the day on which she re-marries.

Pension to widow ceases on her re-marriage.
Inserted by No. 12, 1953, s. 3.

8f.—(1.) On the death of a person who is the Judge of the Northern Territory or was, immediately prior to his death, in receipt of a pension under section eight b of this Ordinance, an allowance at the rate of One pound per week shall be paid in respect of each child of him, or of his wife, who is under the age of sixteen years until that child reaches the age of sixteen years.

Allowances in respect of children of deceased Judge.
Inserted by No. 12, 1953, s. 3.

(2.) If the widow of a Judge of the Northern Territory re-marries, an allowance is not payable under the last preceding sub-section in respect of a child of the re-marriage.

- (3.) An allowance payable under this section is payable—
- (a) to the widow of the deceased person during her own life, or, in the event of her death before the child attains the age of sixteen years, to the guardian of the child, to be used for the child's support and education; or
 - (b) in the event of the deceased person having been a widower, to the guardian of the child to be used for the child's support and education.

Marriage after retirement.

Inserted by N. 12, 1953, s. 3.

8G. Notwithstanding anything contained in the last three preceding sections, where a retired Judge of the Northern Territory marries after his retirement and pre-deceases his wife, a pension is not payable to his widow nor are allowances payable in respect of the children of the marriage.

Payment of pensions and allowances.

Inserted by N. 12, 1953, s. 3.

8H. The pensions and allowances payable under or by virtue of this Ordinance—

- (a) accrue from day to day; and
- (b) are payable monthly out of such moneys as are, from time to time, appropriated by the Parliament for the purposes of this Ordinance.

Prior judicial service.

Inserted by No. 12, 1953, s. 3.

8J. Where a Judge of the Northern Territory has, prior to his appointment, served in any judicial office under the Commonwealth (including the office of Acting Judge of the Northern Territory) or a State—

- (a) the period of his service in that office; or
- (b) the period of ten years,

whichever is the lesser, shall, for the purposes of section eight B and eight C of this Ordinance, be added to and be deemed to be part of his service as Judge of the Northern Territory.

Pension, &c., not payable on removal of Judge.

Inserted by N. 12, 1953, s. 3.

8K. A pension or allowance under this Ordinance is not, unless the Governor-General otherwise decides, payable to a Judge, or to the widow or children of a Judge, who is removed under section eight of this Ordinance.

Application of pension, &c. provisions.

Inserted by N. 12, 1953, s. 3.

8L. The provisions of sections eight B to eight K (inclusive) of this Ordinance apply to the Judge of the Northern Territory holding office at the time when the *Supreme Court Ordinance 1953* comes into operation and to every Judge of the Northern Territory appointed after that time.

Powers of Judge or Acting Judge.

Amended by No. 5, 1921, s. 3.

9 Where, by any law of the State of South Australia which is continued in force in the Northern Territory as a law of that Territory, any power or function is vested in any Judge

of the Supreme Court of South Australia, that power or function shall, in relation to the Northern Territory, be vested in the Judge or Acting Judge of the Northern Territory.

10. The Judge or Acting Judge of the Northern Territory may exercise in chambers the like jurisdiction as that which immediately prior to the acceptance of the Northern Territory by the Commonwealth could have been exercised in chambers by a Judge of the Supreme Court of South Australia.

Jurisdiction in Chambers.
Amended by No. 5, 1921, s. 4.

10A. If at any time the Judge of the Northern Territory, or, if there is no Judge, the Acting Judge of the Northern Territory is absent from the Northern Territory, the time for making any application for or in relation to the issue of any prerogative writ, which, but for this section would have expired during the absence of the Judge or Acting Judge, as the case may be, from the Northern Territory, shall be extended until the expiration of fourteen days from the date of the return of the Judge or Acting Judge, as the case may be, to Darwin in the Northern Territory.

Extension of time for making application for prerogative writs.
Inserted by No. 1, 1918, s. 2; amended by No. 5, 1921, s. 5.

10B. The Governor-General may, by Commission, appoint a person to be Acting Judge of the Northern Territory during the pleasure of the Governor-General.

Appointment of Acting Judge.
Inserted by No. 6, 1919, s. 2; substituted by No. 5, 1921, s. 6.

10c. The Acting Judge shall, before entering upon the duties of his office, take, before the Attorney-General, or some person appointed by the Attorney-General in that behalf, an oath or affirmation in the form contained in section eight A of this Ordinance:

Oath or affirmation to be taken by Acting Judge.
Inserted by No. 6, 1919, s. 2; substituted by No. 5, 1921, s. 6; amended by No. 15, 1954, s. 3.

Provided that, in the oath or affirmation to be taken or made in pursuance of this section, the words "Acting Judge" shall be substituted for the word "Judge".

10D. The Acting Judge shall be deemed to be duly authorized to enter upon the duties of his office upon receipt by him of a telegram from the Attorney-General, transmitting the contents of the Commission appointing him to be Acting Judge.

Communication of Commission by telegraph.
Inserted by No. 6, 1919, s. 2; substituted by No. 5, 1921, s. 6; amended by No. 15, 1954, s. 4.

11.—(1.) The Governor-General may, by commission, appoint a person to be the Master of the Supreme Court of the Northern Territory.

The Master and other officers of the Supreme Court.

(2.) In the event of the absence, through illness or otherwise, of the Master, or of a vacancy in the office of Master,

Substituted by No. 15, 1954, s. 5.

the Governor-General may appoint a person to be Acting Master of the Supreme Court of the Northern Territory.

(3.) A person is not eligible for appointment as Master or Acting Master unless he is or has been a practising barrister or solicitor of the High Court or of the Supreme Court of a State or of the Supreme Court of the Northern Territory.

(4.) A Stipendiary Magistrate appointed under the *Justices Ordinance* 1928-1952 may hold office as Master or Acting Master concurrently with the office of Stipendiary Magistrate.

(5.) The person holding office as Clerk of the Supreme Court at the commencement of the *Supreme Court Ordinance* 1954 shall be deemed to have been appointed under this section as Master.

(6.) There shall be such other officers of the Supreme Court of the Northern Territory as are necessary.

Sheriff.

12. The Sheriff of the Northern Territory under the *Sheriff Ordinance* 1911 (No. 3 of 1911) shall be deemed to be the Sheriff of the Supreme Court.

Rules of procedure.

13.—(1.) Subject to this Ordinance, and any Rules of Court thereunder, the laws of the State of South Australia regulating the practice and procedure of the Supreme Court of South Australia, and of the Court of Insolvency of that State, in force immediately prior to the acceptance of the Northern Territory by the Commonwealth, shall, so far as they are applicable, apply to the Supreme Court of the Northern Territory.

Amended by
N. 5, 1922,
s. 3; and
No. 15, 1954,
s. 6.

(2.) All powers and functions exercisable in South Australia under any such laws by the Master, Chief Clerk, Registrar of Probates, or other officer of the Supreme Court or Court of Insolvency of South Australia, shall be exercisable by the Master, or by such officer as is prescribed in that behalf by Rules of Court:

Provided that the Judge or Acting Judge of the Northern Territory may from time to time (if and so far as he thinks proper and convenient) himself exercise such powers and functions.

(3.) All powers and functions exercisable in South Australia under any such laws by the Sheriff of South Australia, shall be exercisable by the Sheriff.

Added by
No. 15, 1954,
s. 6.

(4.) Subject to this Ordinance and the Rules of Court, the business of the Supreme Court, other than that performed by the Judge or Acting Judge, shall be distributed between the Master and the officers of the Supreme Court in such manner as the Judge or Acting Judge directs and the Master and the officers shall perform such duties in relation to the business of the Supreme Court as the Judge or Acting Judge directs.

13A. The Master shall have power to sign and enter judgments in default of appearance and any such judgment may be drawn up and settled by or under the direction of the Master.

Entry of judgment in default of appearance. Inserted by No. 9, 1936, s. 2; amended by No. 15, 1954, s. 7.

14.—(1.) The principal seat of the Supreme Court shall be at Darwin, in the Northern Territory.

Principal seat of the Supreme Court.

Sub-section (1.) amended by No. 15, 1954, s. 8.

* * * * *

Sub-section (2.) omitted by No. 15, 1954, s. 8.

15.—(1.) Sittings of the Supreme Court shall be held—

Sittings of the Supreme Court.

(a) at the principal seat of the Court and at Alice Springs at such times as are appointed in that behalf by Rules of Court; and

Sub-section (1.) substituted by No. 15, 1954, s. 9.

(b) at places other than the principal seat of the Court and Alice Springs, at such times and for such purposes as the Administrator, by commission under his hand, directs.

(2.) A commission under this section shall be directed to the Judge or Acting Judge of the Northern Territory, and a notification of the issue of the commission shall be published in the *Gazette* at least thirty days before the date fixed for holding the sitting.

Amended by No. 5, 1921, s. 7.

16. Every male adult person of European race or extraction, who is not disqualified from serving as a juror and who resides within fifty miles from the place fixed by the commission for the holding of a sitting of the Supreme Court, shall be liable to serve as a juror at such sitting, and may be summoned to serve thereat accordingly, and for the purpose of this section shall be subject to the same responsibilities and entitled to the same privileges as if his name were on a jury roll.

Jurors.

16A. All actions shall be tried before the Judge or Acting Judge of the Northern Territory without a jury but nothing herein contained shall defeat or prejudice any powers heretofore possessed by the Supreme Court to order the trial of any questions or issues of fact by a jury or a special jury.

Juries in civil cases. Inserted by No. 11, 1934, s. 2.

17.—(1.) Any person committed for trial for an indictable offence may be put upon his trial before the Supreme Court by information in the name of the Attorney-General or of such other person as the Attorney-General appoints in that behalf.

How offenders may be put on trial.

Sub-section (1.) substituted by No. 9, 1936, s. 3; amended by No. 15, 1954, s. 10.

Amended by
No. 5, 1931,
s. 3; and
No. 15, 1954,
s. 10.

(2) The Attorney-General or a person so authorized shall have in relation to persons committed for trial before the Supreme Court the like powers as the Attorney-General of South Australia had immediately prior to the acceptance of the Northern Territory by the Commonwealth in relation to persons committed for trial before the Supreme Court of South Australia.

Practitioners
of the
Supreme Court.

18.—(1.) The following persons may be admitted as Practitioners of the Supreme Court:—

(a) Persons who have served under articles for the period, and possess the qualifications or have passed the examinations prescribed by Rules of Court; and

(b) Persons who are entitled to practise as barristers or solicitors or both in any Federal Court.

(2.) Every person on being admitted as a Practitioner of the Supreme Court shall pay the admission fee prescribed by Rules of Court, and thereupon his name shall be entered on the Roll of Practitioners of the Supreme Court.

(3.) Every Practitioner of the Supreme Court who has paid the admission fee and other fees payable by him under the Rules of Court shall, so long as his name remains on the Roll of Practitioners of the Supreme Court, be entitled to practise in any branch of the law in any Court in the Northern Territory.

Suspension or
removal of
Practitioners.

19. The Supreme Court may suspend the right of any Practitioner to practise for such period as it thinks proper, or may remove his name from the Roll of Practitioners, on the ground of misconduct in the practice of his profession. The Supreme Court may restore the name of any person to the Roll of Practitioners on such grounds, and on such terms, as it thinks proper.

Practitioners
practising at
commencement
of Ordinance.

20. Every Practitioner of the Supreme Court of South Australia, residing in and practising his profession in the Northern Territory at the commencement of this Ordinance, shall be entitled to have his name entered on the Roll of Practitioners without payment of any fee.

Appeal to
High Court.

Substituted by
No. 12, 1918,
s. 2.

Sub-section (1.)
amended by
No. 10, 1922,
s. 2; and
No. 15, 1954,
s. 11.

21.—(1.) The Full Court of the High Court of Australia, constituted by at least two Judges, may grant leave to appeal to the High Court of Australia from any conviction, sentence, judgment, decree, or order of the Supreme Court of the Northern Territory including any order or direction made by the Judge or Acting Judge of the Northern Territory whether in Chambers or in Court and including also any refusal of such Judge or Acting Judge to make any order.

(2.) When an order granting leave to appeal is made, certified copies of the proceedings and evidence in the case shall be forwarded to the proper officer of the High Court.

(3.) The High Court sitting as a Full Court (constituted by at least two Judges) may hear the appeal, and may make such order therein as it thinks just.

(4.) If the High Court sees fit to permit it, an appeal under this section may be by case stated, with the legal argument (if any) attached thereto in writing, and in that case it shall not be necessary for the parties to appear on the hearing of the appeal either personally or by counsel.

(5.) The Order of the Court on appeal shall have effect in the Northern Territory as if it were a judgment of the Supreme Court of the Northern Territory, and may be enforced by the Supreme Court accordingly.

(6.) The Justices of the High Court or a majority of them may make Rules of Court for regulating the practice and procedure in regard to appeals under this section.

21A. Any person making any claim against the Commonwealth, whether in contract or tort, in respect of a matter arising in the Northern Territory, may, in respect of the claim, bring a suit against the Commonwealth in the Supreme Court of the Northern Territory.

Suits against the Commonwealth in the Territory.
Inserted by No. 9, 1920, s. 2.

21B. Where the Commonwealth is a party to a suit brought in pursuance of this Ordinance, all process in the suit required to be served upon that party shall be served upon the Administrator or upon some person appointed by him to receive service.

Service of process where Commonwealth is party.
Inserted by No. 9, 1920, s. 2.

21C. In any suit, brought in pursuance of this Ordinance, to which the Commonwealth is a party, the rights of parties shall as nearly as possible be the same, and judgment may be given and costs awarded on either side, as in a suit between subject and subject.

Rights of parties.
Inserted by No. 9, 1920, s. 2.

21D. No execution or attachment or process in the nature thereof, shall be issued against the property or revenues of the Commonwealth in any such suit; but when the judgment is given against the Commonwealth, the Master shall give to the party in whose favour the judgment is given a certificate in accordance with the form in the Schedule to this Ordinance.

No execution against the Commonwealth
Inserted by No. 9, 1920, s. 2; amended by No. 4, 1927, s. 2; and No. 15, 1954, s. 12.

21E. On receipt of the certificate of a judgment against the Commonwealth, the Administrator shall satisfy the judgment out of moneys legally available.

Performance by Commonwealth
Inserted by No. 9, 1920, s. 2.

Execution by
Commonwealth.
Inserted by
No. 9, 1920,
s. 2.

21F. When in any such suit a judgment is given in favour of the Commonwealth and against any person, the Commonwealth may enforce the judgment against that person by process of extent, or by such execution, attachment, or other process as could be had in a suit between subject and subject.

Suits by the
Commonwealth.
Inserted by
N. 12, 1927,
s. 2.

21G. Suits on behalf of the Commonwealth may be brought in the name of the Commonwealth by the Attorney-General or by any person appointed by him in that behalf.

Rules of Court.
Sub-section (1.)
amended by
N. 5, 1921,
s. 8.

22.—(1.) The Judge or Acting Judge of the Northern Territory may make Rules of Court for regulating the practice and procedure of the Supreme Court, and for prescribing all matters and things which are necessary or convenient to be prescribed for carrying out this Ordinance or for the conduct of any business of the Supreme Court.

Inserted by
N. 15, 1954,
s. 13.

(1A.) Rules of Court under the last preceding sub-section may—

- (a) confer on the Master either generally or in particular cases and under such circumstances and on such conditions as are specified, power to do such things, to transact such business and to exercise such authority and jurisdiction, as the Judge or Acting Judge of the Northern Territory sitting in Chambers may, by virtue of an Act, an Ordinance, custom or rule or practice of the Supreme Court, do, transact or exercise;
- (b) empower the Master, if he thinks fit, to refer to the Judge or Acting Judge of the Northern Territory any application or matter made to the Master by virtue of the Rules of Court made for the purposes of the last preceding paragraph;
- (c) authorize the Judge or the Acting Judge of the Northern Territory to dispose of any matter or thing so referred or to refer the matter or thing back to the Master with such directions as the Judge or Acting Judge thinks fit; and
- (d) provide for an appeal to the Judge or Acting Judge of the Northern Territory from the Master in the exercise of the powers conferred by the Rules of Court made for the purposes of paragraph (a) of this sub-section.

Amended by
N. 15, 1954,
s. 13.

(2.) All Rules of Court made in pursuance of this section shall be published or notified in the *Gazette*, and copies thereof shall be forwarded to the Attorney-General after the making thereof.

(3.) The Attorney-General may by notification in the *Gazette* disallow any Rule of Court, and thereupon the Rule so disallowed shall cease to have effect.

Amended by
No. 15, 1954,
s. 13.

22A. The Judge of the Northern Territory shall report annually to the Attorney-General—

Annual report
by the Judge.

- (a) on the operation of this Ordinance and the Rules of Court;
- (b) on the conduct of the business of the Court and the arrangements made for the conduct of that business;
- (c) on any defects which, in his opinion, exist in the administration of justice in the Supreme Court; and
- (d) on the amendments, if any, which, in his opinion, it would be expedient to make to this Ordinance, the Rules of Court and the laws relating to the administration of justice for the better administration of justice.

Inserted by
No. 15, 1954,
s. 14.

23. This Ordinance shall not affect the holding of the Circuit Court of any circuit district in or partly in the Northern Territory, or the trial of any person or cause at such Court, or the continuance of any proceedings, or the hearing of any appeal, if the proclamation or commission appointing the holding of the Court was issued, or the proceedings were commenced, or the appeal was instituted, prior to the commencement of this Ordinance.

Saving clause.

THE SCHEDULE.

FORM OF CERTIFICATE OF JUDGMENT.

The Schedule.

Nokes v. Commonwealth (*or as the case may be*).—I hereby certify that A.B., of _____ &c., did on the _____ day of _____, obtain a judgment of the Supreme Court of the Northern Territory in his favour, and that by such judgment the sum of £ _____ was awarded to him.

Added by
No. 9, 1920,
s. 3;
amended by
No. 4, 1927,
s. 3; and
No. 15, 1954,
s. 15.

C.D., Master of the Supreme Court.