

Privy Council (Limitation of Appeals)

No. 36 of 1968

An Act to limit the matters in which Special Leave of Appeal from the High Court of Australia to Her Majesty in Council may be asked and to exclude appeals to Her Majesty in Council from other Federal Courts and from the Supreme Courts of the Territories of the Commonwealth.

[Reserved for Her Majesty's pleasure, 17 May 1968]

[Queen's Assent, 10 June 1968]

[Queen's Assent proclaimed, 6 August 1968]

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.

1. This Act may be cited as the *Privy Council (Limitation of Appeals) Act 1968*.

Commence-
ment.

2. This Act shall come into operation on a date to be fixed by Proclamation, being a date after the date on which the Governor-General makes known under section 60 of the Constitution that this Act has received the Queen's assent.

3.—(1.) Special leave of appeal to Her Majesty in Council from a decision of the High Court may be asked only in a matter in which the decision of the High Court was a decision that—

Limitation of matters in which special leave of appeal from the High Court may be asked.

- (a) was given on appeal from a decision of the Supreme Court of a State given otherwise than in the exercise of federal jurisdiction; and
- (b) did not involve the application or interpretation of—
 - (i) the Constitution;
 - (ii) a law made by the Parliament; or
 - (iii) an instrument (including an ordinance, rule, regulation or by-law) made under a law made by the Parliament.

(2.) The last preceding sub-section does not apply in respect of a decision of the High Court given in a proceeding that was commenced in a court before the commencement of this Act.

4. Leave of appeal to Her Majesty in Council, whether special leave or otherwise, shall not be asked from a decision of a Federal Court (not being the High Court) or of the Supreme Court of a Territory of the Commonwealth.

Exclusion of appeals from Federal Courts and Supreme Courts of Territories.