

Immediate assumption of control of certain departments.

69. On the establishment of the Commonwealth, the control of the following departments of the public service in each State shall become transferred to the Executive Government of the Commonwealth, that is to say,—

- Customs and excise.
- Posts and telegraphs.
- Military and naval defence.
- Ocean beacons and buoys, and ocean lighthouses and lightships.
- Quarantine.

The obligations of each State in respect of the departments transferred shall thereupon be assumed by the Commonwealth.

Powers under existing law to be exercised by Governor-General with advice of Executive Council.

70. All powers and functions which are, at the date of the establishment of the Commonwealth, vested in the Governor of a colony, with or without the advice of his Executive Council, or in any officer or authority in a colony, shall, so far as the same continue in existence and need to be exercised in relation to the government of the Commonwealth, with respect to any matters which, under this Constitution, pass to the Executive Government of the Commonwealth, vest in the Governor-General, with the advice of the Federal Executive Council, or in the officer or authority exercising similar powers or functions in or under the Executive Government of the Commonwealth.

CHAPTER III.—THE FEDERAL JUDICATURE.

Judicial power and Courts.

71. The judicial power of the Commonwealth shall be vested in one Supreme Court, to be called the High Court of Australia, and in such other Courts as the Parliament may from time to time create or invest with federal jurisdiction. The High Court shall consist of a Chief Justice, and so many other Justices, not less than four, as the Parliament may from time to time prescribe.

Judges' tenure, appointment, removal, and remuneration.

72. The Justices of the High Court and of the other Courts created by the Parliament,—

- (1.) Shall hold their offices during good behaviour;
- (2.) Shall be appointed by the Governor-General in Council;
- (3.) Shall not be removed except for misbehaviour or incapacity, and then only by the Governor-General in Council, upon an address from both Houses of the Parliament, in the same session, praying for such removal;
- (4.) Shall receive such remuneration as the Parliament may from time to time fix; but such remuneration shall not be diminished during their continuance in office.

Extent of judicial power.

73. The judicial power shall extend to all matters,—

- (1.) Arising under this Constitution, or involving its interpretation;
- (2.) Arising under any laws made by the Parliament;
- (3.) Arising under any treaty;
- (4.) Of admiralty and maritime jurisdiction;
- (5.) Affecting the public ministers, consuls, or other representatives of other countries;
- (6.) In which the Commonwealth, or a person suing or being sued on behalf of the Commonwealth, is a party;
- (7.) In which a writ of *mandamus* or prohibition is sought against an officer of the Commonwealth;
- (8.) Between States;
- (9.) Relating to the same subject-matter claimed under the laws of different States.

Appellate jurisdiction of High Court.

74. The High Court shall have jurisdiction, with such exceptions and subject to such regulations as the Parliament may from time to time prescribe, to hear and determine appeals from all judgments, decrees, orders, and sentences of any other Federal Court, or Court exercising federal jurisdiction, or of the Supreme Court of any State, whether any such Court is a Court of appeal or of original jurisdiction; and the judgment of the High Court in all such cases shall be final and conclusive.

Until the Parliament otherwise provides, the conditions and restrictions on appeals to the Queen in Council from the Supreme Court of the several States shall be applicable to appeals from them to the High Court.

No appeals to the Queen in Council except in certain cases.

75. No appeal shall be allowed to the Queen in Council from any Court of any State or from the High Court or any other Federal Court, except that the Queen may, in any matter in which the public interests of the Commonwealth, or of any State, or of any other part of her dominions, are concerned, grant leave to appeal to the Queen in Council from the High Court.

Jurisdiction of Courts.

76. Within the limits of the judicial power the Parliament may from time to time,—

- (1.) Define the jurisdiction to be exercised by the Federal Courts other than the High Court;
- (2.) Prescribe whether the jurisdiction of the Federal Courts shall be exclusive of, or concurrent with, that which may belong to, or be vested in, the Courts of the States;
- (3.) Invest the Courts of the States with federal jurisdiction within such limits, or in respect of such matters, as it thinks fit.