

Original jurisdiction of High Court.

77. In all matters,—

- (1.) Affecting public ministers, consuls, or other representatives of other countries;
- (2.) Arising under any treaty;
- (3.) Between States;
- (4.) In which the Commonwealth, or a person suing or being sued on behalf of the Commonwealth, is a party;
- (5.) In which a writ of *mandamus* or prohibition is sought against an officer of the Commonwealth,

the High Court shall have original as well as appellate jurisdiction.

Additional original jurisdiction may be conferred.

The Parliament may confer original jurisdiction on the High Court in other matters within the judicial power.

Number of Judges.

78. The jurisdiction of the High Court, or of any other Court exercising federal jurisdiction, may be exercised by such number of Judges as the Parliament prescribes.

Trial by jury.

79. The trial of all indictable offences cognisable by any Court established under the authority of this Constitution shall be by jury, and every such trial shall be held in the State where the offence has been committed, and when not committed within any State the trial shall be held at such place or places as the Parliament prescribes.

Judges not to be Governor-General, &c.

80. No person holding any judicial office shall be appointed to or hold the office of Governor-General, Lieutenant-Governor, Chief Executive Officer, or Administrator of the Government, or any other executive office.

CHAPTER IV.—FINANCE AND TRADE.

Consolidated Revenue Fund.

81. All revenue raised or received by the Executive Government of the Commonwealth, under the authority of this Constitution, shall form one Consolidated Revenue Fund, to be appropriated for the public service of the Commonwealth in the manner and subject to the charges provided by this Constitution.

Expenses of collection.

82. The Consolidated Revenue Fund shall be permanently charged with the costs, charges, and expenses incident to the collection, management, and receipt thereof, which costs, charges, and expenses shall form the first charge thereon; and the revenue of the Commonwealth shall in the first instance be applied to the payment of the expenditure of the Commonwealth.

Money to be appropriated by law.

83. No money shall be drawn from the Treasury of the Commonwealth except under appropriation made by law and by warrant, countersigned by the Chief Officer of Audit of the Commonwealth.

The Commonwealth to have exclusive power to levy duties of Customs and excise, and offer bounties after a certain time.

84. The Parliament shall have the sole power and authority, subject to the provisions of this Constitution, to impose Customs duties, to impose duties of excise, and to grant bounties upon the production or export of goods.

But this exclusive power shall not come into force until uniform duties of Customs have been imposed by the Parliament.

Upon the imposition of uniform duties of Customs, all laws of the several States imposing duties of Customs or duties of excise, and all such laws offering bounties upon the production or export of goods, shall cease to have effect.

The control and collection of duties of Customs and excise, and the control of the payment of bounties, shall nevertheless pass to the Executive Government of the Commonwealth upon the establishment of the Commonwealth.

This section shall not apply to bounties or aids to mining for gold, silver, or other metals.

Transfer of officers.

85. Upon the establishment of the Commonwealth, all officers employed by the Government of any State in any department of the public service, the control of which is by this Constitution assigned to the Commonwealth, shall become subject to the control of the Executive Government of the Commonwealth; and thereupon any such officer shall, if he is not retained in the service of the Commonwealth, be entitled to receive from the State any gratuity or other compensation payable under the law of the State on abolition of his office; but if he is retained in the service of the Commonwealth he shall be entitled to retire from office at the time and upon the pension or retiring-allowance permitted and provided by the law of the State on such retirement, and the pension or retiring-allowance shall be paid by the State and by the Commonwealth respectively in the proportion which his service with the State bears to the whole term of his service, and all existing and accruing rights of any officers so retained in the service of the Commonwealth shall be preserved.