

ATTORNEY-GENERAL RETURNING

Statement by the Prime Minister, the Rt. Hon. R.G. Menzies

The Commonwealth Attorney-General (Sir Garfield Barwick) left London by air on Wednesday on his return journey to Australia.

He took a leading part in the two cases in the Privy Council in which hotel-keepers in Melbourne and Brisbane challenged the validity of the licence fees imposed by State law. The States of Victoria and Queensland, supported by the Commonwealth and by the other four States, succeeded in establishing, as a preliminary point, that the question raised by the hotel-keepers could not be entertained by the Privy Council except upon a certificate by the High Court of Australia, under section 74 of the Constitution, which the appellants had not sought to obtain. The majority decision of the High Court in favour of the States therefore stands.

The Privy Council's decision made an important clarification of the constitutional position of the High Court, and extended, in line with legal thought in Australia, the constitutional cases in which an appeal to the Privy Council will not be available without a certificate from the High Court.

The Attorney-General will interrupt his journey to make brief calls at Karachi, New Delhi, Bangkok, Kuala Lumpur and Singapore. He is expected to reach Sydney at the end of next week.

CANBERRA,  
11th May, 1961.