



# Australia Act 1986

## 1986 CHAPTER 2

### **11 Termination of appeals to Her Majesty in Council.**

- (1) Subject to subsection (4) below, no appeal to Her Majesty in Council lies or shall be brought, whether by leave or special leave of any court or of Her Majesty in Council or otherwise, and whether by virtue of any Act of the Parliament of the United Kingdom, the Royal Prerogative or otherwise, from or in respect of any decision of an Australian court.
- (2) Subject to subsection (4) below—
  - (a) the enactments specified in subsection (3) below and any orders, rules, regulations or other instruments made under, or for the purposes of, those enactments; and
  - (b) any other provisions of Acts of the Parliament of the United Kingdom in force immediately before the commencement of this Act that make provision for or in relation to appeals to Her Majesty in Council from or in respect of decisions of courts, and any orders, rules, regulations or other instruments made under, or for the purposes of, any such provisions,in so far as they are part of the law of the Commonwealth, of a State or of a Territory, are hereby repealed.
- (3) The enactments referred to in subsection (2)(a) above are the following Acts of Parliament of the United Kingdom or provisions of such Acts:
  - The Australian Courts Act 1828, section 15
  - The Judicial Committee Act 1833
  - The Judicial Committee Act 1844
  - The Australian Constitutions Act 1850, section 28
  - The Colonial Courts of Admiralty Act 1890, section 6.
- (4) Nothing in the foregoing provisions of this section—
  - (a) affects an appeal instituted before the commencement of this Act to Her Majesty in Council from or in respect of a decision of an Australian court; or

---

*Status: This is the original version (as it was originally enacted).*

---

- (b) precludes the institution after that commencement of an appeal to Her Majesty in Council from or in respect of such a decision where the appeal is instituted—
  - (i) pursuant to leave granted by an Australian court on an application made before that commencement; or
  - (ii) pursuant to special leave granted by Her Majesty in Council on a petition presented before that commencement,

but this subsection shall not be construed as permitting or enabling an appeal to Her Majesty in Council to be instituted or continued that could not have been instituted or continued if this section had not been enacted.