

**Legislative Council—No 168**

As introduced and read a first time, 2 May 2024

South Australia

**Statutes Amendment (Attorney-General's  
Portfolio) Bill 2024**

A BILL FOR

An Act to amend various Acts within the portfolio of the Attorney-General.

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## The Parliament of South Australia enacts as follows:

### Part 1—Preliminary

#### 1—Short title

- 5 This Act may be cited as the *Statutes Amendment (Attorney-General's Portfolio) Act 2024*.

#### 2—Commencement

- (1) Subject to this section, this Act comes into operation on the day on which it is assented to by the Governor.
- (2) The following provisions come into operation on a day to be fixed by proclamation:
- 10 (a) Part 2 to Part 5 (inclusive);  
(b) sections 28 to 30 (inclusive);  
(c) section 33;  
(d) Part 7 and Part 8.

## Part 2—Amendment of *Courts Administration Act 1993*

### 3—Amendment of section 27A—Interpretation

- (1) Section 27A, definition of *judicial office*, paragraph (b)—delete "Master" and substitute:

5 Associate Justice

- (2) Section 27A, definition of *judicial office*, paragraph (c)—delete "or Master" and substitute:

, Associate Judge of the District Court or Associate Justice of the Supreme Court

## Part 3—Amendment of *District Court Act 1991*

### 4—Amendment of section 3—Interpretation

- (1) Section 3(1)—after the definition of *action* insert:

*Associate Judge* means an Associate Judge of the District Court;

- (2) Section 3(1), definition of *judicial office*—delete "Master" and substitute:

15 Associate Judge

- (3) Section 3—after subsection (1) insert:

- (2) Subject to the rules of the Court, a reference in any Act or legislative instrument to a Master is taken to be a reference to an Associate Judge.

### 5—Amendment of section 10—Court's judiciary

- (1) Section 10(1)(c)—delete "Masters" and substitute:

Associate Judges

- (2) Section 10(2)—delete "A Master" and substitute:

An Associate Judge

### 6—Amendment of heading to Part 3 Division 2 Subdivision 2

Heading to Part 3 Division 2 Subdivision 2—delete "Masters" and substitute:

Associate Judges

### 7—Amendment of section 12—Appointment of other Judges and Masters

- (1) Section 12, heading—delete "Masters" and substitute:

30 Associate Judges

- (2) Section 12(2)(c)—delete "a Master" and substitute:

an Associate Judge

**8—Amendment of heading to Part 3 Division 2 Subdivision 3**

Heading to Part 3 Division 2 Subdivision 3—delete "Masters" and substitute:

Associate Judges

**9—Amendment of section 14—Leave**

5 Section 14(2)—delete "A Master" and substitute:

An Associate Judge

**10—Amendment of section 15—Removal of Judges and Masters**

(1) Section 15, heading—delete "Masters" and substitute:

Associate Judges

10 (2) Section 15(2)—delete "A Master" and substitute:

An Associate Judge

**11—Amendment of section 16—Retirement of members of judiciary**

Section 16(2)—delete "A Master" and substitute:

An Associate Judge

15 **12—Amendment of section 20—Constitution of Court**

(1) Section 20(1)(b)—delete "Masters—a Master (but the jurisdiction of Masters" and substitute:

Associate Judges—an Associate Judge (but the jurisdiction of Associate Judges

20 (2) Section 20(1)(c) and (6)—delete "Master" wherever occurring and substitute in each case:

Associate Judge

**13—Amendment of section 24—Transfer of proceedings between courts**

(1) Section 24(1)—delete "Master" and substitute:

25 Associate Justice

(2) Section 24(2)—delete "Master" substitute:

Associate Judge

**14—Amendment of section 29—Issue of evidentiary summons**

Section 29(a)—delete "Master" and substitute:

30 Associate Judge

**15—Amendment of section 32—Mediation and conciliation**

Section 32(1) and (2c)—delete "Master" wherever occurring and substitute in each case:

Associate Judge

**16—Amendment of section 43—Right of appeal**

Section 43(2)(a)—delete "a Master" wherever occurring and substitute in each case:  
an Associate Judge

**17—Amendment of section 44—Reservation of questions of law**

5 Section 44(1)—delete "A Master" and substitute:  
An Associate Judge

**18—Amendment of section 46—Immunities**

Section 46(1)—delete "Master" and substitute:  
Associate Judge

10 **19—Amendment of section 51—Rules of Court**

Section 51(1)(b)—delete "Masters" and substitute:  
Associate Judges

**Part 4—Amendment of *Environment, Resources and  
Development Court Act 1993***

15 **20—Amendment of section 9—Magistrates**

Section 9(2)—delete "a Master" and substitute:  
an Associate Judge

**21—Amendment of section 11—Masters**

(1) Section 11, heading—delete "Masters" and substitute:  
20 Associate Judges

(2) Section 11—delete "Any Master" and substitute:  
Any Associate Judge

(3) Section 11—delete "a Master" and substitute:  
an Associate Judge

25 **22—Amendment of section 15—Constitution of Court**

(1) Section 15(6)—delete "a Master" and substitute:  
an Associate Judge

(2) Section 15(8)—delete "Master" and substitute:  
Associate Judge

30 **23—Amendment of section 26—Issue of evidentiary summonses**

Section 26(b)—delete "a Master" and substitute:  
an Associate Judge

**24—Amendment of section 30—Right of appeal**

Section 30(1)(d)—delete "a Master" and substitute:  
an Associate Judge

**25—Amendment of section 36—Immunities**

5 Section 36(1)—delete "Master" and substitute:  
Associate Judge

**26—Amendment of section 48—Rules**

Section 48(1)—delete "Masters" and substitute:  
Associate Judges

10 **Part 5—Amendment of *Judicial Administration (Auxiliary  
Appointments and Powers) Act 1988***

**27—Amendment of section 2—Interpretation**

- (1) Section 2, definition of *judicial office*, paragraph (b)—delete "Master of the Supreme Court" and substitute:
- 15 Associate Justice of the Supreme Court
- (2) Section 2, definition of *judicial office*, paragraph (c)—delete "District Court Master or Deputy District Court Master" and substitute:
- Associate Judge of the District Court

**Part 6—Amendment of *Legal Practitioners Act 1981***

20 **28—Amendment of section 5—Interpretation**

- (1) Section 5(1)—after the definition of *associate* insert:  
*Associate Justice* means an Associate Justice of the Supreme Court;
- (2) Section 5(1), definition of *Master*—delete the definition

**29—Amendment of section 14I—Establishment of Board of Examiners**

25 Section 14I—delete "a Master" wherever occurring and substitute in each case:  
an Associate Justice

**30—Amendment of section 89—Proceedings before Supreme Court**

Section 89(4) and (5)—delete "Master" wherever occurring and substitute in each case:

30 Associate Justice

**31—Amendment of heading to Part 7**

Heading to Part 7—delete ", Queen's Counsel"

### 32—Substitution of section 92

Section 92—delete the section and substitute:

#### 92—No further appointment of King's Counsel etc

- (1) Any prerogative right or power of the Crown to appoint a legal practitioner as a King's Counsel or Queen's Counsel is abrogated.
- (2) Nothing in this section affects the appointment of a legal practitioner as a King's Counsel or Queen's Counsel who was appointed before the commencement of this section.
- (3) No law or practice prevents a person who was a King's Counsel or Queen's Counsel immediately before the commencement of this section from continuing to be a King's Counsel or Queen's Counsel.

### 33—Amendment of Schedule 3—Costs disclosure and adjudication

Schedule 3, clause 41(2)—delete "a Master" and substitute:

an Associate Justice

## Part 7—Amendment of *Magistrates Act 1983*

### 34—Amendment of section 22—Certain members of the judiciary may assume magisterial powers

Section 22(b)—delete "a Master" and substitute:

an Associate Justice

## Part 8—Amendment of *Supreme Court Act 1935*

### 35—Amendment of section 5—Interpretation

- (1) Section 5(1)—before the definition of *cause* insert:

*Associate Justice* means an Associate Justice of the Supreme Court;

- (2) Section 5(1), definition of *jurisdiction*—delete "a master" and substitute:

an Associate Justice

- (3) Section 5(1), definition of *master*—delete the definition

- (4) Section 5(2)—delete "the master" and substitute:

a master

- (5) Section 5(2)(a)—delete "a master" and substitute:

an Associate Justice

### 36—Amendment of section 7—Judicial officers of the court

- (1) Section 7—delete "masters" wherever occurring and substitute in each case:

Associate Justices



- (2) Section 7(4)—delete "A Master" and substitute:

An Associate Justice

**37—Amendment of section 8—Qualifications for appointment as judges and masters**

- 5 (1) Section 8, heading—delete "masters" and substitute:

Associate Justices

- (2) Section 8(3)—delete "a master" and substitute:

an Associate Justice

- (3) Section 8(4)—delete "master" and substitute:

10 Associate Justice

**38—Amendment of section 9—Appointments to the court**

- (1) Section 9(2)—delete "master" and substitute:

Associate Justice

- (2) Section 9(3)—delete "a master" wherever occurring and substitute in each case:

15 an Associate Justice

**39—Amendment of section 11—Acting judges and acting masters**

- (1) Section 11, heading—delete "masters" and substitute:

Associate Justices

- (2) Section 11—delete "a master" wherever occurring and substitute in each case:

20 an Associate Justice

- (3) Section 11—delete "master" wherever occurring and substitute in each case:

Associate Justice

**40—Amendment of section 12—Remuneration of judges and masters**

- (1) Section 12, heading—delete "masters" and substitute:

25 Associate Justices

- (2) Section 12(2)—delete "A master" and substitute:

An Associate Justice

- (3) Section 12(3)—delete "master" and substitute:

Associate Justice

- 30 (4) Section 12(4)—delete "masters" and substitute:

Associate Justices

**41—Amendment of section 13A—Retirement of judges and masters**

- (1) Section 13A, heading—delete "masters" and substitute:

Associate Justices

- (2) Section 13A—delete "master" wherever occurring and substitute in each case:

Associate Justice

**42—Amendment of section 13H—Pre-retirement leave**

- (1) Section 13H(1) to (5) (inclusive)—delete "master" wherever occurring and substitute in each case:

Associate Justice

- (2) Section 13H(4c), definition of *domestic partner*—delete "master's" wherever occurring and substitute in each case:

Associate Justice's

- (3) Section 13H(6)—delete "a master" and substitute:

a person

**43—Amendment of section 14—Certain common interests do not disqualify**

Section 14—delete "master" and substitute:

Associate Justice

**44—Amendment of section 48—Jurisdiction of single judge, master, etc**

- (1) Section 48, heading—delete "master" and substitute:

Associate Justice

- (2) Section 48(2)(b)—delete "a master" and substitute:

an Associate Justice

**45—Amendment of section 49—Questions of law reserved for Court of Appeal**

Section 49(1)—delete "master" and substitute:

Associate Justice

**46—Amendment of section 50—Appeals**

Section 50(1) and (2)—delete "a master" wherever occurring and substitute in each case:

an Associate Justice

**47—Amendment of section 65—Mediation and conciliation**

Section 65(1) and (5)—delete "master" wherever occurring and substitute in each case:

Associate Justice

**48—Amendment of section 72—Rules of court**

- (1) Section 72(1)(f) and (g)—delete "masters" wherever occurring and substitute in each case:

Associate Justices

- (2) Section 72(1)(f)—delete "a master" and substitute:  
an Associate Justice

**49—Amendment of section 110C—Immunities**

Section 110C(1)—delete "A master" and substitute:

5 An Associate Justice

**50—Amendment of section 119—Suitors' funds to vest in master**

Section 119, heading—delete "master" and substitute:

registrar

**51—Amendment of section 121—Liability of Treasurer for default of master**

10 Section 121, heading—delete "master" and substitute:

registrar