

House of Assembly—No 136

As received from the Legislative Council and read a first time, 15 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.

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement

Part 2—Amendment of *Courts Administration Act 1993*

- 3 Amendment of section 27A—Interpretation

Part 3—Amendment of *District Court Act 1991*

- 4 Amendment of section 3—Interpretation
- 5 Amendment of section 10—Court's judiciary
- 6 Amendment of heading to Part 3 Division 2 Subdivision 2
- 7 Amendment of section 12—Appointment of other Judges and Masters
- 8 Amendment of heading to Part 3 Division 2 Subdivision 3
- 9 Amendment of section 14—Leave
- 10 Amendment of section 15—Removal of Judges and Masters
- 11 Amendment of section 16—Retirement of members of judiciary
- 12 Amendment of section 20—Constitution of Court
- 13 Amendment of section 24—Transfer of proceedings between courts
- 14 Amendment of section 29—Issue of evidentiary summons
- 15 Amendment of section 32—Mediation and conciliation
- 16 Amendment of section 43—Right of appeal
- 17 Amendment of section 44—Reservation of questions of law
- 18 Amendment of section 46—Immunities
- 19 Amendment of section 51—Rules of Court

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

- 20 Amendment of section 9—Magistrates
- 21 Amendment of section 11—Masters
- 22 Amendment of section 15—Constitution of Court
- 23 Amendment of section 26—Issue of evidentiary summonses
- 24 Amendment of section 30—Right of appeal
- 25 Amendment of section 36—Immunities
- 26 Amendment of section 48—Rules

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

- 27 Amendment of section 2—Interpretation

Part 6—Amendment of *Legal Practitioners Act 1981*

- 28 Amendment of section 5—Interpretation
- 29 Amendment of section 14I—Establishment of Board of Examiners
- 30 Amendment of section 89—Proceedings before Supreme Court
- 31 Amendment of heading to Part 7
- 32 Substitution of section 92
 - 92 No further appointment of King's Counsel etc
- 33 Amendment of Schedule 3—Costs disclosure and adjudication

Part 7—Amendment of *Magistrates Act 1983*

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

Part 8—Amendment of *Supreme Court Act 1935*

- 35 Amendment of section 5—Interpretation
36 Amendment of section 7—Judicial officers of the court
37 Amendment of section 8—Qualifications for appointment as judges and masters
38 Amendment of section 9—Appointments to the court
39 Amendment of section 11—Acting judges and acting masters
40 Amendment of section 12—Remuneration of judges and masters
41 Amendment of section 13A—Retirement of judges and masters
42 Amendment of section 13H—Pre-retirement leave
43 Amendment of section 14—Certain common interests do not disqualify
44 Amendment of section 48—Jurisdiction of single judge, master, etc
45 Amendment of section 49—Questions of law reserved for Court of Appeal
46 Amendment of section 50—Appeals
47 Amendment of section 65—Mediation and conciliation
48 Amendment of section 72—Rules of court
49 Amendment of section 110C—Immunities
50 Amendment of section 119—Suitors' funds to vest in master
51 Amendment of section 121—Liability of Treasurer for default of master
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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