

Legislative Council

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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

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:
- (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:
- 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:
- 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:
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

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
- (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

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
- (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:
Associate Justice
- (2) Section 24(2)—delete "Master" and substitute:
Associate Judge

14—Amendment of section 29—Issue of evidentiary summons

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

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

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

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***

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:

Associate Judges

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

Any Associate Judge

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

an Associate Judge

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

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

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

26—Amendment of section 48—Rules

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

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:
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*

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

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:

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

- (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:
 - 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:
 - 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:
 - 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:
 - Associate Justices

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

An Associate Justice

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

Associate Justice

- (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 50(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:

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

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

registrar