

House of Assembly—No 79

As received from the Legislative Council and read a first time, 29 August 2023

South Australia

**Supreme Court (Distribution of Business)
Amendment Bill 2023**

A BILL FOR

An Act to amend the *Supreme Court Act 1935*.

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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 *Supreme Court (Distribution of Business) Amendment Act 2023*.

2—Commencement

This Act comes into operation on a day to be fixed by proclamation.

Part 2—Amendment of *Supreme Court Act 1935*

3—Amendment of section 47—Distribution of business

(1) Section 47(1)—delete subsection (1) and substitute:

(1) If the Chief Justice is satisfied that, by reason of—

(a) the complexity of a specified proceeding; and

(b) the limited availability of judges of the General Division,

it is necessary to assign a judge in the Court of Appeal to hear the proceeding, the Chief Justice may, after consultation with the President of the Court of Appeal, by instrument in writing, assign and authorise a judge in the Court of Appeal to hear and determine the proceeding.

(1a) The consultation between the Chief Justice and the President of the Court of Appeal referred to in subsection (1) will be conducted in accordance with a protocol approved by the Judges at a council of judges held pursuant to section 16.

(1b) Without limiting subsections (1) and (1a), if—

(a) the Chief Justice and the President agree that it is convenient for the purposes of the proper administration of the Court—

(i) that a judge or acting judge in the General Division act as a judge in the Court of Appeal; or

(ii) that a judge or acting judge in the Court of Appeal
act as a judge in the General Division; and

(b) the particular judge or acting judge agrees to undertake such
acting duties,

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the Chief Justice may, by instrument in writing, authorise the judge
to undertake such acting duties for a specified proceeding or for a
period specified in the instrument of appointment.

(2) Section 47(2), (3) and (4)—delete "this section" wherever occurring and substitute in
each case:

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subsection (1b)