

South Australia

Magistrates Act 1983

An Act to provide for the appointment of magistrates; to provide for the organisation and regulation of the magistracy; and for other purposes.

Contents

Part 1—Preliminary

- 1 Short title
- 3 Interpretation
- 4 Transitional provisions

Part 2—Appointment and administration of magistracy

- 5 Appointment of magistrates
- 6 Appointment to administrative offices in the magistracy
- 7 Responsibility for administration and control of the magistracy
- 8 Responsibility of magistrates to the Chief Magistrate

Part 3—Tenure of office

- 9 Tenure of office
- 10 Suspension of magistrate from office
- 11 Removal of magistrate from office
- 12 Magistrate not to be removed etc except as provided by this Act

Part 4—Remuneration

- 13 Remuneration of magistrates

Part 5—Other conditions of office

- 14 Superannuation
- 15 Recreation leave
- 16 Sick leave
- 17 Long service leave
- 18 Special leave
- 18A Concurrent appointments and outside employment etc
- 19 Determination of rights on transition from other employment
- 20 Payment of monetary equivalent of leave to personal representative etc
- 21 Industrial awards etc not to affect stipendiary magistrates

Part 6—Exercise of magisterial powers by other members of judiciary

- 22 Certain members of the judiciary may assume magisterial powers

Part 7—Exercise of powers under Commonwealth Acts

23 Arrangements with Commonwealth

Legislative history

The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Magistrates Act 1983*.

3—Interpretation

In this Act, unless the contrary intention appears—

the Chief Justice means the Chief Justice of the Supreme Court and includes an acting Chief Justice of the Supreme Court;

the Chief Magistrate means the person holding or acting in the office of the Chief Magistrate under this Act;

part-time magistrate means—

- (a) a magistrate appointed on a part-time basis; or
- (b) a magistrate who performs the duties of his or her office on a part-time basis pursuant to an agreement under section 5;

stipendiary magistrate means a magistrate remunerated by salary in respect of his magisterial office;

working day, in relation to a stipendiary magistrate, means a day on which he would ordinarily be required to work (assuming that he were not on leave).

4—Transitional provisions

- (1) A person holding office as a special magistrate immediately before the commencement of this Act shall, upon the commencement of this Act, be deemed to have been appointed as a magistrate under this Act.
- (2) Where a magistrate to whom subsection (1) applies was, immediately before the commencement of this Act, a stipendiary magistrate, he shall be deemed to have been appointed as a stipendiary magistrate under this Act.
- (3) A stipendiary magistrate to whom this section applies retains his existing and accruing rights in respect of recreation leave, sick leave and long service leave and—
 - (a) any such right that had accrued before the commencement of this Act may be exercised as if it had accrued under this Act; and
 - (b) service in respect of which any such right was accruing immediately before the commencement of this Act shall be treated as if it were service under this Act.

- (4) A magistrate who, immediately before the commencement of this Act, had the status and title of Senior Special Magistrate shall, for so long as he remains a magistrate, have the status and title of Senior Magistrate.
- (5) A reference in any Act or other instrument to a "special magistrate", "stipendiary magistrate" or "magistrate" shall, where the context admits, be read as a reference to a magistrate holding office under this Act.

Part 2—Appointment and administration of magistracy

5—Appointment of magistrates

- (1) The Governor may, upon the recommendation of the Attorney-General, appoint such magistrates as he thinks necessary for the proper administration of justice.
- (2) A magistrate appointed under this section shall, if the instrument of his appointment so provides, be a stipendiary magistrate.
- (2a) An appointment of a magistrate under this section will be taken to be on a full-time basis unless the instrument of appointment provides that the appointment is on a part-time basis.
- (2b) However, a magistrate not appointed on a part-time basis may, by written agreement with the Chief Magistrate made with the approval of the Attorney-General, perform the duties of his or her office on a part-time basis for a period specified in the agreement.
- (2c) An instrument appointing a magistrate on a part-time basis or an agreement under subsection (2b) must specify the hours of duty the magistrate will ordinarily be required to work, expressed as a proportion of the time a magistrate appointed on a full-time basis is ordinarily required to work.
- (2d) The hours of duty specified in an instrument of appointment or an agreement under subsection (2b) may be varied by written agreement between the magistrate and the Chief Magistrate made with the approval of the Attorney-General.
- (3) A magistrate appointed under this section shall, if the instrument of his appointment so provides, be an acting magistrate and, in that case, his appointment shall be for a term (not exceeding 12 months) specified in the instrument of appointment.
- (3a) A former magistrate who has retired from office is eligible for appointment as an acting magistrate.
- (4) The Attorney-General must, before making a recommendation for the appointment of a magistrate, consult with—
 - (a) the Chief Justice; and
 - (b) if the appointment is to be on a part-time basis—the Chief Magistrate,in relation to the proposed appointment.
- (5) A person is not eligible for appointment as a magistrate unless he is a legal practitioner of at least five years standing.
- (6) For the purpose of determining whether a legal practitioner has the standing necessary for appointment as a magistrate, periods of legal practice and (where relevant) judicial service within and outside the State will be taken into account.

- (7) An instrument of appointment of a magistrate may contain a condition requiring the duties of the magistrate to be performed wholly or predominantly at one or more specified places in accordance with such directions as the Chief Magistrate may give to the magistrate under section 8.
- (8) The Governor may, on the recommendation of the Attorney-General made with the concurrence of the Chief Magistrate, vary a condition of an appointment of a magistrate imposed under subsection (7).
- (9) A magistrate whose appointment is varied under subsection (8) must be notified in writing of the variation.

6—Appointment to administrative offices in the magistracy

- (1) There shall be—
 - (a) a Chief Magistrate; and
 - (b) a Deputy Chief Magistrate; and
 - (c) such number of Supervising Magistrates and Assistant Supervising Magistrates as the Attorney-General determines.
- (2) The Chief Magistrate, the Deputy Chief Magistrate, the Supervising Magistrates and the Assistant Supervising Magistrates shall be appointed by the Governor on the nomination of the Attorney-General.
- (3) A person is not eligible for appointment as the Chief Magistrate or Deputy Chief Magistrate or a Supervising Magistrate or Assistant Supervising Magistrate unless he is a stipendiary magistrate.
- (4) An appointment made under this section shall, subject to subsection (5), be effective for so long as the appointee remains a stipendiary magistrate.
- (5) Subsection (4) is subject to the following qualifications:
 - (a) a person holding an office under this section may resign that office without simultaneously resigning from his office as a stipendiary magistrate;
 - (b) if a person holding an office under this section is suspended from his office as a magistrate, the suspension shall extend and operate in relation to his office under this section;
 - (c) if a person holding office as a Supervising Magistrate or Assistant Supervising Magistrate under this section is no longer required to carry out the duties of that office, his appointment to that office may, with the approval of the Chief Justice, be revoked by the Governor without affecting his office as a stipendiary magistrate.
- (6) Notice of a magistrate's intention to resign an office under this section must be given to the Attorney-General at least one month before the resignation is to take effect.

7—Responsibility for administration and control of the magistracy

- (1) The Chief Magistrate is responsible, subject to the control and direction of the Chief Justice, for the administration of the magistracy.
- (2) The Deputy Chief Magistrate may, if the office of Chief Magistrate is vacant, or the Chief Magistrate is absent or unavailable to carry out the duties of his office, exercise any of the powers or functions of the Chief Magistrate.

- (3) The Chief Magistrate may (without derogation from his own powers) delegate to any magistrate any of his administrative powers or functions.
- (4) A delegation under subsection (3) may be absolute or conditional and is revocable at will.

8—Responsibility of magistrates to the Chief Magistrate

- (1) A magistrate (being a stipendiary magistrate or an acting magistrate) is responsible to the Chief Magistrate in relation to administrative matters and, in particular, is subject to direction by the Chief Magistrate as to the duties to be performed by him and the times and places at which those duties are to be performed.
- (2) A magistrate (other than a stipendiary magistrate or an acting magistrate) is responsible to the Chief Magistrate in relation to administrative matters related to the performance of magisterial functions that he has consented to perform and, in particular, is subject to direction by the Chief Magistrate as to the duties to be performed by him in connection with those functions and the times and places at which those duties are to be performed.

Part 3—Tenure of office

9—Tenure of office

- (1) A person ceases to hold office as a magistrate if—
 - (a) he resigns his office; or
 - (b) having attained the age of fifty-five years, he retires from his office; or
 - (c) he attains the age of sixty-five years; or
 - (d) in the case of an acting magistrate—his term of office expires; or
 - (e) he is removed from office by the Governor.
- (2) Notice of a magistrate's intention to resign, or retire from, his office must be given to the Attorney-General at least one month before the resignation or retirement is to take effect.
- (3) A stipendiary magistrate may, with the consent of the Attorney-General, resign from his office as a stipendiary magistrate without ceasing to hold office as a magistrate.
- (4) A person who ceases to hold office as a magistrate (otherwise than by reason of removal from office) may, with the approval of the Chief Magistrate, sit to hear and determine proceedings previously part-heard by him and, for the purposes of those proceedings, he shall be deemed to continue as a magistrate.

10—Suspension of magistrate from office

- (1) The Governor may, on the advice of the Chief Justice, suspend a magistrate from office.
- (2) Where a magistrate is suspended from office under this section, notice of the suspension shall be served upon him.

- (3) A magistrate shall not be suspended from office unless—
 - (a) there are, in the opinion of the Chief Justice, reasonable grounds to suspect that he is guilty of an indictable offence; or
 - (b) an investigation or inquiry has been commenced under this Act for the purpose of determining whether proper cause exists for removing the magistrate from office.
- (4) Except as otherwise determined by the Chief Justice, a stipendiary magistrate shall be entitled to remuneration in respect of a period of suspension from office.
- (5) A suspension imposed under this section shall, if the Chief Justice so recommends, be revoked.

11—Removal of magistrate from office

- (1) The Attorney-General may, of his own motion, and shall, at the request of the Chief Justice made after consultation with the Chief Magistrate, conduct an investigation in order to determine whether proper cause exists for removing a magistrate from office.
- (2) When an investigation under subsection (1) is completed, the Attorney-General shall cause a written report upon the investigation to be prepared and copies of the report to be forwarded to the Chief Justice and the Chief Magistrate.
- (3) Where it appears to the Attorney-General or the Chief Justice (whether from the results of an investigation conducted under this section or otherwise) that there should be a judicial inquiry to determine whether proper cause exists for removing a magistrate from office, the Attorney-General shall apply to the Supreme Court for such an inquiry.
- (4) An inquiry under this section shall be conducted by a single judge of the Supreme Court.
- (5) Where—
 - (a) a magistrate is convicted of an indictable offence; or
 - (b) it appears from the findings made upon a judicial inquiry under this section that proper cause exists for removing a magistrate from office,the Attorney-General shall apply to the Full Court for a determination of whether the magistrate should be removed from office.
- (6) Where the Full Court determines, upon an application under subsection (5), that a magistrate should be removed from office, the Governor may remove him from office.
- (7) In proceedings before the Supreme Court under this section, the Attorney-General and the magistrate to whom the proceedings relate shall be entitled to appear and be heard.
- (8) Proper cause for removing a magistrate from office exists if—
 - (a) the magistrate is mentally or physically incapable of carrying out satisfactorily the duties of his office; or
 - (b) the magistrate is convicted of an indictable offence; or
 - (c) the magistrate is incompetent, or guilty of neglect of duty; or
 - (d) the magistrate is guilty of unlawful or improper conduct in the performance of the duties of his office.

12—Magistrate not to be removed etc except as provided by this Act

Except as provided in this Act, a magistrate shall not be removed or suspended from office.

Part 4—Remuneration

13—Remuneration of magistrates

(1) Subject to this section, the remuneration of—

- (a) the Chief Magistrate; and
- (b) the Deputy Chief Magistrate; and
- (c) the Supervising Magistrates; and
- (ca) the Assistant Supervising Magistrates; and
- (d) the Senior Magistrates; and
- (e) the stipendiary magistrates,

shall be at rates determined by the Remuneration Tribunal in relation to the respective offices.

- (1a) A stipendiary magistrate, while performing special duties for the time being directed by the Chief Magistrate with the concurrence of the Attorney-General, shall be entitled to such additional remuneration as may be determined by the Remuneration Tribunal.
- (1b) A stipendiary magistrate (whether appointed on a full-time or part-time basis) is, while performing the duties of his or her office on a part-time basis, entitled to remuneration on a pro-rata basis in respect of his or her hours of duty at the rate determined by the Remuneration Tribunal under this section in relation to a stipendiary magistrate appointed on a full-time basis.
- (2) A magistrate (not being a stipendiary magistrate) shall be entitled to such remuneration (if any) as may be determined by the Remuneration Tribunal.
- (3) A rate of salary determined under this section shall not be reduced by subsequent determination.
- (4) The remuneration payable under this section shall be paid out of the General Revenue of the State which is appropriated to the necessary extent.
- (5) In this section—

remuneration means—

 - (a) in relation to a stipendiary magistrate—salary, or salary and allowances;
 - (b) in relation to a magistrate who is not a stipendiary magistrate—fees, or fees and allowances.

Part 5—Other conditions of office

14—Superannuation

A stipendiary magistrate is an employee within the meaning, and for the purposes, of the *Superannuation Act 1974*.

15—Recreation leave

- (1) Subject to this section, a stipendiary magistrate shall be entitled to twenty working days recreation leave in respect of each completed year of service.
- (2) A proportionate entitlement to recreation leave shall accrue in respect of each completed month of service.
- (2a) A part-time stipendiary magistrate is entitled to pro-rata recreation leave in respect of his or her hours of duty.
- (3) Subject to this section, recreation leave shall be taken at such times as the Chief Magistrate may approve or direct.
- (4) The taking of recreation leave shall not be deferred for more than one year after completion of the year of service in respect of which the entitlement arose unless the Chief Magistrate is satisfied that there are special reasons justifying the deferral and approves the deferral.
- (5) The Chief Magistrate shall not, by the exercise of his power of approval under subsection (4), extend a period within which recreation leave must be taken by more than one year.
- (6) A stipendiary magistrate shall, unless the Chief Magistrate otherwise directs, take recreation leave on every day (not being a Saturday or a public holiday) falling between Christmas Day of each year and New Year's Day of each following year.
- (7) Where a stipendiary magistrate fails to take recreation leave to which he is entitled at or within a time required or approved by or pursuant to this section, he shall cease to be entitled to the leave.
- (8) Where a person ceases for any reason to be a stipendiary magistrate before he has taken recreation leave to which he is entitled under this section, he shall be entitled, in lieu of that leave, to the monetary equivalent of that leave standing to his credit on the date on which he ceased to be a stipendiary magistrate.

16—Sick leave

- (1) Subject to this section, a stipendiary magistrate shall be entitled to twelve working days sick leave in respect of each completed year of service.
- (2) A proportionate entitlement to sick leave shall accrue in respect of each completed month of service.
- (2a) A part-time stipendiary magistrate is entitled to pro-rata sick leave in respect of his or her hours of duty.

- (3) In the case of illness or other pressing necessity, the Chief Magistrate may approve the taking of sick leave by a stipendiary magistrate for a period not exceeding the period of sick leave currently credited to the stipendiary magistrate and, in that event, the period credited shall be reduced by the period of that leave.

17—Long service leave

- (1) A stipendiary magistrate shall be entitled to long service leave calculated as follows:
- (a) in respect of the first ten years of service—ninety days leave;
 - (b) in respect of each subsequent year of service up to and including the fifteenth year of service—nine days leave;
 - (c) in respect of each subsequent year of service thereafter—fifteen days leave.
- (2) A stipendiary magistrate may, if he so elects, take leave to which he is entitled under this section at half his ordinary remuneration and, in that event, he shall be entitled to twice the number of days leave to which he would otherwise have been entitled.
- (3) Long service leave to which a magistrate is entitled shall be taken at such times and in such periods as the Chief Magistrate may approve or direct.
- (4) Every day falling on or after the commencement of a period of long service leave shall be counted as a day of that leave until the period for which the leave was granted is exhausted.
- (5) Where a person ceases for any reason to be a stipendiary magistrate before he has taken long service leave to which he is entitled under this section, he shall be entitled, in lieu of that leave, to a sum ascertained in accordance with the following formula:

$$P = SD + \left[S \times \frac{AM}{12} \right]$$

Where—

P is the amount payable;

S is an amount arrived at by dividing the annual remuneration of the stipendiary magistrate immediately before the cessation of his service by 365;

D is the number of days long service leave on full pay to which the stipendiary magistrate would have been entitled in respect of completed years of service if he had commenced his long service leave on the day on which he ceased to be a stipendiary magistrate;

A is the number of additional days long service leave to which the stipendiary magistrate would have been entitled if he had completed a further year of service;

M is—

- (a) where the period of the stipendiary magistrate's service is not divisible exactly into complete years—the number of complete months (if any) in the remainder;
- (b) where the period of the stipendiary magistrate's service is divisible into complete years with no remainder or a remainder of less than one month—zero.

- (6) Where a person ceases to be a stipendiary magistrate after completing not less than seven years service but before he becomes entitled to long service leave under this Act, he shall be entitled to a sum representing *pro rata* long service leave, ascertained in accordance with the following formula:

$$P = 9SD + \left[9S \times \frac{M}{12} \right]$$

Where—

P is the amount payable;

S is an amount arrived at by dividing the annual remuneration of the stipendiary magistrate immediately before the cessation of his service by 365;

D is the number of complete years in the period of the stipendiary magistrate's service;

M is—

- (a) where the period of the stipendiary magistrate's service is not divisible exactly into complete years—the number of complete months (if any) in the remainder;
- (b) where the period of the stipendiary magistrate's service is divisible into complete years with no remainder or a remainder of less than one month—zero.

18—Special leave

- (1) The Chief Magistrate may grant special leave to a stipendiary magistrate for any reason that, in the opinion of the Chief Magistrate, justifies the grant of such leave.
- (2) Subject to subsection (3), special leave may be granted with or without remuneration, and for any period that the Chief Magistrate thinks fit.
- (3) A stipendiary magistrate is not entitled to more than three working days remunerated special leave in any financial year unless the Governor has consented to the grant of the leave.
- (4) Special leave without remuneration shall count as service for the purposes of this Act only to such extent (if any) and for such purposes (if any) as may be determined by the Governor.

18A—Concurrent appointments and outside employment etc

- (1) If a person holds or is to hold some other appointment for a fixed term concurrently with appointment as a stipendiary magistrate, the Governor may, with the consent of the person, suspend his or her remuneration, duties and other conditions of service as a stipendiary magistrate for the term of the concurrent appointment.
- (2) If the remuneration, duties and other conditions of service of a stipendiary magistrate are suspended under this section for the term of a concurrent appointment, the stipendiary magistrate will not be subject to the direction of the Chief Magistrate during that term.
- (3) A period of suspension during a concurrent appointment will count as service under this Act only to the extent (if any) and for the purposes (if any) determined by the Governor.

- (4) A part-time magistrate must not—
 - (a) practise the profession of the law for fee or reward; or
 - (b) without the written approval of the Chief Justice given with the concurrence of the Chief Magistrate—
 - (i) practise any other profession for remuneration; or
 - (ii) carry on any trade or business; or
 - (iii) hold any paid office in connection with a business; or
 - (iv) engage in any form of work for remuneration.
- (5) The Chief Justice may, after consultation with the Chief Magistrate, vary or revoke an approval under subsection (4) at any time.
- (6) The Chief Justice must notify the Attorney-General of an approval or variation or revocation of an approval given under this section.
- (7) Subsection (4) does not apply to an acting magistrate to the extent specified in the magistrate's instrument of appointment.

19—Determination of rights on transition from other employment

- (1) Where a person is appointed as a stipendiary magistrate under this Act, the Governor may determine—
 - (a) that rights to recreation leave, sick leave and long service leave that had accrued to the appointee in previous employment should be treated as if they had accrued under this Act; and
 - (b) that service by the appointee in previous employment should be treated in a manner and to an extent determined by the Governor as service under this Act for the purpose of determining the rights of the appointee to recreation leave, sick leave or long service leave, or in respect of superannuation.
- (2) A determination under subsection (1) shall have effect in accordance with its terms.
- (3) A determination under subsection (1) may be made upon such conditions as the Governor thinks fit.

20—Payment of monetary equivalent of leave to personal representative etc

- (1) Where a stipendiary magistrate dies without having taken all the recreation leave and long service leave to which he is entitled under this Act, the monetary equivalent of such leave standing to his credit on the date of his death shall be payable as if it were a debt that had become payable to the stipendiary magistrate immediately before his death.
- (2) Where a stipendiary magistrate dies before becoming entitled to long service leave, but after completing seven or more years service, the monetary sum representing *pro rata* long service leave to which he would have been entitled if he had resigned on the date of his death shall be payable as if it were a debt that had become payable to the magistrate immediately before his death.

- (3) The Attorney-General may, in his discretion, direct that the whole or a part of an amount payable under subsection (1) or (2) shall be paid to a dependant of the deceased magistrate or shall be divided between persons who are dependants of the deceased magistrate.
- (4) The Attorney-General may refuse to give a direction under subsection (3) unless such indemnities or undertakings as he thinks necessary are given.
- (5) No action shall lie against the Crown, the Attorney-General or any other person representing the Crown in respect of a payment made pursuant to subsection (3).
- (6) Nothing in this section shall relieve a person receiving money paid pursuant to subsection (3) from any liability to account for or apply such money in accordance with law.
- (7) In this section—

dependant means a person who is wholly or in part dependent upon the earnings of the stipendiary magistrate at the time of his death.

21—Industrial awards etc not to affect stipendiary magistrates

No award or industrial agreement affecting the remuneration or conditions of service of stipendiary magistrates shall be made under the *Industrial Conciliation and Arbitration Act 1972*.

Part 6—Exercise of magisterial powers by other members of judiciary

22—Certain members of the judiciary may assume magisterial powers

Any of the following persons, namely—

- (a) a Judge of the Supreme Court; or
- (b) a Master of the Supreme Court; or
- (c) a District Court Judge,

may exercise the jurisdiction, powers or functions of a magistrate.

Part 7—Exercise of powers under Commonwealth Acts

23—Arrangements with Commonwealth

- (1) The Governor may make an arrangement with the Governor-General of the Commonwealth in relation to the performance of functions or the exercise of powers by a magistrate under a Commonwealth Act.
- (2) The Governor may arrange with the Governor-General for the variation or revocation of an arrangement made under this section.
- (3) A magistrate may perform functions and exercise powers under a Commonwealth Act under such an arrangement concurrently with the functions and powers conferred under this Act.

Legislative history

Notes

- Amendments of this version that are uncommenced are not incorporated into the text.
- Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.
- Earlier versions of this Act (historical versions) are listed at the end of the legislative history.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or www.legislation.sa.gov.au.

Principal Act and amendments

New entries appear in bold.

Year	No	Title	Assent	Commencement
1983	107	<i>Magistrates Act 1983</i>	22.12.1983	2.4.1984 (<i>Gazette 22.3.1984 p724</i>)
1984	85	<i>Magistrates Act Amendment Act 1984</i>	29.11.1984	29.11.1984
1985	59	<i>Statutes Amendment (Remuneration) Act 1985</i>	30.5.1985	13.6.1985 (<i>Gazette 13.6.1985 p2132</i>)
1988	95	<i>Judicial Administration (Auxiliary Appointments and Powers) Act 1988</i>	15.12.1988	15.12.1988
1990	2	<i>Magistrates Act Amendment Act 1990</i>	22.3.1990	22.3.1990
1995	27	<i>Statutes Amendment (Attorney-General's Portfolio) Act 1995</i>	27.4.1995	s 17—4.5.1995 (<i>Gazette 4.5.1995 p1705</i>)
1995	84	<i>Statutes Amendment (Courts) Act 1995</i>	30.11.1995	Pt 5 (s 12)—21.12.1995 (<i>Gazette 21.12.1995 p1759</i>)
1997	59	<i>Statutes Amendment (Attorney-General's Portfolio) Act 1997</i>	31.7.1997	Pt 7 (s 15)—14.9.1997 (<i>Gazette 11.9.1997 p704</i>)
2006	26	<i>Magistrates (Part-time Magistrates) Amendment Act 2006</i>	23.11.2006	10.12.2006 (<i>Gazette 7.12.2006 p4269</i>)
2012	17	<i>Statutes Amendment (Attorney-General's Portfolio) Act 2012</i>	24.5.2012	Pt 10 (s 22)—5.8.2012 (<i>Gazette 2.8.2012 p3302</i>)
2012	43	<i>Statutes Amendment (Courts Efficiency Reforms) Act 2012</i>	22.11.2012	Pt 7 (ss 20—22)—uncommenced
2013	26	<i>Magistrates (Miscellaneous) Amendment Act 2013</i>	27.6.2013	Pt 2 (ss 4—22) & Sch 2—uncommenced

Provisions amended

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
Pt 1		
<i>s 2</i>	<i>omitted under Legislation Revision and Publication Act 2002</i>	
s 3	part-time magistrate inserted by 26/2006 s 4	10.12.2006
Pt 2		
s 5		
s 5(2a)—(2d)	inserted by 26/2006 s 5(1)	10.12.2006
s 5(3)	amended by 95/1988 Sch 3	15.12.1988
s 5(3a)	inserted by 95/1988 Sch 3	15.12.1988
s 5(4)	substituted by 26/2006 s 5(2)	10.12.2006
s 5(6)	inserted by 95/1988 Sch 3	15.12.1988
s 5(7)—(9)	inserted by 26/2006 s 5(3)	10.12.2006
s 6		
s 6(1)	amended by 2/1990 s 2(a)	22.3.1990
s 6(2)	amended by 2/1990 s 2(b)	22.3.1990
s 6(3)	amended by 2/1990 s 2(c)	22.3.1990
s 6(5)	amended by 85/1984 s 2 amended by 2/1990 s 2(d)	29.11.1984 22.3.1990
s 7		
s 7(3)	amended by 2/1990 s 3 amended by 27/1995 s 17	22.3.1990 4.5.1995
Pt 4		
s 13		
s 13(1)	amended by 59/1985 s 11 amended by 2/1990 s 4	13.6.1985 22.3.1990
s 13(1a)	inserted by 85/1984 s 3 amended by 59/1985 s 11 amended by 59/1997 s 15	29.11.1984 13.6.1985 14.9.1997
s 13(1b)	inserted by 26/2006 s 6	10.12.2006
s 13(2)	amended by 59/1985 s 11	13.6.1985
Pt 5		
s 15		
s 15(1)	amended by 26/2006 s 7(1)	10.12.2006
s 15(2a)	inserted by 26/2006 s 7(2)	10.12.2006
s 16		
s 16(1)	amended by 26/2006 s 8(1)	10.12.2006
s 16(2a)	inserted by 26/2006 s 8(2)	10.12.2006

s 18A	inserted by 84/1995 s 12	21.12.1995
s 18A(4)—(7)	inserted by 26/2006 s 9	10.12.2006
Pt 7	inserted by 17/2012 s 22	5.8.2012

Transitional etc provisions associated with Act or amendments

Magistrates (Part-time Magistrates) Amendment Act 2006, Sch 1

1—Transitional provision

The amendments made to section 18A of the *Magistrates Act 1983* by this Act apply in relation to magistrates whether appointed before or after the commencement of this Act.

Historical versions

Reprint No 1—1.10.1991

Reprint No 2—4.5.1995

Reprint No 3—21.12.1995

Reprint No 4—14.9.1997

10.12.2006