



ANNO TRICESIMO QUARTO

# ELIZABETHAE II REGINAE

A.D. 1985

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No. 70 of 1985

**An Act to amend the Supreme Court Act, 1935; the Local and District Criminal Courts Act, 1926; and the Industrial Conciliation and Arbitration Act, 1972.**

*[Assented to 6 June 1985]*

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

## PART I

### PRELIMINARY

**Short title.** 1. This Act may be cited as the "Statutes Amendment (Courts) Act, 1985".

**Commencement.** 2. (1) This Act shall come into operation on a day to be fixed by proclamation.

(2) The Governor may, in a proclamation fixing a day for this Act to come into operation, suspend the operation of specified provisions of this Act until a subsequent day fixed in the proclamation, or a day to be fixed by subsequent proclamation.

## PART II

### AMENDMENT OF SUPREME COURT ACT, 1935

Amendment of  
s. 11 of the  
Supreme Court  
Act, 1935.

3. Section 11 of the Supreme Court Act, 1935, is amended—

(a) by striking out subsection (1) and substituting the following subsections:

(1) Where it appears necessary or desirable to do so in the interests of the administration of justice, the Governor may, subject to subsection (6)—

(a) appoint a person who is qualified for appointment as a puisne judge as an acting judge;

or

(b) appoint a person who is qualified for appointment as a master as an acting master.

(1a) The term of an appointment under subsection (1) shall not exceed 6 months.;

(b) by striking out subsection (4);

and

(c) by inserting after subsection (5) the following subsection:

(6) A Deputy President of the Industrial Court or a District Court Judge shall not be appointed as an acting judge under subsection (1) except on the recommendation of the Chief Justice made with the concurrence of the President of the Industrial Court or the Senior Judge of the District Court, as the case requires.

### PART III

#### AMENDMENT OF THE LOCAL AND DISTRICT CRIMINAL COURTS ACT, 1926

4. The Local and District Criminal Courts Act, 1926, is in this Part referred to as "the principal Act". Short title.

5. Section 4 of the principal Act is amended—

(a) by striking out from paragraph (a) of the definition of "the local court jurisdictional limit" in subsection (2) the passage "sixty thousand dollars" and substituting the passage "one hundred and fifty thousand dollars";

Amendment of  
s. 4—  
Interpretation.

and

(b) by striking out from paragraph (b) of the definition of "the local court jurisdictional limit" in subsection (2) the passage "forty thousand dollars" and substituting the passage "one hundred thousand dollars".

6. Section 5c of the principal Act is amended—

(a) by striking out from subsection (1) the word "Where" and substituting the passage "Subject to subsection (6), where";

Amendment of  
s. 5c—  
Acting Judge.

and

(b) by inserting after subsection (5) the following subsection:

(6) A Deputy President of the Industrial Court shall not be appointed as an Acting Judge under subsection (1) except on the recommendation of the Chief Justice of the Supreme

Court made with the concurrence of the President of the Industrial Court.

Amendment of s. 5f—  
Retirement from judicial office.

**7. Section 5f of the principal Act is amended—**

(a) by striking out from subsection (2) the passage “attaining the age of seventy years” and substituting the passage “retiring or resigning”;

and

(b) by striking out from subsection (2) the passage “attaining that age” and substituting the passage “his retirement or resignation”.

Insertion of new s. 5fa.

**8. The following section is inserted after section 5l of the principal Act:**

**5/a. A Judge of the Supreme Court may exercise the jurisdiction and powers of a District Court Judge.**

Judges of the Supreme Court may exercise jurisdiction, etc., conferred on Judges by this Act.

Amendment of s. 7—  
Establishment of additional courts.

**9. Section 7 of the principal Act is amended by striking out from subsection (1) the passage “and the times and days during which such office shall be open”.**

Amendment of s. 8a—  
Powers of Governor with respect to local courts.

**10. Section 8a of the principal Act is amended—**

(a) by striking out from paragraph (a) the passage “and the times and days during which they shall be open”;

and

(b) by striking out from paragraph (b) the passage “or the times and days during which such office shall be open”.

Amendment of s. 19—  
Offices of the courts, when to be open and sittings of courts.

**11. Section 19 of the principal Act is amended by striking out from subsection (1) the word “Tuesday” and substituting the word “Monday”.**

Amendment of s. 80—  
Plaintiff to furnish names of parties and particulars.

**12. Section 80 of the principal Act is amended by striking out from subsection (2) the passage “or Miss” and substituting the passage “Miss or Ms”.**

Amendment of s. 153—  
Execution against goods.

**13. Section 153 of the principal Act is amended—**

(a) by striking out from paragraph (a) of subsection (2) the word “defendant” and substituting the passage “party against whom the costs were awarded”;

(b) by striking out from paragraph (b) of subsection (2) the passage “last address of the defendant of which the plaintiff has had notice and the letter would in the ordinary course of the post have reached that address” and substituting the passage “party against whom the costs were awarded, and the letter would, in the ordinary course of the post, have been delivered.”;

and

(c) by inserting after subsection (2) the following subsections:

(3) A letter sent by post to a party in pursuance of subsection (2) (b) must be addressed to the last address of that party of which the party in whose favour the judgment or order was made has notice.

(4) In this section—

“taxed costs” means costs taxed by the clerk of a local court, a special magistrate, or a Judge.

14. Section 320 of the principal Act is amended by striking out from paragraph (b) the passage “and in newspapers circulating generally throughout the State and in such other publications as he deems proper”.

Amendment of s. 320—  
Judges to be assigned to districts.

#### PART IV

#### AMENDMENT OF THE INDUSTRIAL CONCILIATION AND ARBITRATION ACT, 1972

15. Section 9 of the Industrial Conciliation and Arbitration Act, 1972, is amended by inserting after subsection (2a) the following subsection:

Amendment of s. 9 of the Industrial Conciliation and Arbitration Act, 1972.

(2b) A District Court Judge shall not be appointed as a Deputy President on an acting basis except on the recommendation of the Chief Justice of the Supreme Court made with the concurrence of the Senior District Court Judge.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

D. B. DUNSTAN, Governor