



ANNO VICESIMO QUARTO

ELIZABETHAE II REGINAE

A.D. 1975

No. 18 of 1975

An Act to amend the Supreme Court Act, 1935, as amended; the Industrial Conciliation and Arbitration Act, 1972, as amended; the Local and District Criminal Courts Act, 1926-1974, and the Licensing Act, 1967, as amended.

[Assented to 27th March, 1975]

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

PART I

PRELIMINARY

1. This Act may be cited as the "Statutes Amendment (Judges' Salaries) Act, 1975". Short title.

2. This Act is arranged as follows:—

Arrangement
of Act.

PART I—PRELIMINARY

PART II—AMENDMENT OF THE SUPREME COURT ACT

PART III—AMENDMENT OF THE INDUSTRIAL CONCILIA-
TION AND ARBITRATION ACT

PART IV—AMENDMENT OF THE LOCAL AND DISTRICT
CRIMINAL COURTS ACT

PART V—AMENDMENT OF THE LICENSING ACT.

PART II

PART II

AMENDMENT OF THE SUPREME COURT ACT

Short titles.

3. (1) In this Part the Supreme Court Act, 1935-1974, is referred to as "the principal Act".

(2) The principal Act, as amended by this Act, may be cited as the "Supreme Court Act, 1935-1975".

Repeal of
s. 12 of
principal Act
and enactment
of section in
its place—

4. Section 12 of the principal Act is repealed and the following section is enacted and inserted in its place:—

Salaries of
Judges.

12. (1) In this section—

"the prescribed minimum salary"—

(a) in relation to the Chief Justice, means the salary payable to the Chief Justice immediately before the commencement of the Statutes Amendment (Judges' Salaries) Act, 1975, or the salary payable to the person last appointed Chief Justice before the time in relation to which the expression is used, whichever salary is the higher;

and

(b) in relation to a puisne Judge, means the salary payable to a puisne Judge immediately before the commencement of the Statutes Amendment (Judges' Salaries) Act, 1975, or the salary payable to the person last appointed a puisne judge before the time in relation to which the expression is used, whichever salary is the higher.

(2) Subject to this section, the salary of the Chief Justice and the salary of every puisne judge shall be such salary as is respectively from time to time determined by the Governor.

(3) Subsection (2) of this section shall not authorize or empower the Governor to determine a salary in respect of the Chief Justice or a puisne judge being a salary less than the prescribed minimum salary.

(4) A determination made under subsection (2) of this section may be expressed to apply and have effect from a day that occurs before the day on which the determination is made and any such determination shall apply and have effect according to its tenor.

(5) Until the first determination is made under subsection (2) of this section, the salary of the Chief Justice and the salary of every puisne judge shall be the salary payable to the Chief Justice or, as the case may be, a puisne judge immediately before the commencement of the Statutes Amendment (Judges' Salaries) Act, 1975.

(6) The salaries payable pursuant to this section shall be payable out of the general revenue of the State which is hereby, and to the necessary extent, appropriated accordingly.

PART III

PART III

AMENDMENT OF THE INDUSTRIAL CONCILIATION AND
ARBITRATION ACT

5. (1) In this Part the Industrial Conciliation and Arbitration Act, 1972-1974, is referred to as "the principal Act". Short titles.

(2) The principal Act, as amended by this Act, may be cited as the "Industrial Conciliation and Arbitration Act, 1972-1975".

6. Section 11 of the principal Act is repealed and the following section is enacted and inserted in its place:—

Repeal of
s. 11 of
principal Act
and enactment
of section in
its place—
Salaries.

11. (1) In this section—

"the prescribed minimum salary"—

(a) in relation to the President of the Court, means the salary payable to the President of the Court immediately before the commencement of the Statutes Amendment (Judges' Salaries) Act, 1975, or the salary payable to the person last appointed President of the Court, before the time in relation to which the expression is used, whichever salary is the higher;

and

(b) in relation to a Deputy President of the Court, means the salary payable to a Deputy President of the Court immediately before the commencement of the Statutes Amendment (Judges' Salaries) Act, 1975, or the salary payable to the person last appointed a Deputy President of the Court before the time in relation to which the expression is used, whichever salary is the higher.

(2) Subject to this section, the salary of the President of the Court and the salary of every Deputy President of the Court shall be such salary as is respectively from time to time determined by the Governor.

(3) Subsection (2) of this section shall not authorize or empower the Governor to determine a salary in respect of the President of the Court or a Deputy President of the Court being a salary less than the prescribed minimum salary.

(4) A determination made under subsection (2) of this section may be expressed to apply and have effect from a day that occurs before the day on which the determination is made and any such determination shall apply and have effect according to its tenor.

(5) Until the first determination is made under subsection (2) of this section, the salary of the President of the Court and of every Deputy President of the Court shall be the salary payable to the President of the Court or, as the case may be, a Deputy President of the Court immediately before the commencement of the Statutes Amendment (Judges' Salaries) Act, 1975.

PART III

(6) The salaries payable pursuant to this section shall be payable out of the general revenue of the State which is hereby, and to the necessary extent, appropriated accordingly.

PART IV

PART IV

AMENDMENT OF THE LOCAL AND DISTRICT CRIMINAL COURTS ACT

Short titles.

7. (1) In this Part the Local and District Criminal Courts Act, 1926-1974, is referred to as "the principal Act".

(2) The principal Act, as amended by this Act, may be cited as the "Local and District Criminal Courts Act, 1926-1975".

Repeal of
s. 5e of
principal Act
and enactment
of section in
its place—

Salaries, etc.

8. Section 5e of the principal Act is repealed and the following section is enacted and inserted in its place:—

5e. (1) In this section—

"the prescribed minimum salary"—

(a) in relation to the Senior Judge, means the salary payable to the Senior Judge immediately before the commencement of the Statutes Amendment (Judges' Salaries) Act, 1975, or the salary payable to the person last appointed Senior Judge before the time in relation to which the expression is used, whichever salary is the higher;

and

(b) in relation to a Judge, means the salary payable to a Judge immediately before the commencement of the Statutes Amendment (Judges' Salaries) Act, 1975, or the salary payable to the person last appointed a Judge before the time in relation to which the expression is used, whichever salary is the higher.

(2) Subject to this section, the salary of the Senior Judge and the salary of every Judge shall be such salary as is respectively from time to time determined by the Governor.

(3) Subsection (2) of this section shall not authorize or empower the Governor to determine a salary in respect of the Senior Judge or a Judge being a salary less than the prescribed minimum salary.

(4) A determination made under subsection (2) of this section may be expressed to apply and have effect from a day that occurs before the day on which the determination is made and any such determination shall apply and have effect according to its tenor.

(5) Until the first determination is made under subsection (2) of this section, the salary of the Senior Judge and the salary of every Judge shall be the salary payable to the Senior Judge or, as the case may be, a Judge immediately before the commencement of the Statutes Amendment (Judges' Salaries) Act, 1975.

(6) The salary of an Acting Senior Judge and the salary of an Acting Judge shall be the same as the respective salaries of the Senior Judge and a Judge.

(7) The salaries payable pursuant to this section shall be payable out of the general revenue of the State which is hereby, and to the necessary extent, appropriated accordingly.

(8) All fees payable under this Act shall be paid to the Treasurer in aid of the general revenue of the State.

PART V

PART V

AMENDMENT OF THE LICENSING ACT

9. (1) In this Part the Licensing Act, 1967-1974, is referred to as "the principal Act". Short titles.

(2) The principal Act, as amended by this Act, may be cited as the "Licensing Act, 1967-1975".

10. Section 5 of the principal Act is amended by striking out subsection (6) and inserting in lieu thereof the following subsections:—

Amendment of
principal Act,
s. 5—
Constitution of
Licensing
Court.

(6) In this section—

"the prescribed minimum salary"—

(a) in relation to the Chairman, means the salary payable to the Chairman immediately before the commencement of the Statutes Amendment (Judges' Salaries) Act, 1975, or the salary payable to the person last appointed Chairman before the time in relation to which the expression is used, whichever salary is the higher;

and

(b) in relation to the Deputy Chairman, means the salary payable to the Deputy Chairman immediately before the commencement of the Statutes Amendment (Judges' Salaries) Act, 1975, or the salary payable to the person last appointed the Deputy Chairman before the time in relation to which the expression is used, whichever salary is the higher.

(6a) Subject to this section, the salary of the Chairman and the salary of a Deputy Chairman shall be such salary as is respectively from time to time determined by the Governor.

(6b) Subsection (6a) of this section shall not authorize or empower the Governor to determine a salary in respect of the Chairman or the Deputy Chairman being a salary less than the prescribed minimum salary.

(6c) A determination made under subsection (6a) of this section may be expressed to apply and have effect from a day that occurs before the day on which the determination is made and any such determination shall apply and have effect according to its tenor.

(6d) Until the first determination is made under subsection (6a) of this section, the salary of the Chairman and the salary of the Deputy Chairman shall be the salary payable to the Chairman, or as the case may be, the Deputy Chairman immediately before the commencement of the Statutes Amendment (Judges' Salaries) Act, 1975.

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

M. L. OLIPHANT, Governor