



SUPREME COURT AMENDMENT ACT 1993

No. 75 of 1993

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AN ACT to amend the *Supreme Court Act 1959*

[Royal Assent 23 November 1993]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

Short title

1—This Act may be cited as the *Supreme Court Amendment Act 1993*.

Commencement

2—This Act commences on the day on which it receives the Royal Assent.

Principal Act

3—In this Act, the *Supreme Court Act 1959** is referred to as the Principal Act.

Section 4A amended (Power to appoint Acting Master)

4—Section 4A of the Principal Act is amended as follows:—

(a) by omitting subsection (1) and substituting the following subsection:—

(1) If the Master is, for any reason, unable to perform his or her duties or functions, either generally or in respect of a particular matter or class of matters, the Governor, on the recommendation of the Chief Justice, may appoint a person who is a barrister of at least 5 years' standing to be the Acting Master for such a period, or until the happening of such an event, as the Governor may specify in the instrument of appointment.

(b) by inserting after subsection (2) the following subsections:—

(2A) Subject to subsection (2B), the Acting Master may—

(a) continue to maintain a legal practice and receive a share of the profits of the practice;
or

(b) continue to maintain chambers as a barrister.

(2B) The Acting Master may not actively engage in the practise of a barrister or legal practitioner.

(2C) Section 5E does not apply to the Acting Master.

* No. 41 of 1959. For this Act, as amended to 1 June 1979, see the continuing Reprint of Statutes. Subsequently amended by No. 48 of 1979, Nos. 10 and 34 of 1982, Nos. 29 and 102 of 1984, No. 51 of 1985 and No. 27 of 1992.

Section 5 amended (Tenure of office and terms of appointment of Master)

5—Section 5 (2) of the Principal Act is amended by omitting “65” and substituting “70”.

Section 5D substituted

6—Section 5D of the Principal Act is repealed and the following section is substituted:—

Suspension or removal of Master from office

5D—The Master may only be suspended or removed from office by the Governor on an address from both Houses of Parliament seeking such suspension or removal on the ground of misbehaviour or incapacity.

*[Second reading presentation speech made in:—
House of Assembly on 14 October 1993
Legislative Council on 26 October 1993]*

