

## House of Assembly

As passed all stages and awaiting assent.

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South Australia

# Magistrates Court (Special Justices) Amendment Bill 2009

A BILL FOR

An Act to amend the *Magistrates Court Act 1991*.

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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 *Magistrates Court (Special Justices) Amendment Act 2009*.

### 2—Commencement

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

### 3—Amendment provisions

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

## **Part 2—Amendment of *Magistrates Court Act 1991***

### **4—Amendment of section 7A—Constitution of Court**

Section 7A(2)—delete subsection (2) and substitute:

- (2) The Court may be constituted of a special justice—
  - (a) in its Petty Sessions Division; or
  - (b) to hear and determine uncontested applications of a class prescribed by the regulations; or
  - (c) in any other case—if there is no Magistrate available,but, when constituted of a special justice, the Court may not impose a sentence of imprisonment.

### **5—Amendment of section 9A—Petty Sessions Division**

(1) Section 9A(b)—delete paragraph (b) and substitute:

- (b) to hear and determine any of the following charges:
  - (i) a charge of any offence in respect of which an expiation notice has been given to a person alleged to have committed the offence where the alleged offender has elected to be prosecuted for the offence to which the expiation notice relates;
  - (ii) a charge of a prescribed offence;
  - (iii) a charge of any other offence in respect of which the maximum penalty does not exceed a fine of \$2 500 or include imprisonment (but may include disqualification from holding or obtaining a driver's licence); and

(2) Section 9A(c)—delete "of an enforcement order under section 14" and substitute:  
under section 10 or 14

(3) Section 9A—after its current contents as amended by this section (now to be designated as subsection (1)) insert:

- (2) In this section—
  - prescribed offence* means an offence—
    - (a) in respect of which the maximum penalty does not exceed a fine of \$2 500 but does include imprisonment; and
    - (b) that is prescribed by the regulations for the purposes of this definition.

### **6—Amendment of section 15—Exercise of procedural and administrative powers of Court**

Section 15—delete "or Justice" and substitute:

, special justice or justice