

**Legislative Council—No 44**

As introduced and read a first time, 28 September 2022

South Australia

**Statutes Amendment (Attorney-General's  
Portfolio) (No 2) Bill 2022**

A BILL FOR

An Act to amend the *Judicial Conduct Commissioner Act 2015* and the *Youth Court Act 1993*.

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**The Parliament of South Australia enacts as follows:**

## Part 1—Preliminary

### 1—Short title

- 5 This Act may be cited as the *Statutes Amendment (Attorney-General's Portfolio) (No 2) Act 2022*.

### 2—Commencement

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

## Part 2—Amendment of *Judicial Conduct Commissioner Act 2015*

### 3—Amendment of section 11—Delegation

- 10 Section 11—after subsection (3) insert:

- 15 (4) For the purposes of section 17(1)(c)(ii) of the *Public Sector (Honesty and Accountability) Act 1995*, delegation by the Commissioner of a function or power under this section because of a pecuniary or other personal interest that conflicts or may conflict with the Commissioner's duties does not constitute taking action in relation to the matter the subject of the delegation.

### 4—Amendment of section 12—Making of complaints

Section 12(2)—delete subsection (2) and substitute:

- 20 (2) A person who is subject to an order of the Supreme Court (whether under section 39 of the *Supreme Court Act 1935* or the inherent jurisdiction of the Court) prohibiting the person from instituting proceedings (or proceedings of a particular class) may not make a complaint under this Act.

## Part 3—Amendment of *Youth Court Act 1993*

### 5—Amendment of section 10—Court's principal judicial officer

Section 10—after subsection (7) insert:

- 5 (7a) The Judge of the Court may, by instrument in writing, delegate a  
judicial function conferred on the Judge of the Court under this Act  
or another Act to a Judge of the District Court (including a person  
appointed under the *Judicial Administration (Auxiliary Appointments  
and Powers) Act 1988* to act in the office of Judge of the District  
Court on an auxiliary basis).
- 10 (7b) A delegation under subsection (7a)—
- (a) is revocable at will; and
  - (b) does not derogate from the power of the Judge of the Court  
to act in any matter.
- 15 (7c) To avoid doubt, delegation of a judicial function under  
subsection (7a) to a Judge does not result in the Judge being a  
member of the Court's principal judiciary.