

House of Assembly—No 40

As received from the Legislative Council and read a first time, 3 November 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.