

## Legislative Council

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South Australia

# Statutes Amendment (Attorney-General's Portfolio) (No 2) Bill 2023

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

This Act may be cited as the *Statutes Amendment (Attorney-General's Portfolio) (No 2) Act 2023*.

### 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**

Section 11—after subsection (3) insert:

- (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:

- (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:

- (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).
- (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.
- (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.