

South Australia

Courts Administration Act 1993

An Act to provide for the administration of courts.

Contents

Part 1—Preliminary

- 1 Short title
- 3 Objects of this Act
- 4 Interpretation
- 5 Collective name

Part 2—The Judicial Council

Division 1—Establishment of Judicial Council

- 6 Judicial Council

Division 2—Composition of the Council

- 7 Composition of the Council

Division 3—Proceedings of the Council

- 8 Meetings of the Council
- 9 Procedures of the Council

Division 4—Functions and powers of the Council

- 10 Responsibilities of the Council
- 11 Powers of the Council
- 12 Delegation

Division 5—Council's obligation to report

- 14 Council to provide reports to Attorney-General

Part 3—Control of property

- 15 Control of property

Part 4—Staff of the Council

Division 1—The State Courts Administrator

- 16 State Courts Administrator
- 17 Functions and powers of Administrator
- 17A Delegation

Division 2—Senior staff of the Council

- 18 Appointment of senior staff
- 19 Disciplinary action and termination of employment

Division 3—Other staff

- 21 Other staff

Division 4—General provisions as to staff

- 21A Non-judicial court staff
- 21B Application of Public Sector Act and Superannuation Act
- 22 Responsibility of staff
- 23 Commissioner to consult with Council

Part 4A—Reporting

- 23A Annual report

Part 5—Financial provisions

- 24 Money required for purposes of this Act
- 25 Council's budget
- 26 Financial management
- 27 Audit

Part 5A—Responsibilities of jurisdictional head

- 27A Interpretation
- 27B Application of Part
- 27C Responsibilities of jurisdictional head

Part 6—Miscellaneous

- 28A Special provisions in relation to publication of judicial decisions
- 29 Responsibility to Parliament
- 30 Regulations
- 31 Non-interference with individual powers or discretions

Schedule—Transitional provision

Legislative history

The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Courts Administration Act 1993*.

3—Objects of this Act

The objects of this Act are—

- (a) to establish the *State Courts Administration Council* as an administrative authority independent of control by executive government;

- (b) to confer on the Council power to provide courts with the administrative facilities and services necessary for the proper administration of justice.

4—Interpretation

In this Act, unless the contrary intention appears—

Administrator means the State Courts Administrator appointed under this Act;

Council means the *State Courts Administration Council* established under this Act;

parliamentary committee means a committee of either or both Houses of Parliament;

participating courts means—

- (a) the Supreme Court; and
- (b) the District Court; and
- (ba) the Environment, Resources and Development Court; and
- (c) the Youth Court of South Australia; and
- (d) the Magistrates Court; and
- (e) the Coroner's Court; and
- (f) any other court or tribunal declared by regulation to be a participating court;

prescribed position means a position on the staff of the Council designated by regulation as a prescribed position;

senior staff of the Council means those members of the staff of the Council holding prescribed positions.

5—Collective name

The Council, the Administrator and the other staff of the Council may be collectively referred to as the *Courts Administration Authority*.

Part 2—The Judicial Council

Division 1—Establishment of Judicial Council

6—Judicial Council

- (1) The *State Courts Administration Council* is established.
- (2) The Council is a body corporate.
- (3) The Council is an instrumentality of the Crown.
- (4) A document apparently bearing the Council's common seal will, in the absence of evidence to the contrary, be taken to have been duly executed by the Council.

Division 2—Composition of the Council

7—Composition of the Council

- (1) The Council consists of—
 - (a) the Chief Justice of the Supreme Court; and

- (b) the Chief Judge of the District Court; and
 - (c) the Chief Magistrate of the Magistrates Court; and
 - (d) the Judge of the Youth Court, appointed by the Governor in accordance with subsection (1a); and
 - (e) the State Coroner, appointed by the Governor in accordance with subsection (1a); and
 - (f) the Senior Judge of the Environment, Resources and Development Court, appointed by the Governor in accordance with subsection (1a); and
 - (g) 2 members appointed by the Governor with the concurrence of the members referred to in the preceding paragraphs (being persons with extensive experience in human resources management, finance or public administration).
- (1a) A person appointed to an office referred to in subsection (1)(d), (e) or (f) may only be appointed as a member of the Council—
- (a) on the written request of the person; and
 - (b) with the concurrence of the Chief Justice of the Supreme Court.
- (1b) A person who is, or who was within the 2 years immediately preceding appointment, the Administrator or a member of the staff of the Council cannot be appointed as a member of the Council under subsection (1)(g).
- (1c) A member of the Council appointed under subsection (1)(g) holds office on conditions, and for a term (not exceeding 5 years), specified in the instrument of appointment (but, on completion of a term of appointment, is eligible for reappointment).
- (1d) The Governor may, with the concurrence of the members referred to in subsection (1)(a), (b) and (c), appoint a person to be the deputy of a member of the Council appointed under subsection (1)(g) (and the deputy may act as a member of the Council during any period of absence of the member in relation to whom the deputy has been appointed).
- (1e) The office of a member of the Council appointed under subsection (1)(d), (e) or (f) becomes vacant if the member—
- (a) ceases to be the Judge of the Youth Court, State Coroner or Senior Judge of the Environment, Resources and Development Court (as the case requires); or
 - (b) is removed from office by the Governor at the request of the Chief Justice; or
 - (c) resigns by written notice to the Governor.
- (1f) The office of a member of the Council appointed under subsection (1)(g) becomes vacant if the member—
- (a) dies; or
 - (b) completes a term of office and is not reappointed; or
 - (c) resigns by written notice to the Governor; or
 - (d) is convicted of—
 - (i) an indictable offence against the law of this State; or

- (ii) an offence against the law of this State that is punishable by imprisonment for a term of at least 12 months; or
 - (iii) an offence against the law of another jurisdiction that, if committed in this State, would be an offence of a kind referred to in a preceding paragraph; or
 - (e) is sentenced to imprisonment for an offence (whether against a law of this State or another jurisdiction); or
 - (f) is removed from office by the Governor under subsection (1g).
- (1g) The Governor may remove a member of the Council appointed under subsection (1)(g) from office—
- (a) for misconduct or conduct that brings the Council into disrepute; or
 - (b) for breach of, or non-compliance with, a condition of appointment; or
 - (c) if the member has become bankrupt or has applied to take the benefit of a law for the relief of insolvent debtors; or
 - (d) if the member has been disqualified from managing corporations under Chapter 2D Part 2D.6 of the *Corporations Act 2001* of the Commonwealth; or
 - (e) if the member has, because of mental or physical incapacity, failed to carry out duties of the position satisfactorily; or
 - (f) for incompetence or neglecting the duties of the position; or
 - (g) any other reason the Governor thinks fit.
- (1h) A member of the Council appointed under subsection (1)(g) is a senior official for the purposes of the *Public Sector (Honesty and Accountability) Act 1995*.
- (2) A member of the Council (other than a member appointed under subsection (1)(g)) may appoint a judicial officer of the relevant court to be an associate member of the Council.
- (3) An associate member of the Council is a deputy of the member by whom the associate member was appointed and may, in the absence of that member, act as a member of the Council.
- (4) An associate member of the Council is entitled to attend meetings of the Council but, except when acting in the absence of a member, is not entitled to a vote on any question before the Council.

Division 3—Proceedings of the Council

8—Meetings of the Council

The Council will meet at such times and places as may be determined by the Chief Justice.

9—Procedures of the Council

- (1) The Chief Justice or, in the Chief Justice's absence, the Chief Justice's deputy, will preside at any meeting of the Council.

- (2) The Chief Justice or, in the Chief Justice's absence, the Chief Justice's deputy, and 2 other members of the Council (1 of whom must be a member of the Council other than a member appointed under section 7(1)(d), (e), (f) or (g)) constitute a quorum of the Council.
- (3) A decision supported by the votes of the Chief Justice or, in the Chief Justice's absence, the Chief Justice's deputy and 2 other members of the Council (1 of whom must be a member of the Council other than a member appointed under section 7(1)(d), (e), (f) or (g)) is a decision of the Council.

Division 4—Functions and powers of the Council

10—Responsibilities of the Council

- (1) The Council is responsible for providing, or arranging for the provision of, the administrative facilities and services for participating courts that are necessary to enable those courts and their staff properly to carry out their judicial and administrative functions.
- (2) A participating court remains, however, responsible for its own internal administration.
- (3) The Council may establish administrative policies and guidelines to be observed by participating courts in the exercise of their administrative responsibilities.
- (4) Any such administrative policies and guidelines must be published in the annual report for the financial year in which they are established.

11—Powers of the Council

- (1) Subject to subsection (2), the Council has the powers of a natural person and may for example—
 - (a) enter into any form of contract or arrangement;
 - (b) acquire, hold, deal with and dispose of real and personal property;
 - (c) provide services on terms and conditions determined by the Council.
- (2) The Council may not, without the Governor's consent—
 - (a) incur contractual liabilities exceeding a limit fixed by regulation for the purposes of this section; or
 - (b) enter into a contract of a class prescribed by regulation for the purposes of this section; or
 - (c) acquire or dispose of an interest in real property.
- (3) The Council must, before entering into a transaction of a class prescribed by regulation for the purposes of this subsection, observe the appropriate procedures prescribed by regulation.

12—Delegation

- (1) The Council may, by instrument in writing, delegate any of its powers under this or any other Act.

- (2) A delegation of power under this section—
 - (a) is revocable at will; and
 - (b) does not derogate from the power of the Council to act itself in any matter.
- (3) A delegation must be reported in the annual report for the financial year in which the delegation is made.

Division 5—Council's obligation to report

14—Council to provide reports to Attorney-General

- (1) The Council must make such reports to the Attorney-General as may be necessary to ensure that the Attorney-General is kept properly informed about the administration of the participating courts.
- (2) The Council must, at the request of the Attorney-General, report to the Attorney-General on any matter relevant to the administration of a participating court.

Part 3—Control of property

15—Control of property

- (1) All courthouses and other real and personal property of the Crown set apart for the use of the participating courts is under the care, control and management of the Council.
- (2) The Council may assign a courthouse or other building that is under the Council's care, control and management for the use of a particular court.
- (3) A courthouse or other building will be taken to have been set apart for the use of participating courts if—
 - (a) it is dedicated or reserved for use as a courthouse under a law governing the administration or use of Crown property; or
 - (b) it is set apart for the use of participating courts by proclamation under this section.
- (4) The Governor may, by proclamation—
 - (a) set apart a courthouse or building belonging to the Crown for the use of participating courts; or
 - (b) vary or revoke a proclamation previously made under this subsection.
- (5) A proclamation may be conditional or unconditional, and, if conditional, will be subject to such conditions as the Governor thinks fit to include.

Part 4—Staff of the Council

Division 1—The State Courts Administrator

16—State Courts Administrator

- (1) There is to be a *State Courts Administrator*.

- (2) The Administrator is to be appointed by the Governor on the recommendation of the Council for a term, not exceeding five years, specified in the instrument of appointment (but, on completion of a term of appointment, is eligible for reappointment).
- (3) The Administrator is to be appointed on terms and conditions determined by the Governor which must, however, include the following:
 - (a) the Administrator must inform the Council in writing of—
 - (i) any direct or indirect interest that the Administrator has or acquires in any business, or in any body corporate carrying on business, in Australia or elsewhere; or
 - (ii) any other direct or indirect interest that the Administrator has or acquires that conflicts or may conflict with the Administrator's duties; and
 - (b) the Administrator must not engage, without the Council's consent, in any other remunerated employment.
- (5) The Administrator cannot be dismissed from office or reduced in status except with the concurrence of the Council.
- (7) The Council may assign an appropriate employee to act as the Administrator—
 - (a) during a vacancy in the office of Administrator; or
 - (b) when the Administrator is absent from, or unable to discharge, official duties.

17—Functions and powers of Administrator

- (1) The Administrator is the Council's Chief Executive Officer.
- (2) The Administrator is, subject to control and direction by the Council, responsible to the Council for—
 - (a) the control and management of the Council's staff; and
 - (b) the management of property that is under the Council's care, control and management.

17A—Delegation

- (1) The Administrator may, by instrument in writing, delegate a power or function under this Act—
 - (a) to a particular person or committee; or
 - (b) to the person for the time being performing particular duties or holding or acting in a particular position.
- (2) A power or function delegated under this section may, if the instrument of delegation so provides, be further delegated.
- (3) A delegation—
 - (a) may be absolute or conditional; and
 - (b) does not derogate from the power of the delegator to act personally in a matter; and

- (c) is revocable at will.

Division 2—Senior staff of the Council

18—Appointment of senior staff

The senior staff of the Council are to be appointed by the Administrator with the approval of the Council.

19—Disciplinary action and termination of employment

The Council's consent is required before—

- (a) disciplinary action may be taken against a member of the Council's senior staff; or
- (b) the employment of a member of the senior staff may be terminated.

Division 3—Other staff

21—Other staff

Other staff of the Council are to be appointed by the Administrator.

Division 4—General provisions as to staff

21A—Non-judicial court staff

- (1) The staff of the Council includes—
 - (a) the Registrars of the participating courts; and
 - (b) the Sheriff; and
 - (c) the Registrar of Probates; and
 - (d) the Youth Justice Co-ordinators (who are not Magistrates); and
 - (e) any deputies of the officers referred to above; and
 - (f) the other non-judicial officers and staff of the participating courts.
- (2) This Act has effect in addition to, and does not derogate from, any provisions of another Act providing for the appointment of, or otherwise specifically relating to, officers or staff referred to in subsection (1).

21B—Application of Public Sector Act and Superannuation Act

- (1) The Administrator and the staff of the Council are not Public Service employees.
- (2) Employment of a person as a member of the staff of the Council is declared to be employment to which Part 7 of the *Public Sector Act 2009* applies and a person so employed is to be treated as a public sector employee, employed by the Administrator, for the purposes of that Act and the *Public Sector (Honesty and Accountability) Act 1995*.
- (3) The regulations may exclude or modify the application of a provision of Part 7 of the *Public Sector Act 2009* to employment of the staff of the Council.

- (4) Section 9(1) of the *Public Sector Act 2009* does not apply to employees holding prescribed positions or the senior staff of the Council.
- (4a) Directions may not be given under section 10 of the *Public Sector Act 2009* to the Council or the Administrator.
- (5) The *Superannuation Act 1988* applies to a member of the Council's staff in the same way as to a person employed in the Public Service.

22—Responsibility of staff

A member of the Council's staff is answerable, through any properly constituted administrative superior, for the proper discharge of his or her duties to—

- (a) the Administrator; and
- (b) if the position relates to a particular participating court—the judicial head of that participating court.

23—Commissioner to consult with Council

- (1) The Commissioner for Public Sector Employment must consult with the Council before making a determination or giving an instruction that relates specifically to the Council's staff.
- (2) The Council—
 - (a) may vary or revoke a determination or instruction of the Commissioner for Public Sector Employment so far as it affects staff of the Council; and
 - (b) may itself exercise any power of the Commissioner for Public Sector Employment to make a determination or to give an instruction in relation to the Council's staff,

(but a determination affecting remuneration or conditions of employment cannot be made, varied or revoked under this subsection).

Part 4A—Reporting

23A—Annual report

- (1) The Administrator must on or before 31 October in each year make a report to the Attorney-General on the work of the Courts Administration Authority during the previous financial year.
- (2) Without limiting the matters that may be included in an annual report, an annual report must contain—
 - (a) information setting out any significant achievements during the relevant financial year; and
 - (b) information detailing significant future initiatives that are being developed or will be implemented; and
 - (c) information detailing any developments in human resource management within the Courts Administration Authority; and
 - (d) information detailing any significant occupational health, safety and welfare issues arising during the relevant financial year; and

- (e) information relating to workers' compensation and rehabilitation (if any) occurring during the relevant financial year; and
 - (f) information setting out the training and development initiatives provided or offered to staff employed by the Courts Administration Authority during the relevant financial year; and
 - (g) any recommendations the Courts Administration Authority, the Council or the Administrator wishes to make relating to changes to the law and procedures of the participating courts that may be necessary or desirable to improve the administration of justice in participating courts.
- (3) An annual report must include—
- (a) a report from—
 - (i) the Chief Justice of the Supreme Court; and
 - (ii) the Chief Judge of the District Court; and
 - (iii) the Chief Magistrate of the Magistrates Court; and
 - (iv) the Judge of the Youth Court,on the operations of their respective Courts; and
 - (b) a report from the Sheriff on the operations of the Sheriff and security officers (within the meaning of the *Sheriff's Act 1978*), during the previous financial year.
- (4) The Attorney-General must within 12 sitting days after receiving a report under this section cause copies of the report to be laid before both Houses of Parliament.

Part 5—Financial provisions

24—Money required for purposes of this Act

The money required for the purposes of this Act is to be paid out of money appropriated by Parliament for those purposes.

25—Council's budget

- (1) The Council must, from time to time, prepare and submit to the Attorney-General a budget showing estimates of its receipts and expenditures for the next financial year or for some other period determined by the Attorney-General.
- (2) The budget must conform with any requirements of the Attorney-General as to its form and the information that it is to contain.
- (3) The Attorney-General may approve a budget submitted under this section with or without modification.
- (4) The Council may not expend money unless provision for the expenditure is made in a budget approved by the Attorney-General under this section.

26—Financial management

- (1) The Council must ensure that proper accounting records are kept of its receipts and expenditures.

- (2) The Council's accounting records must conform with any applicable instructions issued by the Treasurer under section 41 of the *Public Finance and Audit Act 1987*.
- (3) The Council must ensure—
 - (a) that expenditures are not made out of money under the Council's control without proper administrative authorisation; and
 - (b) that proper control is maintained over the Council's property or property in the Council's control.

27—Audit

The Auditor-General may at any time, and must at least once in each year, audit the accounts of the Council.

Part 5A—Responsibilities of jurisdictional head

27A—Interpretation

In this Part—

court includes a tribunal or other body the functions of which include the exercise of judicial powers;

judicial office means—

- (a) the office of Judge of the Supreme Court;
- (b) the office of Master of the Supreme Court, District Court Judge or any other Judge;
- (ba) the office of Supreme Court judicial registrar;
- (c) any other office involving the exercise of judicial functions that may only be occupied by a Judge or Master or by a person with other legal qualifications;
- (ca) the office of District Court Judicial Registrar or Youth Court judicial registrar;
- (d) the office of Magistrate;
- (e) any other office involving the exercise of judicial functions that may only be occupied by a Magistrate or by a person with other legal qualifications;
- (ea) the office of Magistrates Court Judicial Registrar;
- (f) the office of special justice;
- (g) any other office prescribed by the regulations;

judicial officer means a person appointed to hold or act in a judicial office;

jurisdictional head of a court means the judicial officer who has primary responsibility for the administration of the court.

27B—Application of Part

- (1) This Part applies to a court of the State whether it is a participating court or not.
- (2) This Part applies in addition to, and without derogating from, any other Act or law.

27C—Responsibilities of jurisdictional head

- (1) The jurisdictional head of a court is responsible for ensuring the effective, orderly and expeditious discharge of the business of that court.
- (2) Without limiting the generality of subsection (1)—
 - (a) the functions of the jurisdictional head include—
 - (i) participating as a judicial officer of the court; and
 - (ii) managing the business of the court, including by ensuring that the court operates efficiently and effectively and continually improves the way in which it carries out its functions; and
 - (iii) providing leadership and guidance to the court and engendering cohesiveness and collaboration amongst the judicial officers and staff of the court; and
 - (iv) developing and implementing performance standards and setting benchmarks for the court; and
 - (v) being responsible for promoting the training, education and professional development of judicial officers of the court; and
 - (vi) overseeing the proper use of the resources of the court; and
 - (vii) providing advice to the Council, the Attorney-General or other persons (as the jurisdictional head thinks fit) about—
 - (A) the judicial officers of the court; and
 - (B) the operations and activities of the court; and
 - (b) the jurisdictional head may do all or any of the following:
 - (i) make arrangements as to the judicial officer or judicial officers who is or are to constitute the court in particular matters (or classes of matters) or in particular places;
 - (ii) without limiting the generality of subparagraph (i)—assign particular cases, caseloads, classes of cases or functions to particular judicial officers of the court;
 - (iii) require a judicial officer of the court to assist in the administration of the court;
 - (iv) temporarily restrict a judicial officer of the court to non-sitting duties;
 - (v) require a judicial officer of the court to keep particular records;
 - (vi) require a judicial officer of the court to undergo a medical examination or counselling and to provide the jurisdictional head with a report on the examination or counselling;
 - (vii) counsel a judicial officer of the court in relation to any conduct that has the potential to undermine public confidence in the court; and
 - (c) the jurisdictional head must ensure that arrangements are in place to provide judicial officers with appropriate access to (or reimbursement for the cost of)—

- (i) annual health assessments; and
 - (ii) short-term counselling services; and
 - (iii) judicial education; and
- (d) the jurisdictional head may issue requirements to a judicial officer of the court in response to a complaint referred under section 18 of the *Judicial Conduct Commissioner Act 2015*; and
 - (e) the jurisdictional head may take any measures that the jurisdictional head believes are reasonably necessary to maintain public confidence in the court (including, but not limited to, temporarily restricting another judicial officer to non-sitting duties).
- (3) If a judicial officer refuses or fails to comply with a requirement issued by the jurisdictional head in response to a complaint referred under section 18 of the *Judicial Conduct Commissioner Act 2015*, the jurisdictional head must, by notice in writing, report that refusal or failure to the Attorney-General and to the Judicial Conduct Commissioner (and the report to the Judicial Conduct Commissioner will be taken to be a referral of the matter in accordance with section 12(7) of that Act).
 - (4) A jurisdictional head of a court must give notice to the Judicial Conduct Commissioner of any complaint made to the jurisdictional head in relation to the conduct of a judicial officer of the court (but the giving of such a notice does not, of itself, constitute a referral of the matter for the purposes of section 12(7) of the *Judicial Conduct Commissioner Act 2015*).

Part 6—Miscellaneous

28A—Special provisions in relation to publication of judicial decisions

- (1) The following provisions apply in respect of the publication on an Internet site maintained by the Courts Administration Authority of a decision of a judicial officer of a prescribed court:
 - (a) the Council, a member of the Council, the Administrator and the other members of the staff of the Council have, in respect of that publication, the same privileges and immunities as if the publication consisted of a delivery of the decision by a judicial officer in court; and
 - (b) that publication is in all other respects to be treated as if the publication consisted of the delivery of the decision by a judicial officer in court.
- (2) Subsection (1)—
 - (a) does not apply unless the decision published on the Internet site was released by the judicial officer who made the decision before its publication in accordance with the procedures approved by the designated officer for the prescribed court of which the judicial officer is a member; and
 - (b) does not give rise to any privileges or immunities with respect to any subsequent publication of the decision by a third party.

(3) In this section—

decision means any judgment, decree, order, decision or ruling (whether final or interlocutory), or a sentence, and includes—

- (a) reasons for decision; and
- (b) remarks made by a judicial officer in passing sentence;

designated officer means—

- (a) in relation to a court or tribunal that has a judicial head—the judicial head of that court or tribunal;
- (b) in any other case—the Chief Justice;

judicial officer, in relation to a court or tribunal, means a person who alone, or together with others, constitutes the court or tribunal;

prescribed court means—

- (a) the Supreme Court; or
- (b) the District Court; or
- (c) any other court or tribunal of the State prescribed by the regulations.

29—Responsibility to Parliament

- (1) A member of the Council, or the Administrator, must, at the request of a parliamentary committee, attend before the committee to answer questions about—
 - (a) the financial needs of participating courts; or
 - (b) the expenditure of money by the Council; or
 - (c) any other matters affecting the administration of participating courts.
- (2) A member of the Council, or the Administrator, cannot however be required to answer questions about the exercise of judicial as distinct from administrative powers or discretions.

30—Regulations

- (1) The Governor may make regulations for the purposes of this Act.
- (2) Subject to subsection (3), a regulation may only be made on the recommendation of the Council.
- (3) A regulation may be made—
 - (a) designating a position on the staff of the Council as a prescribed position for the purposes of section 4; or
 - (b) for the purposes of section 11;
 but, before such a regulation is made, the Council must be allowed a reasonable opportunity to comment on the terms of the proposed regulation.
- (4) A regulation may impose a fine, not exceeding \$2 000 for contravention of, or non-compliance with, the regulation.

31—Non-interference with individual powers or discretions

No power or discretion vested in the Governor or the Minister by this Act may be exercised so as to impugn the independence of the judiciary in relation to the exercise of judicial powers or discretions.

Schedule—Transitional provision

- (1) A person who was employed, immediately before the commencement of this Act, in an office or position in the Court Services Department (except the Chief Executive Officer of the Department) is taken to have been appointed on the commencement of this Act to the corresponding office or position under this Act.
- (2) This section does not affect continuity of employment or prejudice existing or accruing rights in respect of employment.

Legislative history

Notes

- Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.
- Earlier versions of this Act (historical versions) are listed at the end of the legislative history.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or www.legislation.sa.gov.au.

Principal Act and amendments

New entries appear in bold.

Year	No	Title	Assent	Commencement
1993	11	<i>Courts Administration Act 1993</i>	25.3.1993	1.7.1993 (<i>Gazette 1.7.1993 p196</i>)
1993	54	<i>Statutes Repeal and Amendment (Development) Act 1993</i>	27.5.1993	15.1.1994 (<i>Gazette 27.10.1993 p1889</i>)
1993	58	<i>Youth Court Act 1993</i>	27.5.1993	1.1.1994 (<i>Gazette 4.11.1993 p2177</i>)
1994	52	<i>Industrial and Employee Relations Act 1994</i>	16.6.1994	Sch 1 (cl 3)—1.11.1994 (<i>Gazette 4.8.1994 p328</i>)
1995	85	<i>Statutes Amendment (Courts Administration Staff) Act 1995</i>	30.11.1995	14.12.1995 (<i>Gazette 14.12.1995 p1641</i>)
1998	60	<i>Statutes Amendment (Fine Enforcement) Act 1998</i>	3.9.1998	Pt 3 (ss 7 & 8)—6.3.2000 (<i>Gazette 18.11.1999 p2358</i>)
2000	49	<i>Statutes Amendment and Repeal (Security and Order at Courts and Other Places) Act 2000</i>	20.7.2000	Pt 3 (s 17)—29.9.2000 (<i>Gazette 28.9.2000 p2221</i>)
2001	69	<i>Statutes Amendment (Courts and Judicial Administration) Act 2001</i>	6.12.2001	Pt 3 (s 6)—13.1.2002 (<i>Gazette 10.1.2002 p4</i>)
2003	33	<i>Coroners Act 2003</i>	31.7.2003	Sch (cl 7)—1.7.2005 (<i>Gazette 23.6.2005 p1899</i>)
2004	23	<i>Statutes Amendment (Courts) Act 2004</i>	8.7.2004	Pt 2 (s 4)—1.9.2004 (<i>Gazette 26.8.2004 p3402</i>)
2009	84	<i>Statutes Amendment (Public Sector Consequential Amendments) Act 2009</i>	10.12.2009	Pt 40 (ss 74—79)—1.2.2010 (<i>Gazette 28.1.2010 p320</i>)
2013	31	<i>Statutes Amendment (Fines Enforcement and Recovery) Act 2013</i>	1.8.2013	Pt 3 (s 5)—3.2.2014 (<i>Gazette 30.1.2014 p422</i>)
2015	34	<i>Judicial Conduct Commissioner Act 2015</i>	5.11.2015	Sch 1 (cl 3)—5.12.2016 (<i>Gazette 29.11.2016 p4525</i>)
2016	63	<i>Statutes Amendment (South Australian Employment Tribunal) Act 2016</i>	8.12.2016	Pt 6 (s 77)—1.7.2017 (<i>Gazette 16.5.2017 p1221</i>)

2023 4	<i>Statutes Amendment (Attorney-General's Portfolio and Other Justice Measures) Act 2023</i>	23.2.2023	Pt 5 (s 8)—22.6.2023 (<i>Gazette</i> 15.6.2023 p1774)
2023 13	<i>Courts Administration (Miscellaneous) Amendment Act 2023</i>	30.3.2023	1.7.2023 (<i>Gazette</i> 8.6.2023 p1447)

Provisions amended

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
Pt 1		
s 2	<i>omitted under Legislation Revision and Publication Act 2002</i>	1.9.2004
s 4		
participating courts	amended by 54/1993 s 8	15.1.1994
	amended by 58/1993 Sch	1.1.1994
	amended by 52/1994 Sch 1 cl 3	1.11.1994
	amended by 33/2003 Sch (cl 7)	1.7.2005
	(bb) deleted by 63/2016 s 77	1.7.2017
Pt 2		
s 7		
s 7(1)	substituted by 13/2023 s 3(1)	1.7.2023
s 7(1a)—(1h)	inserted by 13/2023 s 3(1)	1.7.2023
s 7(2)	amended by 13/2023 s 3(2)	1.7.2023
s 7(3)	amended by 13/2023 s 3(3)	1.7.2023
s 9		
heading	amended by 13/2023 s 4(1)	1.7.2023
s 9(2)	amended by 13/2023 s 4(2)	1.7.2023
s 9(3)	amended by 13/2023 s 4(3)	1.7.2023
s 10		
s 10(1)	amended by 60/1998 s 7	6.3.2000
s 12		
s 12(1)	amended by 49/2000 s 17	29.9.2000
s 13	<i>deleted by 13/2023 s 5</i>	1.7.2023
s 14		
heading	amended by 13/2023 s 6(1)	1.7.2023
s 14(1)	amended by 13/2023 s 6(2)	1.7.2023
Pt 4		
s 16		
s 16(2)	amended by 13/2023 s 7(1)	1.7.2023
s 16(4)	<i>deleted by 13/2023 s 7(2)</i>	1.7.2023
s 16(5)	amended by 13/2023 s 7(3)	1.7.2023

s 16(6)	<i>amended by 85/1995 s 4(a)</i>	14.12.1995
	<i>deleted by 84/2009 s 74</i>	1.2.2010
s 16(7)	<i>inserted by 85/1995 s 4(b)</i>	14.12.1995
s 17		
s 17(3)	<i>amended by 85/1995 s 5</i>	14.12.1995
	<i>deleted by 84/2009 s 75</i>	1.2.2010
s 17A	<i>inserted by 84/2009 s 76</i>	1.2.2010
ss 18 and 19	<i>substituted by 85/1995 s 6</i>	14.12.1995
s 20	<i>deleted by 85/1995 s 6</i>	14.12.1995
s 21	<i>amended by 85/1995 s 7</i>	14.12.1995
s 21A	<i>inserted by 85/1995 s 8</i>	14.12.1995
s 21A(1)	<i>amended by 60/1998 s 8</i>	6.3.2000
	<i>(ab) deleted by 31/2013 s 5</i>	3.2.2014
s 21B	<i>inserted by 85/1995 s 8</i>	14.12.1995
s 21B(1)—(4)	<i>substituted by 84/2009 s 77</i>	1.2.2010
s 21B(4a)	<i>inserted by 84/2009 s 77</i>	1.2.2010
s 21B(4b)	<i>inserted by 84/2009 s 77</i>	1.2.2010
	<i>deleted by 13/2023 s 8</i>	1.7.2023
s 22	<i>amended by 85/1995 s 9</i>	14.12.1995
s 23		
s 23(1) and (2)	<i>amended by 84/2009 s 78</i>	1.2.2010
Pt 4A	<i>inserted by 13/2023 s 9</i>	1.7.2023
Pt 5A	<i>inserted by 34/2015 Sch 1 cl 3</i>	5.12.2016
s 27A		
judicial office	<i>amended by 4/2023 s 8(1)—(3)</i>	22.6.2023
Pt 6		
s 28	<i>deleted by 84/2009 s 79</i>	1.2.2010
s 28A	<i>inserted by 69/2001 s 6</i>	13.1.2002
	<i>substituted by 23/2004 s 4</i>	1.9.2004

Transitional etc provisions associated with Act or amendments

Statutes Amendment (Courts Administration Staff) Act 1995

20—Transitional provision

- (1) An appointment to a non-judicial office or position made or purportedly made before the commencement of this Act in accordance with an Act that is amended by this Act will be taken to have been duly made under the statutory provisions that, as amended by this Act, provide for the making of such an appointment as if this Act had been enacted and in force at the relevant time.

- (2) The provisions of the *Government Management and Employment Act 1985* and the *Public Sector Management Act 1995* as from time to time in force before the commencement of this Act will be taken to have applied (with necessary modifications and exclusions) before that commencement to the staff and positions on the staff of the State Courts Administration Council in the same way as to an administrative unit and positions in an administrative unit of the Public Service.
- (3) The provisions of the *Superannuation Act 1988* as from time to time in force before the commencement of this Act will be taken to have applied before that commencement to a member of the staff of the State Courts Administration Council in the same way as to a person employed in the Public Service.

***Courts Administration (Miscellaneous) Amendment Act 2023,
Sch 1—Transitional provision***

1—Annual report

Section 23A of the *Courts Administration Act 1993* (as enacted by this Act) will be taken to apply in relation to the whole of the financial year in which section 9 of this Act comes into operation (and, to avoid doubt, the information required by section 23A(2) must be included in that annual report, whether or not a portion of that year elapsed before that commencement).

Historical versions

Reprint No 1—15.1.1994

Reprint No 2—1.11.1994

Reprint No 3—14.12.1995

Reprint No 4—6.3.2000

Reprint No 5—29.9.2000

Reprint No 6—13.1.2002

1.9.2004

1.7.2005

1.2.2010

3.2.2014

5.12.2016

1.7.2017

22.6.2023