

South Australia

# Magistrates Act 1983

An Act to provide for the appointment of magistrates; to provide for the organisation and regulation of the magistracy; and for other purposes.

---

## Contents

### Part 1—Preliminary

- 1      Short title
- 3      Interpretation

### Part 2—Appointment and administration of magistracy

- 5      Appointment of magistrates
- 6      Magistracy
- 6A     Chief Magistrate to be magistrate and District Court Judge
- 7      Administration of magistracy

### Part 3—Tenure of office

- 9      Tenure of office
- 10     Suspension from office

### Part 4—Remuneration

- 13     Remuneration of magistrates

### Part 5—Other conditions of office

- 14     Superannuation
- 15     Recreation leave
- 16     Sick leave
- 17     Long service leave
- 18     Special leave
- 18A    Concurrent appointments and outside employment etc
- 19     Determination of rights on transition from other employment
- 20     Payment of monetary equivalent of leave to personal representative etc
- 21     Industrial awards not to affect magistrates

### Part 6—Exercise of magisterial powers by other members of judiciary

- 22     Certain members of the judiciary may assume magisterial powers

### Part 7—Exercise of powers under Commonwealth Acts

- 23     Arrangements with Commonwealth

### Legislative history

The Parliament of South Australia enacts as follows:

## Part 1—Preliminary

### 1—Short title

This Act may be cited as the *Magistrates Act 1983*.

### 3—Interpretation

In this Act, unless the contrary intention appears—

**the Chief Justice** means the Chief Justice of the Supreme Court and includes an acting Chief Justice of the Supreme Court;

**the Chief Magistrate** means the person holding or acting in the office of the Chief Magistrate under this Act;

**magistrate** means a magistrate remunerated by salary in respect of his or her magisterial office;

**part-time magistrate** means—

- (a) a magistrate appointed on a part-time basis; or
- (b) a magistrate who performs the duties of his or her office on a part-time basis pursuant to an agreement under section 5;

**working day** for a magistrate means a day on which the magistrate would ordinarily be required to work (assuming he or she were not on leave).

## Part 2—Appointment and administration of magistracy

### 5—Appointment of magistrates

- (1) The Governor may, on the recommendation of the Attorney-General, appoint such magistrates as the Governor thinks necessary for the proper administration of justice.
- (2a) An appointment of a magistrate under this section will be taken to be on a full-time basis unless the instrument of appointment provides that the appointment is on a part-time basis.
- (2b) However, a magistrate not appointed on a part-time basis may, by written agreement with the Chief Magistrate made with the approval of the Attorney-General, perform the duties of his or her office on a part-time basis for a period specified in the agreement.
- (2c) An instrument appointing a magistrate on a part-time basis or an agreement under subsection (2b) must specify the hours of duty the magistrate will ordinarily be required to work, expressed as a proportion of the time a magistrate appointed on a full-time basis is ordinarily required to work.
- (2d) The hours of duty specified in an instrument of appointment or an agreement under subsection (2b) may be varied by written agreement between the magistrate and the Chief Magistrate made with the approval of the Attorney-General.

- (3) A magistrate appointed under this section will, if the instrument of appointment so provides, be an acting magistrate and, in that case, the appointment will be for a term (not exceeding 12 months) specified in the instrument of appointment.
- (3a) A former magistrate who has retired from office is eligible for appointment as an acting magistrate.
- (4) The Attorney-General must, before making a recommendation for the appointment of a magistrate, consult with—
  - (a) the Chief Justice; and
  - (b) the Chief Magistrate,in relation to the proposed appointment.
- (5) A person is not eligible for appointment as a magistrate unless he or she is a legal practitioner of at least 5 years standing.
- (6) For the purpose of determining whether a legal practitioner has the standing necessary for appointment as a magistrate, periods of legal practice and (where relevant) judicial service within and outside the State will be taken into account.
- (7) An instrument of appointment of a magistrate may contain a condition requiring the duties of the magistrate to be performed wholly or predominantly at 1 or more specified places in accordance with such directions as the Chief Magistrate may give to the magistrate under section 8.
- (8) The Governor may, on the recommendation of the Attorney-General made with the concurrence of the Chief Magistrate, vary a condition of an appointment of a magistrate imposed under subsection (7).
- (9) A magistrate whose appointment is varied under subsection (8) must be notified in writing of the variation.

## **6—Magistracy**

- (1) There will be—
  - (a) a Chief Magistrate; and
  - (b) a Deputy Chief Magistrate,appointed by the Governor on the recommendation of the Attorney-General.
- (2) A person is not eligible for appointment as the Chief Magistrate or Deputy Chief Magistrate unless he or she is a legal practitioner of at least 7 years standing.
- (3) The Deputy Chief Magistrate will be taken to have been appointed as a magistrate (if he or she is not already a magistrate).
- (4) For the purpose of determining whether a legal practitioner has the standing necessary for appointment under this section, periods of legal practice and (where relevant) judicial service within and outside the State will be taken into account.
- (5) Notice of intention to resign an office under this section must be given to the Attorney-General at least 1 month before the resignation is to take effect.

## **6A—Chief Magistrate to be magistrate and District Court Judge**

- (1) The Chief Magistrate will be taken to have been appointed as a magistrate and as a Judge of the District Court of South Australia (if he or she is not already a magistrate or a Judge of the District Court of South Australia).
- (2) Section 6 of the *Judicial Administration (Auxiliary Appointments and Powers) Act 1988* applies to the Chief Magistrate and, for that purpose, the office of Judge of the District Court of South Australia will be taken to be the primary judicial office of the Chief Magistrate and service as Chief Magistrate will be regarded as if it were service as a Judge of the District Court of South Australia.
- (3) However—
  - (a) the Chief Magistrate may not perform the duties, or exercise the powers, of a Judge of the District Court of South Australia while the Chief Magistrate holds an appointment as Chief Magistrate; and
  - (b) the Chief Magistrate may resign from the office of Judge of the District Court of South Australia and from the office of the Chief Magistrate without simultaneously resigning from office as a magistrate and such a resignation will not give rise to any right to pension, retirement leave or other similar benefit.
- (4) The Governor may, by regulation, make provisions relating to existing entitlements, and recognition of prior service, of the person holding the office of the Chief Magistrate on the commencement of this section or a person appointed to the office after that commencement, including by making modifications to the application of an Act that deals with superannuation or pensions.

## **7—Administration of magistracy**

- (1) The Chief Magistrate is responsible for the administration of the magistracy.
- (2) The Deputy Chief Magistrate may, if the office of Chief Magistrate is vacant, or the Chief Magistrate is absent or unavailable to carry out the duties of the office, exercise any of the powers or functions of the Chief Magistrate.
- (3) The Chief Magistrate may (without derogating from his or her own powers) delegate to a magistrate any of the Chief Magistrate's administrative powers or functions.
- (4) A delegation under subsection (3) may be absolute or conditional and is revocable at will.

## **Part 3—Tenure of office**

### **9—Tenure of office**

- (1) A person ceases to hold office as a magistrate if—
  - (a) the person resigns his or her office; or
  - (b) having attained the age of 55 years—the person retires from his or her office; or
  - (c) the person attains the age of 70 years; or
  - (d) in the case of an acting magistrate—the person's term of office expires; or

- (e) the person is removed from office by the Governor in accordance with the *Judicial Conduct Commissioner Act 2015*.

**Note—**

The power of removal referred to in paragraph (e) is the only statutory power to remove a magistrate from office.

- (2) Notice of a magistrate's intention to resign, or retire, from office must be given to the Attorney-General at least 1 month before the resignation or retirement is to take place.
- (3) A person who ceases to hold office as a magistrate (otherwise than by reason of removal from office) may, with the approval of the Chief Magistrate, sit to hear and determine proceedings previously part-heard by the person and, for the purposes of those proceedings, the person will be taken to continue as a magistrate.

## **10—Suspension from office**

- (1) The Governor may, on the advice of the Chief Justice, suspend a magistrate from office.
- (2) If a magistrate is suspended from office under this section, he or she must be served with notice of the suspension.
- (3) A magistrate may not be suspended from office unless—
  - (a) there are, in the opinion of the Chief Justice, reasonable grounds to suspect that the magistrate is guilty of an indictable offence; or
  - (b) action is being taken under the *Judicial Conduct Commissioner Act 2015* for the purpose of determining whether proper cause exists for removing the magistrate from office.
- (4) Except as otherwise determined by the Chief Justice, a magistrate will be entitled to remuneration in respect of a period of suspension from office.
- (5) A suspension imposed under this section will, if the Chief Justice so recommends, be revoked.
- (6) Except as provided in this section, a magistrate may not be suspended from office.

## **Part 4—Remuneration**

### **13—Remuneration of magistrates**

- (1) Subject to this section, the Remuneration Tribunal will determine the rates of remuneration of magistrates, including the Chief Magistrate and Deputy Chief Magistrate.
  - (1a) A magistrate, while performing special duties for the time being directed by the Chief Magistrate with the concurrence of the Attorney-General, is entitled to such additional remuneration as may be determined by the Remuneration Tribunal.
  - (1b) A magistrate (whether appointed on a full-time or part-time basis) is, while performing the duties of his or her office on a part-time basis, entitled to remuneration on a pro-rata basis in respect of his or her hours of duty at the rate determined by the Remuneration Tribunal under this section in relation to a magistrate appointed on a full-time basis.

- (3) A rate of salary determined under this section may not be reduced by subsequent determination.
- (4) The remuneration payable under this section will be paid out of the Consolidated Account which is appropriated to the necessary extent.
- (5) In this section—  
*remuneration* means salary, or salary and allowances.

## **Part 5—Other conditions of office**

### **14—Superannuation**

A magistrate is an employee within the meaning, and for the purposes, of the *Superannuation Act 1974*.

### **15—Recreation leave**

- (1) Subject to this section, a magistrate is entitled to 20 working days recreation leave in respect of each completed year of service.
- (2) A proportionate entitlement to recreation leave will accrue in respect of each completed month of service.
- (2a) A part-time magistrate is entitled to pro-rata recreation leave in respect of his or her hours of duty.
- (3) Subject to this section, recreation leave will be taken at such times as the Chief Magistrate may approve or direct.
- (4) The taking of recreation leave may not be deferred for more than 1 year after completion of the year of service in respect of which the entitlement arose unless the Chief Magistrate is satisfied that there are special reasons justifying the deferral and approves the deferral.
- (5) The Chief Magistrate may not, by the exercise of his or her power of approval under subsection (4), extend a period within which recreation leave must be taken by more than 1 year.
- (6) A magistrate must, unless the Chief Magistrate otherwise directs, take recreation leave on every day (not being a Saturday or a public holiday) falling between Christmas Day of each year and New Year's Day of each following year.
- (7) If a magistrate fails to take recreation leave to which the magistrate is entitled at or within a time required or approved by or under this section, the magistrate will cease to be entitled to the leave.
- (8) If a person ceases for any reason to be a magistrate before taking recreation leave to which the person is entitled under this section, the person is entitled, in lieu of that leave, to the monetary equivalent of that leave standing to his or her credit on the date on which he or she ceased to be a magistrate.

### **16—Sick leave**

- (1) Subject to this section, a magistrate is entitled to 12 working days sick leave in respect of each completed year of service.

- (2) A proportionate entitlement to sick leave accrues in respect of each completed month of service.
- (2a) A part-time magistrate is entitled to pro-rata sick leave in respect of his or her hours of duty.
- (3) In the case of illness or other pressing necessity, the Chief Magistrate may approve the taking of sick leave by a magistrate for a period not exceeding the period of sick leave currently credited to the magistrate and, in that event, the period credited will be reduced by the period of that leave.

## 17—Long service leave

- (1) A magistrate is entitled to long service leave calculated as follows:
  - (a) in respect of the first 10 years of service—90 days leave;
  - (b) in respect of each subsequent year of service up to and including the 15th year of service—9 days leave;
  - (c) in respect of each subsequent year of service thereafter—15 days leave.
- (2) A magistrate may, if the magistrate so elects, take leave to which he or she is entitled under this section at half his or her ordinary remuneration and, in that event, the magistrate will be entitled to twice the number of days leave to which he or she would otherwise have been entitled.
- (3) Long service leave to which a magistrate is entitled must be taken at such times and in such periods as the Chief Magistrate may approve or direct.
- (4) Every day falling on or after the commencement of a period of long service leave will be counted as a day of that leave until the period for which the leave was granted is exhausted.
- (5) If a person ceases for any reason to be a magistrate before he or she has taken long service leave to which he or she is entitled under this section, he or she is entitled, in lieu of that leave, to a sum ascertained in accordance with the following formula:

$$P = SD + \left[ S \times \frac{AM}{12} \right]$$

Where—

**P** is the amount payable;

**S** is an amount arrived at by dividing the annual remuneration of the magistrate immediately before the cessation of service by 365;

**D** is the number of days long service leave on full pay to which the magistrate would have been entitled in respect of completed years of service if he or she had commenced long service leave on the day on which he or she ceased to be a magistrate;

**A** is the number of additional days long service leave to which the magistrate would have been entitled if he or she had completed a further year of service;

**M** is—

- (a) where the period of the magistrate's service is not divisible exactly into complete years—the number of complete months (if any) in the remainder;

- (b) where the period of the magistrate's service is divisible into complete years with no remainder or a remainder of less than 1 month—zero.
- (6) If a person ceases to be a magistrate after completing not less than 7 years service but before the person becomes entitled to long service leave under this Act, the person is entitled to a sum representing *pro rata* long service leave, ascertained in accordance with the following formula:

$$P = 9SD + \left[ 9S \times \frac{M}{12} \right]$$

Where—

**P** is the amount payable;

**S** is an amount arrived at by dividing the annual remuneration of the magistrate immediately before the cessation of service by 365;

**D** is the number of complete years in the period of the magistrate's service;

**M** is—

- (a) where the period of the magistrate's service is not divisible exactly into complete years—the number of complete months (if any) in the remainder;
- (b) where the period of the magistrate's service is divisible into complete years with no remainder or a remainder of less than 1 month—zero.

## **18—Special leave**

- (1) The Chief Magistrate may grant special leave to a magistrate for any reason that, in the opinion of the Chief Magistrate, justifies the grant of such leave.
- (2) Subject to subsection (3), special leave may be granted with or without remuneration, and for any period that the Chief Magistrate thinks fit.
- (3) A magistrate is not entitled to more than 3 working days remunerated special leave in any financial year unless the Governor has consented to the grant of the leave.
- (4) Special leave without remuneration counts as service for the purposes of this Act only to such extent (if any) and for such purposes (if any) as may be determined by the Governor.

## **18A—Concurrent appointments and outside employment etc**

- (1) If a person holds or is to hold some other appointment for a fixed term concurrently with appointment as a magistrate, the Governor may, with the consent of the person, suspend his or her remuneration, duties and other conditions of service as a magistrate for the term of the concurrent appointment.
- (2) If the remuneration, duties and other conditions of service of a magistrate are suspended under this section for the term of a concurrent appointment, the magistrate will not be subject to the direction of the Chief Magistrate during that term.
- (3) A period of suspension during a concurrent appointment will count as service under this Act only to the extent (if any) and for the purposes (if any) determined by the Governor.

- (4) A part-time magistrate must not—
  - (a) practise the profession of the law for fee or reward; or
  - (b) without the written approval of the Chief Justice given with the concurrence of the Chief Magistrate—
    - (i) practise any other profession for remuneration; or
    - (ii) carry on any trade or business; or
    - (iii) hold any paid office in connection with a business; or
    - (iv) engage in any form of work for remuneration.
- (5) The Chief Justice may, after consultation with the Chief Magistrate, vary or revoke an approval under subsection (4) at any time.
- (6) The Chief Justice must notify the Attorney-General of an approval or variation or revocation of an approval given under this section.
- (7) Subsection (4) does not apply to an acting magistrate to the extent specified in the magistrate's instrument of appointment.

## **19—Determination of rights on transition from other employment**

- (1) If a person is appointed as a magistrate under this Act, the Governor may determine—
  - (a) that rights to recreation leave, sick leave and long service leave that had accrued to the appointee in previous employment should be treated as if they had accrued under this Act; and
  - (b) that service by the appointee in previous employment should be treated in a manner and to an extent determined by the Governor as service under this Act for the purpose of determining the rights of the appointee to recreation leave, sick leave or long service leave, or in respect of superannuation.
- (2) A determination under subsection (1) has effect in accordance with its terms.
- (3) A determination under subsection (1) may be made subject to such conditions as the Governor thinks fit.

## **20—Payment of monetary equivalent of leave to personal representative etc**

- (1) If a magistrate dies without having taken all the recreation leave and long service leave to which he or she is entitled under this Act, the monetary equivalent of such leave standing to his or her credit on the date of his or her death is payable as if it were a debt that had become payable to the magistrate immediately before his or her death.
- (2) If a magistrate dies before becoming entitled to long service leave, but after completing 7 or more years service, the monetary sum representing *pro rata* long service leave to which he or she would have been entitled if he or she had resigned on the date of his or her death is payable as if it were a debt that had become payable to the magistrate immediately before his or her death.
- (3) The Attorney-General has complete discretion to direct that the whole or a part of an amount payable under subsection (1) or (2) is to be paid to a dependant of the deceased magistrate or divided between persons who are dependants of the deceased magistrate.

- (4) The Attorney-General may refuse to give a direction under subsection (3) unless such indemnities or undertakings as the Attorney-General thinks necessary are given.
- (5) No action lies against the Crown, the Attorney-General or any other person representing the Crown in respect of a payment made pursuant to subsection (3).
- (6) Nothing in this section relieves a person receiving money paid pursuant to subsection (3) from any liability to account for or apply such money in accordance with law.
- (7) In this section—

***dependant*** means a person who is wholly or partly dependent on the earnings of the magistrate at the time of the magistrate's death.

## **21—Industrial awards not to affect magistrates**

No award or industrial agreement affecting the remuneration or conditions of service of magistrates may be made under the *Fair Work Act 1994*.

## **Part 6—Exercise of magisterial powers by other members of judiciary**

### **22—Certain members of the judiciary may assume magisterial powers**

Any of the following persons, namely—

- (a) a Judge of the Supreme Court; or
- (b) a Master of the Supreme Court; or
- (c) a District Court Judge,

may exercise the jurisdiction, powers or functions of a magistrate.

## **Part 7—Exercise of powers under Commonwealth Acts**

### **23—Arrangements with Commonwealth**

- (1) The Governor may make an arrangement with the Governor-General of the Commonwealth in relation to the performance of functions or the exercise of powers by a magistrate under a Commonwealth Act.
- (2) The Governor may arrange with the Governor-General for the variation or revocation of an arrangement made under this section.
- (3) A magistrate may perform functions and exercise powers under a Commonwealth Act under such an arrangement concurrently with the functions and powers conferred under this Act.

## Legislative history

### Notes

- Amendments of this version that are uncommenced are not incorporated into the text.
- 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](http://www.legislation.sa.gov.au).

### Principal Act and amendments

New entries appear in bold.

Year	No	Title	Assent	Commencement
1983	107	<i>Magistrates Act 1983</i>	22.12.1983	2.4.1984 ( <i>Gazette 22.3.1984 p724</i> )
1984	85	<i>Magistrates Act Amendment Act 1984</i>	29.11.1984	29.11.1984
1985	59	<i>Statutes Amendment (Remuneration) Act 1985</i>	30.5.1985	13.6.1985 ( <i>Gazette 13.6.1985 p2132</i> )
1988	95	<i>Judicial Administration (Auxiliary Appointments and Powers) Act 1988</i>	15.12.1988	15.12.1988
1990	2	<i>Magistrates Act Amendment Act 1990</i>	22.3.1990	22.3.1990
1995	27	<i>Statutes Amendment (Attorney-General's Portfolio) Act 1995</i>	27.4.1995	s 17—4.5.1995 ( <i>Gazette 4.5.1995 p1705</i> )
1995	84	<i>Statutes Amendment (Courts) Act 1995</i>	30.11.1995	Pt 5 (s 12)—21.12.1995 ( <i>Gazette 21.12.1995 p1759</i> )
1997	59	<i>Statutes Amendment (Attorney-General's Portfolio) Act 1997</i>	31.7.1997	Pt 7 (s 15)—14.9.1997 ( <i>Gazette 11.9.1997 p704</i> )
2006	26	<i>Magistrates (Part-time Magistrates) Amendment Act 2006</i>	23.11.2006	10.12.2006 ( <i>Gazette 7.12.2006 p4269</i> )
2012	17	<i>Statutes Amendment (Attorney-General's Portfolio) Act 2012</i>	24.5.2012	Pt 10 (s 22)—5.8.2012 ( <i>Gazette 2.8.2012 p3302</i> )
2012	43	<i>Statutes Amendment (Courts Efficiency Reforms) Act 2012</i>	22.11.2012	Pt 7 (ss 20—22)—4.7.2013 ( <i>Gazette 4.7.2013 p2970</i> )
2013	26	<i>Magistrates (Miscellaneous) Amendment Act 2013</i>	27.6.2013	Pt 2 (ss 4—22) & Sch 2—4.7.2013 immediately after 43/2012 ( <i>Gazette 4.7.2013 p2970</i> )
2015	34	<i>Judicial Conduct Commissioner Act 2015</i>	<b>5.11.2015</b>	<b>Sch 1 (cl 12—15)—5.12.2016 (<i>Gazette 29.11.2016 p4525</i>)</b>
2017	70	<i>Statutes Amendment (Attorney-General's Portfolio No 3) Act 2017</i>	12.12.2017	Pt 7 (ss 13 to 16)—8.7.2018: s 2(3)

## 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>	
s 3		
magistrate	inserted by 26/2013 s 4(1)	4.7.2013
part-time magistrate	inserted by 26/2006 s 4	10.12.2006
<i>stipendiary magistrate</i>	<i>deleted by 26/2013 s 4(2)</i>	4.7.2013
working day	substituted by 26/2013 s 4(3)	4.7.2013
s 4	<i>deleted by 26/2013 s 5</i>	4.7.2013
Pt 2		
s 5		
s 5(1)	amended by 26/2013 Sch 2	4.7.2013
s 5(2)	<i>deleted by 26/2013 s 6(1)</i>	4.7.2013
s 5(2a)–(2d)	inserted by 26/2006 s 5(1)	10.12.2006
s 5(3)	amended by 95/1988 Sch 3	15.12.1988
amended by 26/2013 Sch 2		4.7.2013
s 5(3a)	inserted by 95/1988 Sch 3	15.12.1988
s 5(4)	substituted by 26/2006 s 5(2)	10.12.2006
amended by 26/2013 s 6(2)		4.7.2013
s 5(5)	amended by 26/2013 Sch 2	4.7.2013
s 5(6)	inserted by 95/1988 Sch 3	15.12.1988
s 5(7)–(9)	inserted by 26/2006 s 5(3)	10.12.2006
<i>s 6 before substitution by 26/2013</i>		
s 6(1)	<i>amended by 2/1990 s 2(a)</i>	22.3.1990
s 6(2)	<i>amended by 2/1990 s 2(b)</i>	22.3.1990
<i>s 6(2a) and (2b)</i>	<i>inserted by 43/2012 s 20(1)</i>	4.7.2013
s 6(3)	<i>amended by 2/1990 s 2(c)</i>	22.3.1990
<i>amended by 43/2012 s 20(2)</i>		4.7.2013
s 6(4)	<i>amended by 43/2012 s 20(3)</i>	4.7.2013
s 6(5)	<i>amended by 85/1984 s 2</i>	29.11.1984
<i>amended by 2/1990 s 2(d)</i>		22.3.1990
s 6	substituted by 26/2013 s 7	4.7.2013
s 6A	inserted by 43/2012 s 21	4.7.2013
s 7		
s 7(1)	amended by 26/2013 s 8(1)	4.7.2013
s 7(2)	amended by 26/2013 Sch 2	4.7.2013
s 7(3)	amended by 2/1990 s 3	22.3.1990

	amended by 27/1995 s 17	4.5.1995
	substituted by 26/2013 s 8(2)	4.7.2013
s 8	<i>substituted by 26/2013 s 9</i>	4.7.2013
	<b><i>deleted by 34/2015 Sch 1 cl 12</i></b>	<b>5.12.2016</b>
<i>s 9 before substitution</i> <i>by 26/2013</i>		
s 9(1)	<i>amended by 43/2012 s 22</i>	4.7.2013
s 9	substituted by 26/2013 s 10	4.7.2013
<b>s 9(1)</b>	<b>amended by 34/2015 Sch 1 cl 13</b>	<b>5.12.2016</b>
s 10		
s 10(2)	substituted by 26/2013 Sch 2	4.7.2013
s 10(3)	amended by 26/2013 Sch 2	4.7.2013
	<b>amended by 34/2015 Sch 1 cl 14(1)</b>	<b>5.12.2016</b>
s 10(4)	amended by 26/2013 s 11	4.7.2013
s 10(5)	amended by 26/2013 Sch 2	4.7.2013
<b>s 10(6)</b>	<b>inserted by 34/2015 Sch 1 cl 14(2)</b>	<b>5.12.2016</b>
s 11	<i>substituted by 26/2013 s 12</i>	4.7.2013
	<b><i>deleted by 34/2015 Sch 1 cl 15</i></b>	<b>5.12.2016</b>
s 12	<i>amended by 26/2013 Sch 2</i>	4.7.2013
	<b><i>deleted by 34/2015 Sch 1 cl 15</i></b>	<b>5.12.2016</b>
Pt 4		
s 13		
s 13(1)	amended by 59/1985 s 11	13.6.1985
	amended by 2/1990 s 4	22.3.1990
	substituted by 26/2013 s 13(1)	4.7.2013
s 13(1a)	inserted by 85/1984 s 3	29.11.1984
	amended by 59/1985 s 11	13.6.1985
	amended by 59/1997 s 15	14.9.1997
	amended by 26/2013 s 13(2), Sch 2	4.7.2013
s 13(1b)	inserted by 26/2006 s 6	10.12.2006
	amended by 26/2013 s 13(3)	4.7.2013
<i>s 13(2)</i>	<i>amended by 59/1985 s 11</i>	<i>13.6.1985</i>
	<i>deleted by 26/2013 s 13(4)</i>	<i>4.7.2013</i>
s 13(3) and (4)	amended by 26/2013 Sch 2	4.7.2013
s 13(5)	substituted by 26/2013 s 13(5)	4.7.2013
Pt 5		
s 14	amended by 26/2013 s 14	4.7.2013
s 15		
s 15(1)	amended by 26/2006 s 7(1)	10.12.2006
	amended by 26/2013 s 15(1)	4.7.2013
s 15(2)	amended by 26/2013 s 15(2), Sch 2	4.7.2013
s 15(3)	amended by 26/2013 Sch 2	4.7.2013
s 15(2a)	inserted by 26/2006 s 7(2)	10.12.2006

s 15(4) and (5)	amended by 26/2013 Sch 2	4.7.2013
s 15(6)	amended by 26/2013 s 15(2), Sch 2	4.7.2013
s 15(7) and (8)	substituted by 26/2013 Sch 2	4.7.2013
s 16		
s 16(1)	amended by 26/2006 s 8(1)	10.12.2006
	substituted by 26/2013 s 16(1)	4.7.2013
s 16(2)	amended by 26/2013 Sch 2	4.7.2013
s 16(2a)	inserted by 26/2006 s 8(2)	10.12.2006
	amended by 26/2013 s 16(2)	4.7.2013
s 16(3)	amended by 26/2013 s 16(2), Sch 2	4.7.2013
s 17		
s 17(1)	substituted by 26/2013 s 17(1)	4.7.2013
s 17(2)	substituted by 26/2013 Sch 2	4.7.2013
s 17(3) and (4)	amended by 26/2013 Sch 2	4.7.2013
s 17(5) and (6)	amended by 26/2013 s 17(2), Sch 2	4.7.2013
s 18		
s 18(1) and (3)	amended by 26/2013 s 18	4.7.2013
s 18(4)	amended by 26/2013 Sch 2	4.7.2013
s 18A	inserted by 84/1995 s 12	21.12.1995
s 18A(1) and (2)	amended by 26/2013 s 19	4.7.2013
s 18A(4)—(7)	inserted by 26/2006 s 9	10.12.2006
s 19		
s 19(1)	amended by 26/2013 s 20, Sch 2	4.7.2013
s 19(2) and (3)	amended by 26/2013 Sch 2	4.7.2013
s 20	substituted by 26/2013 s 21	4.7.2013
s 21	amended by 26/2013 s 22, Sch 2	4.7.2013
Pt 7	inserted by 17/2012 s 22	5.8.2012

## **Transitional etc provisions associated with Act or amendments**

### ***Magistrates (Part-time Magistrates) Amendment Act 2006, Sch 1***

#### **1—Transitional provision**

The amendments made to section 18A of the *Magistrates Act 1983* by this Act apply in relation to magistrates whether appointed before or after the commencement of this Act.

#### **Historical versions**

Reprint No 1—1.10.1991

Reprint No 2—4.5.1995

Reprint No 3—21.12.1995

Reprint No 4—14.9.1997

10.12.2006

5.8.2012  
4.7.2013