

South Australia

## **Sheriff's Act 1978**

An Act to provide for the appointment of the sheriff and other officers and for their duties and powers, including duties and powers relating to security and order at courts and other places; and for other purposes.

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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 *Sheriff's Act 1978*.

### 4—Interpretation

- (1) In this Act, unless the contrary intention appears—

**Administrator** means the person for the time being holding or acting in the office of the State Courts Administrator under the *Courts Administration Act 1993*;

**court** means—

- (a) the Supreme Court; or
- (b) the District Court; or
- (ba) the Environment, Resources and Development Court; or
- (c) the Magistrates Court; or
- (d) the Youth Court of South Australia;

**judge** includes a magistrate or a justice;

**participating body** means—

- (a) a participating court within the meaning of the *Courts Administration Act 1993*;
- (b) a person or body declared by regulation to be a participating body;

**premises of a participating body** means any premises or place occupied by a participating body in connection with its operations (whether on a permanent or temporary basis) and includes any premises or place at which the body is conducting a view or inspection for the purposes of proceedings;

**principal officer**—

- (a) in relation to a participating body that is a participating court within the meaning of the *Courts Administration Act 1993*—means the judicial head of the participating court;
- (b) in relation to any other participating body—means the officer designated by regulation as the principal officer of the body for the purposes of this Act;

**proceedings** includes any form of inquiry, examination or proceeding conducted by or before a participating body;

*restricted item* means—

- (a) an explosive, an explosive device or an incendiary device;
- (b) a dangerous article, firearm, offensive weapon or prohibited weapon, in each case within the meaning of section 15 of the *Summary Offences Act 1953*;
- (c) an item that a person is prohibited from using or possessing while on the premises (or a particular part of the premises) of a participating body by rules of the body or by direction of the body or a member of the body given generally or in a specific case;
- (d) any other item that is reasonably capable of being used to jeopardise the security of persons or property or the orderly conduct of proceedings;

*security officer* means—

- (a) the sheriff;
  - (b) a deputy sheriff;
  - (c) a sheriff's officer appointed by the sheriff to be a security officer;
  - (d) a police officer authorised in accordance with an arrangement under section 9D to exercise the powers of a security officer.
- (2) For the purposes of this Act, a person is required by law to attend the premises of a participating body if, and only if—
- (a) the person is brought to the premises in lawful custody; or
  - (b) the person attends the premises as required by the terms or conditions of a bail agreement; or
  - (c) the person attends the premises in obedience to an order, summons, subpoena, or any other process having the same effect as a summons or subpoena, made or issued by the participating body or a member or officer of the participating body; or
  - (d) the person attends the premises in obedience to a summons under the *Juries Act 1927*.

## **Part 2—Sheriff's office**

### **5—The Sheriff**

- (1) There will be a sheriff.
- (2) The sheriff will be an officer of the Supreme Court.
- (3) The sheriff will be appointed under the *Courts Administration Act 1993*.
- (4) A person cannot be appointed as sheriff, nor can a person holding that office be dismissed or reduced in status after appointment, except on the recommendation, or with the concurrence, of the Chief Justice of the Supreme Court.

### **6—Deputy sheriffs and sheriff's officers**

- (1) There will be such deputy sheriffs and sheriff's officers (appointed under the *Courts Administration Act 1993*) as are necessary to assist the sheriff in the performance of his or her duties.

- (2) A person cannot be appointed as a deputy sheriff or sheriff's officer, nor can a person so appointed be dismissed or reduced in status after appointment, except on the recommendation, or with the concurrence, of the sheriff.
- (3) The sheriff may, by instrument in writing, appoint any person to be a deputy sheriff or sheriff's officer—
  - (a) for the purposes of a particular proceeding; or
  - (b) for the period specified in the instrument.
- (4) A person appointed under subsection (3) is not, by virtue of that appointment, a Public Service employee and is to be appointed on terms and conditions approved by the State Courts Administration Council.
- (5) A deputy sheriff has, in relation to any matter within the scope of his or her appointment, the powers, duties and immunities of the sheriff, but is subject to direction by the sheriff.

### **7—Provision for case where sheriff should not execute process**

- (1) Where—
  - (a) the sheriff is unable, for any reason, to carry out any duties; or
  - (b) it is for any other reason expedient to exercise the powers conferred by this subsection,a court or a judge may appoint a fit and proper person to execute any process, or to carry out the duties of the sheriff in relation to any matter.
- (2) Where—
  - (a) any process is directed against the sheriff; or
  - (b) it is otherwise improper for the sheriff to execute any process,the court or a judge may appoint any fit and proper person to execute that process.
- (3) A person appointed pursuant to subsection (1) or (2) has, in relation to any matter within the scope of the person's appointment, the powers, duties and immunities of the sheriff.

### **8—Duties of the sheriff**

The sheriff must—

- (a) execute or cause to be executed all process, civil or criminal, directed to the sheriff by a court; and
- (b) perform all other duties imposed on the sheriff by or under an Act; and
- (c) observe and carry out any direction of a court.

### **9—Sheriff to attend at criminal sittings**

- (1) The sheriff must—
  - (a) attend personally; or
  - (b) cause one of the sheriff's officers to attend,any criminal session of a court.

- (2) The sheriff must, at the request of a court—
  - (a) attend personally; or
  - (b) cause one of the sheriff's officers to attend, any sittings of that court.

## **Part 3—Security and order at courts and other places**

### **Division 1—Administration**

#### **9A—Sheriff's responsibilities**

The sheriff is responsible to the principal officer of a participating body for providing assistance in the maintenance of security and orderly conduct at the premises of the body.

#### **9B—Security officers**

- (1) The sheriff may appoint sheriff's officers as security officers.
- (2) An appointment under subsection (1) may be made subject to conditions limiting the powers exercisable by the security officer.
- (3) The sheriff may, by notice in writing to a security officer—
  - (a) vary or revoke a condition of the appointment or impose a condition; or
  - (b) revoke the appointment.
- (4) If a person appointed as a security officer ceases to be a sheriff's officer, the person's appointment as a security officer is revoked.

#### **9C—Identification of security officers**

- (1) A security officer appointed by the sheriff must be issued with an identity card in a form approved by the Administrator—
  - (a) containing a photograph of the person and the person's name or a unique identification code; and
  - (b) stating that the person is a security officer under this Act.
- (2) If the powers of a security officer have been limited by condition, the identity card must contain a statement of those limitations.
- (3) A security officer must, at the request of a person in relation to whom the officer intends to exercise any powers under this Act or any other Act, produce his or her identity card for inspection by the person.
- (4) If a person in possession of an identity card issued to the person under this section ceases to be a security officer, the person must forthwith return the identity card to the sheriff.

Maximum penalty: \$1 250.

## **9D—Arrangements under which police officers may exercise powers of security officers**

- (1) The sheriff may enter into an arrangement with the Commissioner of Police under which police officers are authorised (without appointment) to exercise the powers of security officers on a temporary basis.
- (2) In exercising powers pursuant to such an arrangement, a police officer is responsible to the sheriff.
- (3) In any proceedings an apparently genuine document purporting to be a certificate of the sheriff certifying that a specified police officer was authorised for a specified period or at a specified time or in specified circumstances to exercise the powers of a security officer in accordance with an arrangement under subsection (1) constitutes proof, in the absence of proof to the contrary, of the matters so certified.

## **Division 2—General powers**

### **9E—General powers**

- (1) A security officer may, subject to the conditions of the officer's appointment, exercise the following powers:
  - (a) the officer may give a person on or within the precincts of the premises of a participating body reasonable directions for the purposes of maintaining or restoring security or orderly conduct at the premises or for securing the safety of any person arriving at, attending or departing from the premises;
  - (b) if a person refuses to comply with a direction given under paragraph (a) or a person on or within the precincts of the premises of a participating body is behaving in an unlawful manner, the officer may—
    - (i) refuse the person entry to or remove the person from the premises or part of the premises of the participating body using only such force as is reasonably necessary for the purpose; or
    - (ii) cause the person to be detained and handed over into the custody of a police officer as soon as reasonably practicable;
  - (c) the officer may assist in bringing a person who is in lawful custody to the premises of a participating body, or in taking a person who is in lawful custody from the premises of a participating body to a place at which the person is being or is to be detained;
  - (d) the officer may take into custody a person who is on the premises of a participating body and whose release on bail is revoked by the body;
  - (e) the officer may keep in custody a person who is on the premises of a participating body and who is in lawful custody or surrenders himself or herself into the custody of the body;
  - (f) the officer may, without warrant, arrest a person who—
    - (i) escapes from the custody of a security officer; or
    - (ii) appears to have escaped from lawful custody while on, or being brought to or taken from, the premises of a participating body;

- (g) the officer may, at the direction of a participating body or a member of a participating body—
    - (i) keep in custody any person who is to appear before the body and who is on the premises of the body;
    - (ii) restrain a person appearing before the body or take other action for the purposes of maintaining or restoring security or orderly conduct in proceedings before the body;
  - (h) if specified persons are not entitled to attend proceedings before a participating body or the proceedings are not open to the public—
    - (i) the officer may require any person on or about to enter a part of the premises of a participating body where the proceedings are being or are to be conducted to provide information reasonably required for the purposes of determining whether the person is entitled to attend the proceedings; and
    - (ii) if a person refuses to comply with a requirement under subparagraph (i) or the officer believes on reasonable grounds that a person is not entitled to attend the proceedings, the officer may refuse the person entry to or remove the person from the premises of the participating body, or the part of the premises where the proceedings are being or are to be conducted, using only such force as is reasonably necessary for the purpose.
- (2) A person who refuses to comply with a direction of a security officer given under subsection (1)(a) is guilty of an offence.
- Maximum penalty: \$2 500 or imprisonment for 6 months.

### **Division 3—Powers of search**

#### **9F—Conduct of search for restricted items**

- (1) A security officer may, subject to the conditions of the officer's appointment, exercise the following powers in relation to a person who is on or about to enter the premises of a participating body:
  - (a) the officer may require the person—
    - (i) to submit to a search of the person for the presence of restricted items by means of a scanning device;
    - (ii) to allow the person's possessions to be searched for the presence of restricted items by means of a scanning device or by a physical search;
    - (iii) to do anything reasonably necessary for the purposes of a search under this paragraph;
  - (b) the officer may require the person to inform the officer whether or not the person is required by law to attend the premises;
  - (c) if the person is required by law to attend the premises, the officer may require the person—

- (i) to submit to a physical search of the person for the presence of restricted items;
    - (ii) to do anything reasonably necessary for the purposes of the search;
  - (d) if there are reasonable grounds for suspecting that a restricted item is in the clothing or on the body of the person, the officer may require the person—
    - (i) to produce the item for inspection;
    - (ii) to submit to a physical search of the person for the presence of restricted items;
    - (iii) to do anything reasonably necessary for the purposes of the search.
- (2) The following provisions apply to a search of a person by means of a scanning device carried out under this section:
  - (a) the search must be conducted by use of an electronic or mechanical scanning device designed to be used without coming into contact with the body of the person the subject of the search;
  - (b) without limiting the requirements that may be made under subsection (1)(a)(iii), the person may be required—
    - (i) to remove all items from the pockets of the person's clothing; or
    - (ii) to adopt certain postures;
  - (c) the person cannot be required to remove clothing or to open his or her mouth and nothing may be introduced into an orifice of the person's body;
  - (d) the search must be carried out expeditiously and in a manner that avoids undue humiliation of the person.
- (3) The following provisions apply to a search of possessions by means of a scanning device, or by a physical search, carried out under this section:
  - (a) without limiting the requirements that may be made under subsection (1)(a)(iii), the person may be required—
    - (i) to hand over bags or possessions to the officer; or
    - (ii) to open bags or other possessions or to allow bags or other possessions to be opened;
  - (b) the search must be carried out expeditiously.
- (4) The following provisions apply to a physical search of a person carried out under this section:
  - (a) without limiting the requirements that may be made under subsection (1)(c)(ii) or (d)(iii), the person may be required—
    - (i) to remove all items from the pockets of the person's clothing; or
    - (ii) to open his or her mouth; or
    - (iii) to adopt certain postures; or
    - (iv) to remove outer clothing including footwear and headwear; or
    - (v) to submit to being frisked;



- (b) the person cannot be required to remove inner clothing or underwear and nothing may be introduced into an orifice (including the mouth) of the person's body;
  - (c) except in circumstances where it is not practicable—
    - (i) at least two persons (apart from the person being searched) must be present at all times during the search; and
    - (ii) the search of the person must be carried out by an officer of the same sex as the person;
  - (d) the search must be carried out expeditiously and in a manner that avoids undue humiliation of the person and, as far as reasonably practicable, avoids offending cultural values or religious beliefs genuinely held by the person.
- (5) If a person does not comply with a requirement made under subsection (1), a security officer may—
- (a) in the case of a person who is required by law to attend the premises—
    - (i) refuse the person entry to or remove the person from the premises or part of the premises, using only such force as is reasonably necessary for the purpose; or
    - (ii) detain the person and apply reasonable force to secure compliance with the requirement or to remove an item required to be produced (but force cannot be applied to open the person's mouth, or to remove anything from the person's mouth, except by or under the supervision of a registered medical practitioner);
  - (b) in any other case—refuse the person entry to or remove the person from the premises or part of the premises, using only such force as is reasonably necessary for the purpose.
- (6) Failure of a person to comply with a requirement made under subsection (1)(a) does not of itself constitute grounds for suspecting that there is a restricted item in the clothing or on the body of the person.
- (7) If a person refuses to comply with a requirement made under subsection (1)(b), the person will be taken, for the purposes of this Part, to be required by law to attend the premises whether or not that is in fact the case.

## **Division 4—Miscellaneous**

### **9G—Dealing with restricted and other items**

If a security officer finds, in the possession of a person who is on or about to enter the premises of a participating body—

- (a) a restricted item; or
- (b) an item that the officer believes on reasonable grounds to be a restricted item; or
- (c) an item that the officer believes on reasonable grounds to be in the unlawful possession of the person,

the following provisions apply:

- (d) the officer may refuse the person entry to or remove the person from the premises or part of the premises, using only such force as is reasonably necessary for the purpose;
- (e) the officer may, where the person is in possession of an item referred to in paragraph (c), cause the person and the item to be detained and handed over into the custody of a police officer as soon as reasonably practicable;
- (f) the officer may require the person to surrender the item;
- (g) if a person who is required by law to attend the premises refuses to comply with a requirement made under paragraph (f), the officer may apply reasonable force to remove the item from the person's possession;
- (h) if an item is so surrendered or removed, the officer must—
  - (i) in the case of an item referred to in paragraph (a) or (b), cause it to be held in safe keeping while the person is on the premises;
  - (ii) in the case of an item referred to in paragraph (c), cause the item to be handed over into the custody of a police officer as soon as reasonably practicable, together with any relevant information the officer may have.

#### **9H—Security officer may act on reasonable belief that person required by law to attend premises**

If a security officer believes on reasonable grounds that a person is required by law to attend the premises of a participating body, nothing done by the officer in relation to the person in the exercise or purported exercise of powers under this Part is rendered unlawful by reason of the fact that the person is not required by law to attend those premises.

#### **9I—Refusal of entry to or removal from premises is no excuse for non-attendance**

The fact that a person is lawfully refused entry to, or removed from, premises or a part of premises under this Part is not, for the purposes of any Act or law, an excuse for non-compliance with a requirement or undertaking to attend the premises.

### **Part 4—Miscellaneous**

#### **10—Procedure on arrest**

Subject to any other Act, a person arrested by the sheriff, a deputy sheriff or a sheriff's officer pursuant to a process issued by a participating body, a member or officer of a participating body or a justice must be brought before the body specified in the process as soon as reasonably practicable and may be detained until that happens.

#### **11—Offences**

- (1) A person who hinders or obstructs the sheriff, a deputy sheriff, a sheriff's officer, or a person assisting the sheriff, a deputy sheriff or a sheriff's officer in the performance or exercise of functions or powers conferred by this or any other Act (including powers conferred on a person in the capacity of security officer) is guilty of an offence.

Maximum penalty: \$2 500 or 6 months imprisonment.

- (2) The sheriff, a deputy sheriff or a sheriff's officer, may arrest any person who commits an offence under subsection (1).
- (3) A person arrested under subsection (2) must be handed over into the custody of a police officer as soon as reasonably practicable and may be detained until that happens.
- (5) A person who falsely represents, by words or conduct, that he or she is the sheriff, a deputy sheriff, a sheriff's officer or a security officer, is guilty of an offence.  
Maximum penalty: \$2 500 or 6 months imprisonment.

## **12—Immunity**

- (1) Subject to this section, civil liability for any wrongful or negligent act or omission of the sheriff, a deputy sheriff or a sheriff's officer in the course of carrying out duties assigned by or under this Act will be determined in accordance with the law of torts.
- (2) The sheriff, a deputy sheriff or a sheriff's officer incurs no personal liability in tort for any act or omission in the course of carrying out those duties.
- (3) Any action or claim to which the sheriff, a deputy sheriff or a sheriff's officer would, but for subsection (2), be liable lies against the Crown.

## **14—Sheriff not disqualified from being justice of the peace**

The sheriff is not disqualified, by reason of the sheriff's office, from appointment as a justice of the peace.

## **15—No licence required for the purpose of sheriff's sales**

No licence or other authority is required under any Act by the sheriff, a deputy sheriff or a sheriff's officer for the purpose of selling real or personal property (by auction or otherwise) in pursuance of the process of a court.

## **15A—Non-derogation**

Nothing in this Act derogates from the powers of the sheriff or a participating body under any other Act or law.

## **16—Regulations**

- (1) The Governor may make such regulations as are contemplated by, or necessary or expedient for the purposes of, this Act.
- (2) Subject to subsection (3), a regulation may only be made on the recommendation of the State Courts Administration Council.
- (3) The recommendation of the State Courts Administration Council is not required for a regulation made under subsection (4)(b).
- (4) Without limiting the generality of subsection (1), the regulations may—
  - (a) regulate the performance of the duties of the sheriff; and
  - (ab) regulate the performance of the duties of security officers or otherwise regulate matters relating to security or orderly conduct at the premises of participating bodies; and

- (ac) provide for the safe keeping of items surrendered or removed from a person's possession under this Act and for the disposal of any such items that remain unclaimed; and
- (b) prescribe, and provide for the recovery of, fees and expenses payable to the sheriff in relation to the execution of process, the service of documents and any other duty of the sheriff under this Act or any other Act; and
- (c) provide for the settlement of disputes as to the amount payable in any case; and
- (d) provide for the giving of security for the payment of fees; and
- (e) prescribe conditions on which property seized in execution may be withdrawn from sale; and
- (f) impose fines, not exceeding \$2 500, for offences against the regulations.

## 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).

### Legislation amended by principal Act

The *Sheriff's Act 1978* amended the following:

*Supreme Court Act 1935*

### Principal Act and amendments

New entries appear in bold.

Year	No	Title	Assent	Commencement
1978	82	<i>Sheriff's Act 1978</i>	30.11.1978	6.7.1992 ( <i>Gazette</i> 2.7.1992 p209)
1991	81	<i>Sheriff's Act Amendment Act 1991</i>	12.12.1991	6.7.1992 ( <i>Gazette</i> 2.7.1992 p209)
1995	85	<i>Statutes Amendment (Courts Administration Staff) Act 1995</i>	30.11.1995	Pt 6 (ss 13 & 14)—14.12.1995 ( <i>Gazette</i> 14.12.1995 p1641)
1996	67	<i>Statutes Amendment (Attorney-General's Portfolio) Act 1996</i>	15.8.1996	Pt 15 (ss 27—29)—17.10.1996 ( <i>Gazette</i> 17.10.1996 p1361)
2000	49	<i>Statutes Amendment and Repeal (Security and Order at Courts and Other Places) Act 2000</i>	20.7.2000	Pt 2 (ss 4—16) & Sch—29.9.2000 ( <i>Gazette</i> 28.9.2000 p2221)
2012	20	<i>Summary Offences (Weapons) Amendment Act 2012</i>	24.5.2012	Sch 1 (cl 3)—15.12.2012 ( <i>Gazette</i> 15.11.2012 p5009)

### Provisions amended

New entries appear in bold.

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

Provision	How varied	Commencement
Long title	substituted by 49/2000 s 4	29.9.2000
Pt 1	heading inserted by 49/2000 s 5	29.9.2000
s 2	<i>deleted by 49/2000 s 16 (Sch)</i>	29.9.2000
s 3	<i>amended by 81/1991 s 3</i>	6.7.1992
	<i>deleted by 49/2000 s 16 (Sch)</i>	29.9.2000

**Sheriff's Act 1978—29.9.2000 to 14.12.2012**

## Legislative history

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s 4		
s 4(1)	s 4 redesignated as s 4(1) by 49/2000 s 6(d)	29.9.2000
Administrator	inserted by 49/2000 s 6(a)	29.9.2000
court	substituted by 81/1991 s 4(a)	6.7.1992
	amended by 67/1996 s 27	17.10.1996
	amended by 49/2000 s 6(b)	29.9.2000
judge	substituted by 81/1991 s 4(b)	6.7.1992
participating body	inserted by 49/2000 s 6(c)	29.9.2000
premises of a participating body	inserted by 49/2000 s 6(c)	29.9.2000
principal officer	inserted by 49/2000 s 6(c)	29.9.2000
proceedings	inserted by 49/2000 s 6(c)	29.9.2000
restricted item	inserted by 49/2000 s 6(c)	29.9.2000
security officer	inserted by 49/2000 s 6(c)	29.9.2000
s 4(2)	inserted by 49/2000 s 6(d)	29.9.2000
Pt 2	heading inserted by 49/2000 s 7	29.9.2000
s 5	substituted by 81/1991 s 5	6.7.1992
s 5(3)	amended by 85/1995 s 13	14.12.1995
s 6	substituted by 81/1991 s 5	6.7.1992
s 6(1)	amended by 85/1995 s 14(a)	14.12.1995
s 6(2)	amended by 85/1995 s 14(b)	14.12.1995
s 6(4)	amended by 49/2000 s 8	29.9.2000
s 7		
s 7(1) and (3)	amended by 49/2000 s 16 (Sch)	29.9.2000
s 8	amended by 81/1991 s 6	6.7.1992
	amended by 49/2000 s 16 (Sch)	29.9.2000
s 9		
s 9(1)	amended by 49/2000 ss 9, 16 (Sch)	29.9.2000
s 9(2)	amended by 49/2000 s 16 (Sch)	29.9.2000
Pt 3	inserted by 49/2000 s 10	29.9.2000
Pt 4	heading inserted by 49/2000 s 11	29.9.2000
s 10	substituted by 81/1991 s 7	6.7.1992
	substituted by 49/2000 s 12	29.9.2000
s 11		
s 11(1)	amended by 67/1996 s 28(a), (b)	17.10.1996
	substituted by 49/2000 s 13(a)	29.9.2000
s 11(2)	amended by 49/2000 s 16 (Sch)	29.9.2000
s 11(3)	substituted by 49/2000 s 13(b)	29.9.2000
s 11(4)	<i>deleted by 49/2000 s 13(c)</i>	29.9.2000
s 11(5)	inserted by 67/1996 s 28(c)	17.10.1996
	substituted by 49/2000 s 13(d)	29.9.2000
s 12		
s 12(1)	amended by 81/1991 s 8	6.7.1992

	amended by 49/2000 s 16 (Sch)	29.9.2000
s 12(2)	amended by 81/1991 s 8	6.7.1992
s 12(3)	amended by 81/1991 s 8	6.7.1992
	amended by 49/2000 s 16 (Sch)	29.9.2000
s 13	<i>deleted by 49/2000 s 16 (Sch)</i>	29.9.2000
s 14	amended by 49/2000 s 16 (Sch)	29.9.2000
s 15A	inserted by 49/2000 s 14	29.9.2000
s 16		
s 16(1)—(3)	inserted by 49/2000 s 15(d)	29.9.2000
s 16(4)	s 16 amended by 67/1996 s 29	17.10.1996
	s 16 amended by 49/2000 ss 15(a)—(c), 16 (Sch)	29.9.2000
	s 16 redesignated as s 16(4) by 49/2000 s 15(d)	29.9.2000

## **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.

### ***Statutes Amendment and Repeal (Security and Order at Courts and Other Places) Act 2000***

#### **24—Transitional provision**

- (1) A person who was, immediately before the commencement of this section, employed as a court orderly subject to the *Public Sector Management Act 1995* continues in employment as a sheriff's officer and member of the staff of the State Courts Administration Council and will be taken to have been appointed by the sheriff as a security officer.
- (2) A person who was, immediately before the commencement of this section, employed as a court orderly but not subject to the *Public Sector Management Act 1995* continues in employment as a sheriff's officer appointed under s 6(3) of the *Sheriff's Act 1978* on the same terms and conditions as applied to the person's employment as a court orderly immediately before that commencement and will be taken to have been appointed by the sheriff as a security officer.
- (3) Nothing in this section—
- (a) affects an employee's remuneration; or
  - (b) affects the existing or accrued entitlements of an employee; or
  - (c) interrupts continuity of service; or
  - (d) constitutes a retrenchment or redundancy.

## **Historical versions**

Reprint No 1—6.7.1992

Reprint No 2—14.12.1995

Reprint No 3—17.10.1996