



ANNO QUADRAGESIMO

ELIZABETHAE II REGINAE

A.D. 1991

No. 81 of 1991

An Act to amend the Sheriff's Act 1978.

[Assented to 12 December 1991]

The Parliament of South Australia enacts as follows:

Short title

1. (1) This Act may be cited as the *Sheriff's Act Amendment Act 1991*.
- (2) The *Sheriff's Act 1978* is referred to in this Act as "the principal Act".

Commencement

2. This Act will come into operation on a day to be fixed by proclamation.

Repeal and transitional provision

3. Section 3 of the principal Act is amended by striking out subsection (2).

Interpretation

4. Section 4 of the principal Act is amended—

(a) by striking out the definition of "court" and substituting the following definition:

"court" means—

- (a) the Supreme Court;
- (b) the District Court;
- or
- (c) the Magistrates Court;;

and

(b) by striking out the definition of "judge" and substituting the following definition:

"judge" includes a magistrate or a justice.

Substitution of ss. 5 & 6

5. Sections 5 and 6 of the principal Act are repealed and the following sections are substituted:

The Sheriff

5. (1) There will be a sheriff.

(2) The sheriff will be an officer of the Supreme Court.

(3) The sheriff will be employed under the *Government Management and Employment Act 1985*.

(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.

Deputy sheriffs and sheriff's officers

6. (1) There will be such deputy sheriffs and sheriff's officers (employed under the *Government Management and Employment Act 1985*) 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 under subsection (1), 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 entitled to such fees as are prescribed.

(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.

Duties of the sheriff

6. Section 8 of the principal Act is amended by striking out paragraph (b) and substituting the following paragraph:

(b) perform all other duties imposed on the sheriff by or under an Act;

Substitution of s. 10

7. Section 10 of the principal Act is repealed and the following section is substituted:

Procedure on arrest

10. Subject to the provisions of any other Act, where a person is arrested by the sheriff, a deputy sheriff or a sheriff's officer, the person must be brought before a court as soon as reasonably practicable and must be kept in the meantime in safe custody.

Immunity

8. Section 12 of the principal Act is amended by inserting after "the sheriff" wherever occurring ", a deputy sheriff".

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

ROMA MITCHELL Governor