



ANNO TRICESIMO

ELIZABETHAE II REGINAE

A.D. 1981

No. 34 of 1981

An Act to amend the Supreme Court Act, 1935-1980, the Judges' Pensions Act, 1971-1974, the Local and District Criminal Courts Act, 1926-1980, the Justices Act, 1921-1980, the Oaths Act, 1936-1969, the Planning and Development Act, 1966-1980, the City of Adelaide Development Control Act, 1976-1978, the Builders Licensing Act, 1967-1980, the Local Government Act, 1934-1980, the Water Resources Act, 1976-1979, the Motor Fuel Distribution Act, 1973-1979, the Superannuation Act, 1974-1980, and the Police Regulation Act, 1952-1975.

[Assented to 19 March 1981]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

PART I**PRELIMINARY**

Short title. 1. This Act may be cited as the "Statutes Amendment (Administration of Courts and Tribunals) Act, 1981".

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

Arrangement of Act. 3. This Act is arranged as follows:

PART I—PRELIMINARY

PART II—AMENDMENT OF SUPREME COURT ACT, 1935-1980

PART III—AMENDMENT OF JUDGES' PENSIONS ACT, 1971-1974

PART IV—AMENDMENT OF LOCAL AND DISTRICT CRIMINAL COURTS ACT, 1926-1980

PART V—AMENDMENT OF JUSTICES ACT, 1921-1980

PART VI—AMENDMENT OF OATHS ACT, 1936-1969

PART VII—AMENDMENT OF PLANNING AND DEVELOPMENT ACT, 1966-1980

PART VIII—AMENDMENT OF CITY OF ADELAIDE DEVELOPMENT CONTROL ACT, 1976-1978

PART IX—AMENDMENT OF BUILDERS LICENSING ACT, 1967-1980

PART X—AMENDMENT OF LOCAL GOVERNMENT ACT, 1934-1980

PART XI—AMENDMENT OF WATER RESOURCES ACT, 1976-1979

PART XII—AMENDMENT OF MOTOR FUEL DISTRIBUTION ACT, 1973-1979

PART XIII—AMENDMENT OF SUPERANNUATION ACT, 1974-1980

PART XIV—AMENDMENT OF POLICE REGULATION ACT, 1952-1975

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PART II

AMENDMENT OF SUPREME COURT ACT, 1935-1980

4. (1) The Supreme Court Act, 1935-1980, is in this Part referred to as Short titles. “the principal Act”.

(2) The principal Act, as amended by this Part, may be cited as the “Supreme Court Act, 1935-1981”.

5. Section 2 of the principal Act is amended by striking out the item:

PART VI—The Master and Officers of the court

and substituting the item:

PART VI—Officers of the court.

Amendment of
s. 2—
Arrangement
of Act.

6. Section 5 of the principal Act is amended—

(a) by striking out the definition of “jurisdiction” and substituting the following definition:

“jurisdiction” of the court includes powers and authorities (whether of a judicial, ministerial or administrative nature) vested in the court, a judge, or a master by law or custom;;

Amendment of
s. 5—
Interpretation.

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

"master" means a person holding the office of master of the court;;

(c) by inserting after the definition of "pleading" the following definition:

"registrar" means a person holding, or acting in, the office of registrar of the court;;

(d) by striking out the definition of "suits' funds" and substituting the following definition:

"suits' funds" means moneys in the custody or charge of the court that have been paid into the court for or on account of, or to the use or credit of, any person in a cause or matter, and includes interest and accretions upon any such moneys;;

and

(e) by inserting after its present contents as amended by this section (now to be designated as subsection (1)) the following subsection:

(2) Subject to the rules of court, a reference in an Act, or in any regulation, by-law, or instrument made under an Act, to the master or a deputy master of the court shall—

(a) where the reference occurs in connection with the performance of an act of a judicial nature—be construed as a reference to a master;

and

(b) where the reference occurs in connection with the performance of an act of an administrative nature—be construed as a reference to the registrar.

Repeal of
s. 7 and
substitution of
new section.

Constituent
members of
the court.

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

7. (1) The court shall be constituted of the Chief Justice, the puisne judges and the masters appointed, and for the time being holding office, under this Act.

(2) Subject to any express provision in this or any other Act, all the judges shall have, in all respects, equal power, authority and jurisdiction and the masters shall have power, authority and jurisdiction to the extent authorized by this or any other Act or by rules of court made under this or any other Act.

(3) The puisne judges shall be styled "Justices of the Supreme Court of South Australia".

Amendment of
s. 8—
Qualifications
for appointment
as judges and
masters.

8. Section 8 of the principal Act is amended by inserting after subsection (2) the following subsection:

(3) No person shall be qualified for appointment as a master unless he is a practitioner of the court of not less than seven years standing.

9. Section 9 of the principal Act is repealed and the following section is substituted:

Repeal of
s. 9 and
substitution of
new section.

9. (1) Whenever necessary, the Governor shall appoint a qualified person to hold the office of judge of the court with the tenure prescribed by the Constitution Act, 1934-1980, but subject to the provisions of this Act as to retirement.

Appointments
to the court.

(2) Appointments to the office of master shall be made by the Governor whenever necessary.

(3) Subject to the provisions of this Act as to retirement, the commission of a master shall remain in full force during his good behaviour but the Governor may, upon the address of both Houses of Parliament, remove a master from office and revoke his commission.

10. Section 11 of the principal Act is repealed and the following section is substituted:

Repeal of
s. 11 and
substitution of
new section.

11. (1) If a judge or master is on leave, or unable to discharge the duties of his office, the Governor may appoint a suitable person to act in the place of that judge or master.

Acting judges
and acting
masters.

(2) The jurisdiction of the court is exercisable by an acting judge to the same extent as by a judge, and by an acting master to the same extent as by a master.

(3) An acting judge or acting master has the same privileges and immunities as a judge or master.

(4) Where the judge or master in whose place an acting judge or acting master was appointed dies or resigns, or if there is any other reason for extending the appointment of an acting judge or acting master, the Governor may extend the appointment of the acting judge or acting master for such period as he thinks proper.

(5) An acting judge or an acting master may, notwithstanding the expiration of the period of his appointment, complete the hearing of any proceedings part-heard by him before the expiration of that period and, in relation to any such proceedings, shall be deemed to continue as an acting judge, or acting master.

11. Section 12 of the principal Act is repealed and the following section is substituted:

Repeal of
s. 12 and
substitution of
new section.

12. (1) Subject to this section, the salary of—

(a) the Chief Justice;

(b) a puisne judge;

or

(c) a master,

Salaries of
judges and
masters of
the court.

shall be such as is determined, from time to time, by the Governor in relation to the relevant office.

(2) A salary determined under this section shall not be reduced by subsequent determination.

(3) The salaries payable to the judges and masters of the court shall be paid out of the General Revenue of the State, which is appropriated to the necessary extent.

Repeal of
s. 13a and
substitution of
new sections.

Retirement of
judges and
masters.

Conditions of
service of
certain masters.

Amendment of
s. 14—
Certain
interests not
to disqualify.

Amendment of
s. 15—
Seal of court.

Amendment of
s. 47—
Power to sit
in several
jurisdictions
at one time.

Amendment of
s. 48—
Jurisdiction of
Full Court,
single judge
and master.

12. Section 13a of the principal Act is repealed and the following sections are substituted:

13a. (1) A judge or master shall retire on reaching the age of seventy years.

(2) Section 74 of the Constitution Act, 1934-1980, shall be read subject to this section.

(3) A judge or master who retires or resigns may nevertheless complete the hearing and determination of proceedings part-heard by him before his retirement or resignation and, in relation to any such proceedings, shall be deemed to continue as a judge or master (as the case may require).

13b. (1) Subject to this section, the rights of a master to whom this section applies to recreation leave, sick leave, long service leave or leave of any other kind shall be determined as if he were an officer appointed under the Public Service Act, 1967-1978, and for the purpose of determining those rights his service before and after the commencement of the Statutes Amendment (Administration of Courts and Tribunals) Act, 1981, shall be regarded as a single continuous period of service.

(2) A master to whom this section applies shall be deemed to be an employee within the meaning, and for the purposes, of the Superannuation Act, 1974-1980.

(3) A master to whom this section applies shall not be entitled to long service leave or payment in lieu of long service leave in respect of service after he reaches the age of sixty-five years.

(4) Any rights under the Superannuation Act, 1974-1980, of or relating to a master who continues in office after reaching the age of sixty-five years shall be determined upon his retirement or death (as the case may require), as if he had retired or died upon attaining the age of sixty-five years.

(5) This section applies to a master who was, immediately before the commencement of the Statutes Amendment (Administration of Courts and Tribunals) Act, 1981, the master or a deputy master of the court.

13. Section 14 of the principal Act is amended by inserting after the word "judge" the passage "or master".

14. Section 15 of the principal Act is amended by striking out from subsection (1) the passage "the chief officer of the court for the time being" and substituting the passage "the registrar".

15. Section 47 of the principal Act is amended by striking out the passage "in two divisions" and substituting the passage "in more than one division".

16. Section 48 of the principal Act is amended by inserting after paragraph (2) of the proviso the following paragraph:

(3) The jurisdiction of the court may be exercised by a master to the extent authorized by this Act or any other Act, or by rules of court made under this Act or any other Act.

17. Section 50 of the principal Act is amended by inserting after its present contents (now to be designated as subsection (1)) the following subsection:

Amendment of
s. 50—
Appeals
against
decisions of
judges and
masters.

(2) Subject to the rules of court, an appeal shall lie to a judge against a judgment, order, direction or decision of a master.

18. Section 62h of the principal Act is amended by striking out subsections (3) and (3a) and substituting the following subsections:

Amendment of
s. 62h—
Rules of
court.

(3) The rules may confer or impose on the registrar such powers, authorities, functions and duties in relation to the administration of the business of the court as may be necessary or expedient for the purposes of this Part.

(3a) A master may exercise such jurisdiction of the court as may be conferred on him by the rules.

(3b) Subject to the rules, an appeal from a judgment, order, direction or decision of a master made in the exercise of a jurisdiction conferred by the rules shall lie to a judge upon whom the jurisdiction of the court has been conferred.

19. Section 72 of the principal Act is amended by striking out from paragraph IV of subsection (1) the passage "the master" wherever it occurs and substituting, in each case, the passage "a master".

Amendment of
s. 72—
Rules of
court.

20. The heading to Part VI of the principal Act is repealed and the following heading is substituted:

Repeal of
heading to
Part VI and
substitution of
new heading.

PART VI

OFFICERS OF THE COURT

21. Sections 82 and 83 of the principal Act and the heading immediately preceding section 82 are repealed and the following heading and section are substituted:

Repeal of
heading and
ss. 82 and 83
and
substitution of
new heading
and section.

The Registrar

82. (1) There shall be a registrar of the court.

The registrar.

(2) The registrar shall be appointed and shall hold office subject to, and in accordance with, the Public Service Act, 1967-1978, but no registrar shall be appointed, dismissed or reduced in status, nor shall the office of registrar be abolished, except upon the recommendation, or with the concurrence, of the Chief Justice.

(3) The registrar shall be the principal administrative officer of the court and shall have such functions and duties as are assigned to him—

(a) by this Act or any other Act or by rules of court under this Act or any other Act;

or

(b) by the Chief Justice.

(4) The registrar shall, in relation to the performance and discharge of his functions and duties (so far as they relate to the business of the court), be subject to the control and direction of the Chief Justice.

Amendment of
s. 84—
Appointment
of sheriff and
officers.

22. Section 84 of the principal Act is amended by striking out from subsection (2) the passage “, unless the Governor otherwise determines,”.

Amendment of
s. 106—
Appointment
of tipstaves.

23. Section 106 of the principal Act is amended by inserting in subsection (1) after the word “may” the passage “, on the recommendation of the Chief Justice,”.

Amendment of
s. 109—
Appointment
of officers.

24. Section 109 of the principal Act is amended by inserting in subsection (2) after the word “Governor” the passage “on the recommendation of the Chief Justice”.

Consequential
amendments.

25. The principal Act is amended—

- (a) by striking out from section 119 the word “master” and substituting the word “registrar”;
 - (b) by striking out from section 120 the word “master” and substituting the word “registrar”;
 - (c) by striking out from section 121 (2) the word “master” and substituting the word “registrar”;
 - (d) by striking out from section 124 the word “master” and substituting the word “registrar”;
 - (e) by striking out from section 125 the word “master” wherever it occurs and substituting, in each case, the word “registrar”;
 - (f) by striking out from section 126 the passage “the term master shall not include the deputy master, but the master” and substituting the passage “the term registrar shall not include an acting registrar, but the registrar”;
 - (g) by striking out from section 126 the passage “appointed by him in writing under his hand” and substituting the passage “of the registrar appointed by the Chief Justice”;
 - (h) by striking out from section 127 (d) the word “master” and substituting the word “registrar”;
- and
- (i) by striking out from section 128 (1) the word “master” and substituting the word “registrar”.

PART III

AMENDMENT OF JUDGES' PENSIONS ACT, 1971-1974

26. (1) The Judges' Pensions Act, 1971-1974, is in this Part referred to as Short titles.
"the principal Act".

(2) The principal Act, as amended by this Part, may be cited as the "Judges' Pensions Act, 1971-1981".

27. Section 4 of the principal Act is amended by inserting after paragraph Amendment of s. 4—
(a) of the definition of "Judge" the following paragraph: Interpretation.

(ab) a Master of the Supreme Court (not being a person who, immediately before the commencement of the Statutes Amendment (Administration of Courts and Tribunals) Act, 1981, held office as the master, or a deputy master of that Court);

PART IV

AMENDMENT OF LOCAL AND DISTRICT CRIMINAL COURTS
ACT, 1926-1980

28. (1) The Local and District Criminal Courts Act, 1926-1980, is in this Short titles.
Part referred to as "the principal Act".

(2) The principal Act, as amended by this Part, may be cited as the "Local and District Criminal Courts Act, 1926-1981".

29. Section 4 of the principal Act is amended—

(a) by inserting after the definition of "Judge" in subsection (1) the following definition: Amendment of s. 4—

"Registrar" means the person for the time being holding, or acting in, the office of Registrar of Courts of Subordinate Jurisdiction;; Interpretation.

(b) by inserting in subsection (3) before the definition of "district" the following definition:

"clerk of arraigns" means the chief clerk of arraigns or any other clerk of arraigns;;

(c) by striking out from the definition of "officer" in subsection (3) the passage "the Principal Registrar or Assistant Registrar or any other" and substituting the word "any";

and

(d) by striking out from subsection (3) the definition of "Registrar".

Amendment of
s. 5—
Arrangement
of Act.

30. Section 5 of the principal Act is amended by inserting after the item:
PART BI—Appointment to judicial office
the item:

PART CI—The Registrar.

Amendment of
s. 5a—
Transitional
provision.

31. Section 5a of the principal Act is amended by striking out subsections
(2) and (3).

Insertion of
new s. 5ab.

32. The following section is inserted after section 5a:

5ab. (1) After the commencement of the Statutes Amendment
(Administration of Courts and Tribunals) Act, 1981—

(a) each local court to which full jurisdiction has been assigned
shall, insofar as it is a local court of full jurisdiction, be
known as a “District Court”;

and

(b) each District Criminal Court shall be known as a “District
Court”.

(2) Instruments shall be read and construed subject to such modifi-
cations as are necessary to accommodate the change in nomenclature
effected by this section.

(3) This section applies only to nomenclature and does not affect—

(a) the constitution, jurisdiction or powers of any court;

(b) any proceedings before a court;

or

(c) (except as provided in subsection (2)) the operation of any
instrument.

(4) In this section—

“instrument” means this or any other Act, any proclamation,
regulation, rule, by-law, judgment, order, writ, summons,
warrant, or other instrument.

Amendment of
s. 5b—
Appointment
to judicial
office, etc.

33. Section 5b of the principal Act is amended—

(a) by inserting at the end of subsection (2) the passage “or “District
Court Judge” ”;

and

(b) by striking out subsection (7) and substituting the following sub-
section:

(7) Subject to the provisions of this or any other Act, the
Senior Judge may make such administrative or other arrange-
ments as are necessary or expedient for the hearing and
determination of proceedings—

(a) in local courts and district criminal courts;

and

(b) before courts (not being courts of summary jurisdiction), boards or tribunals—

(i) that are to be constituted of a Judge or of either a Judge or a special magistrate;

or

(ii) the presiding officer of which is to be a Judge, or either a Judge or a special magistrate.

34. Section 5c of the principal Act is amended by inserting at the end of subsection (2) the passage “or “Acting District Court Judge” ”.

Amendment of
s. 5c—
Acting Judge.

35. The following Part is inserted after Part BI of the principal Act:

Insertion of
new Part CI.

PART CI

THE REGISTRAR

5m. (1) There shall be a Registrar of Courts of Subordinate Jurisdiction.

The Registrar.

(2) The Registrar shall be appointed and shall hold office subject to, and in accordance with, the Public Service Act, 1967-1978, but no Registrar shall be appointed, dismissed or reduced in status except upon the recommendation, or with the concurrence, of the Senior Judge.

(3) The Registrar shall be the principal administrative officer of the courts constituted under this Act, and shall have such functions and duties as are assigned to him—

(a) by this Act or any other Act or by rules of court made under this Act or any other Act;

or

(b) by the Senior Judge.

(4) The Registrar shall, in relation to the performance and discharge of his functions and duties (so far as they relate to the business of courts, boards or tribunals in respect of which functions and duties are assigned to him by or under subsection (3)), be subject to the control and direction of the Senior Judge.

36. The principal Act is amended—

Consequential
amendments.

(a) by striking out from section 321 (1) (c) the passage “the Registrars” and substituting the passage “the clerks of arraigns”;

- (b) by striking out from the heading immediately preceding section 324 the passage "PRINCIPAL REGISTRAR" and substituting the passage "THE CLERKS OF ARRAIGNS";
- (c) by striking out from section 324 (1) the passage "a Principal Registrar of District Criminal Courts and such assistant registrars" and substituting the passage "a chief clerk of arraigns and such other clerks of arraigns";
- (d) by striking out from section 324 (4) the passage "the Senior Judge or (in the absence of any direction by him) any other Judge" and substituting the passage "the Registrar";
- (e) by striking out section 325 and substituting the following section:
325. The chief clerk of arraigns shall have his office in Adelaide and the various other clerks of arraigns shall have their respective offices at such places as are appointed from time to time by the Registrar.;
- (f) by striking out from section 326 (1) the passage "The Registrar shall, with respect to the District Criminal Court of which he is an officer, and subject to the directions of the Senior Judge or, in any particular case, the presiding Judge" and substituting the passage "a clerk of arraigns shall, with respect to any District Criminal Court of which he is an officer, and subject to the directions of the Registrar or a Judge";
- (g) by striking out from section 326 (2) the passage "the Registrar of that court" and substituting the passage "a clerk of arraigns";
- (h) by striking out subsection (1) of section 332;
- and
- (i) by striking out from section 333 (6) (a) the passage ", or Registrar,".

Offices of
clerks of
arraigns.

PART V

AMENDMENT OF JUSTICES ACT, 1921-1980

Short titles.

37. (1) The Justices Act, 1921-1980, is in this Part referred to as "the principal Act".

(2) The principal Act, as amended by this Part, may be cited as the "Justices Act, 1921-1981".

Amendment of
s. 4
Interpretation.

38. Section 4 of the principal Act is amended by inserting before the definition of "Senior Judge" the following definition:

"the senior magistrate" means a senior special magistrate for the time being designated by the Governor as the Senior magistrate.;

39. The following section is inserted after section 9 of the principal Act:

Insertion of
new s. 9a.

9a. (1) In this section—

The Registrar.

“the Registrar” means the person for the time being holding, or acting in, the office of Registrar of Courts of Subordinate Jurisdiction under the Local and District Criminal Courts Act, 1926-1981.

(2) The Registrar shall be the principal administrative officer of the courts constituted under this Act, and shall have such functions and duties as are assigned to him—

(a) by this Act or any other Act or by rules of court made under this Act or any other Act;

or

(b) by the senior magistrate.

(3) The Registrar shall, in relation to the performance and discharge of his functions and duties (so far as they relate to the business of courts constituted under this Act), be subject to the control and direction of the senior magistrate.

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PART VI

AMENDMENT OF OATHS ACT, 1936-1969

40. (1) The Oaths Act, 1936-1969, is in this Part referred to as “the principal Act”.

Short titles.

(2) The principal Act, as amended by this Part, may be cited as the “Oaths Act, 1936-1981”.

41. Section 7 of the principal Act is amended—

Amendment of
s. 7—
Oaths to be
taken by
judicial
officers.

(a) by striking out subsection (1) and substituting the following subsection:

(1) Each of the following officers, namely—

(a) the Chief Justice;

(b) the puisne judges of the Supreme Court;

(c) the Masters of the Supreme Court;

(d) the Judges appointed under the Local and District Criminal Courts Act, 1926-1981;

(e) the Judge in Insolvency;

(f) the special magistrates;

and

(g) the justices of the peace,

shall, as soon as practicable after his acceptance of office, take the oath of allegiance and the judicial oath.;

and

(b) by striking out subsection (3) and substituting the following subsection:

(3) The oaths to be taken under this section by a Master of the Supreme Court, a Judge appointed under the Local and District Criminal Courts Act, 1926-1981, or a Special Magistrate shall be taken before a Judge of the Supreme Court, either in open court or in chambers.

PART VII

AMENDMENT OF PLANNING AND DEVELOPMENT ACT, 1966-1980

Short titles.

42. (1) The Planning and Development Act, 1966-1980, is in this Part referred to as "the principal Act".

(2) The principal Act, as amended by this Part, may be cited as the "Planning and Development Act, 1966-1981".

Amendment of
s. 5—
Interpretation.

43. Section 5 of the principal Act is amended—

(a) by striking out from subsection (1) the definition of "Associate Chairman" and substituting the following definition:

"Associate Chairman" means an Associate Chairman of the board.;

and

(b) by inserting in subsection (1) after the definition of "the Registrar-General" the following definition:

"the Senior Judge" means the Judge holding, or acting in, the office of Senior Judge under the Local and District Criminal Courts Act, 1926-1981.:

Amendment of
s. 21—
Constitution
of the Board.

44. Section 21 of the principal Act is amended by striking out subsections (1), (2) and (3) and substituting the following subsections:

(1) The board shall consist of the following members:

(a) the Chairman;

(b) the Associate Chairmen;

and

(c) the commissioners appointed by the Governor.

(2) The Chairman shall be a Judge holding office under the Local and District Criminal Courts Act, 1926-1981, nominated by the Senior Judge to be Chairman of the board, and the remaining Judges holding office under that Act shall be Associate Chairmen of the board.

(3) Neither the Chairman, nor an Associate Chairman, is precluded by his office as such from performing any other functions or duties of a Judge under the Local and District Criminal Courts Act, 1926-1981.

45. Section 21c of the principal Act is amended by striking out the passage "a member" and substituting the passage "a commissioner".

Amendment of
s. 21c—
Removal of
commissioner
from office.

46. Section 21d of the principal Act is amended by striking out subsection (2) and substituting the following subsection:

Amendment of
s. 21d—
Casual
vacancies.

(2) The office of Chairman of the board shall become vacant if—
(a) he dies;

(b) he ceases to be a Judge holding office under the Local and District Criminal Courts Act, 1926-1981;

or

(c) the Senior Judge revokes his nomination as Chairman of the board.

47. Section 21f of the principal Act is repealed.

Repeal of
s. 21f.

48. Section 22 of the principal Act is amended by striking out from subsection (1) the word "Governor" and substituting the passage "Senior Judge".

Amendment of
s. 22—
Constitution
of the board
when hearing
appeals.

PART VIII

AMENDMENT OF CITY OF ADELAIDE DEVELOPMENT CONTROL ACT, 1976-1978

49. (1) The City of Adelaide Development Control Act, 1976-1978, is in this Part referred to as "the principal Act".

Short titles.

(2) The principal Act, as amended by this Part, may be cited as the "City of Adelaide Development Control Act, 1976-1981".

50. Section 27 of the principal Act is amended by striking out subsection (2) and substituting the following subsection:

Amendment of
s. 27—
The Tribunal.

(2) The Tribunal shall be constituted of a Judge holding office under the Local and District Criminal Courts Act, 1926-1981.

PART IX

AMENDMENT OF BUILDERS LICENSING ACT, 1967-1980

Short titles.

51. (1) The Builders Licensing Act, 1967-1980, is in this Part referred to as "the principal Act".

(2) The principal Act, as amended by this Part, may be cited as the "Builders Licensing Act, 1967-1981".

Amendment of
s. 19—
Establishment
of Tribunal.

52. Section 19 of the principal Act is amended by striking out subsection (2) and substituting the following subsections:

(2) The Tribunal shall be constituted of—

(a) a Judge holding office under the Local and District Criminal Courts Act, 1926-1981 (who shall be Chairman);

(b) one nominated member of the Tribunal appointed under subsection (3) (a);

and

(c) one nominated member of the Tribunal appointed under subsection (3) (b) or (c).

(3) The nominated members of the Tribunal shall be as follows:

(a) not more than six shall be persons with wide knowledge of, and experience in, the building industry appointed by the Governor on the nomination of the Minister;

(b) not more than three shall be persons with wide knowledge of, and experience in, the building industry appointed by the Governor from a panel of five nominees submitted to the Minister by the Master Builders Association of South Australia Incorporated;

and

(c) not more than three shall be persons with wide knowledge of, and experience in, the building industry appointed by the Governor from a panel of five nominees submitted to the Minister by the Housing Industry Association.

(4) The Tribunal separately constituted in accordance with subsection (2) may sit to hear and determine separate proceedings at the same time.

Repeal of
s. 19a.

53. Section 19a of the principal Act is repealed.

Amendment of
s. 19c—
Chairman, etc.

54. Section 19c of the principal Act is amended by striking out the passage "two other members" and substituting the passage "one other member".

PART X

AMENDMENT OF LOCAL GOVERNMENT ACT, 1934-1980

55. (1) The Local Government Act, 1934-1980, is in this Part referred to as "the principal Act". Short titles.

(2) The principal Act, as amended by this Part, may be cited as the "Local Government Act, 1934-1981".

56. Section 142aa of the principal Act is amended by inserting after the definition of "the Court" the following definition: Amendment of s. 142aa— Interpretation.

"the Senior Judge" means the person for the time being holding, or acting in, the office of Senior Judge under the Local and District Criminal Courts Act, 1926-1981.

57. Section 142b of the principal Act is amended by striking out subsections (2), (3) and (4) and substituting the following subsections: Amendment of s. 142b— The Court.

(2) The Court shall be constituted of a Judge holding office under the Local and District Criminal Courts Act, 1926-1981.

(3) The Court, separately constituted in accordance with subsection (2), may sit contemporaneously to hear separate proceedings.

58. Section 142r of the principal Act is amended by striking out the passage "President and the Deputy Presidents of the Court or any two of them" and substituting the words "Senior Judge". Amendment of s. 142r— Rules of Court.

PART XI

AMENDMENT OF WATER RESOURCES ACT, 1976-1979

59. (1) The Water Resources Act, 1976-1979, is in this Part referred to as "the principal Act". Short titles.

(2) The principal Act, as amended by this Part, may be cited as the "Water Resources Act, 1976-1981".

60. Section 5 of the principal Act is amended by inserting after the definition of "authorized officer" in subsection (1) the following definition: Amendment of s. 5— Interpretation.

"the chairman" of the Tribunal means the Judge or magistrate for the time being acting as chairman of the Tribunal.

61. Section 17 of the principal Act is amended by striking out subsection (2) and substituting the following subsection: Amendment of s. 17— The Tribunal.

(2) Any Judge holding office under the Local and District Criminal Courts Act, 1926-1981, or any special magistrate authorized in writing by the Attorney-General, may act as chairman of the Tribunal.

Amendment of
s. 19—
Terms and
conditions of
office.

62. Section 19 of the principal Act is amended—

- (a) by striking out from subsection (1) the passage “the chairman and”;
- (b) by striking out subsection (2) and substituting the following subsection:

(2) The Governor may appoint a suitably qualified person to be a deputy of a standing member of the Tribunal, and a deputy so appointed may, when the member of whom he is a deputy is absent, unable to act or disqualified from acting, act as a standing member of the Tribunal.;

- (c) by striking out from subsection (3) the passage “the chairman or”;
 - (d) by striking out from subsection (4) the passage “the chairman or”;
- and
- (e) by striking out from subsection (5) the passage “the chairman or” wherever it occurs.

PART XII

**AMENDMENT OF MOTOR FUEL DISTRIBUTION ACT,
1973-1979**

Short titles.

63. (1) The Motor Fuel Distribution Act, 1973-1979, is in this Part referred to as “the principal Act”.

(2) The principal Act, as amended by this Part, may be cited as the “Motor Fuel Distribution Act, 1973-1981”.

Amendment of
s. 20—
Appeal
Tribunal.

64. Section 20 of the principal Act is amended—

- (a) by striking out from subsection (2) the passage “appointed by the Governor”;
- and
- (b) by striking out subsections (3), (4) and (5).

PART XIII

AMENDMENT OF SUPERANNUATION ACT, 1974-1980

65. (1) The Superannuation Act, 1974-1980, is in this Part referred to as "the principal Act". Short titles.

(2) The principal Act, as amended by this Part, may be cited as the "Superannuation Act, 1974-1981".

66. Section 117 of the principal Act is amended—

(a) by striking out from subsection (2) the passage "appointed by the Governor for a term of office not exceeding five years and who shall be eligible for re-appointment";

and

(b) by striking out subsection (3).

Amendment of
s. 117—
Establishment
of Tribunal.

67. Sections 118 and 119 of the principal Act are repealed.

Repeal of
ss. 118 and 119.

PART XIV

AMENDMENT OF POLICE REGULATION ACT, 1952-1975

68. (1) The Police Regulation Act, 1952-1975, is in this Part referred to as "the principal Act". Short titles.

(2) The principal Act, as amended by this Part, may be cited as the "Police Regulation Act, 1952-1981".

69. Section 38 of the principal Act is amended by striking out from paragraph (a) of subsection (2) the passage "appointed by the Governor to be the chairman". Amendment of
s. 38—
Constitution of
Police Appeal
Board.

70. Section 39 of the principal Act is amended—

(a) by striking out from subsection (1) the passage "the chairman and every member of the board" and substituting the passage "a member of the board (not being the chairman)";

and

Amendment of
s. 39—
Term of
office.

(b) by striking out subsection (2).

Amendment of
s. 40—
Acting
members.

71. Section 40 of the principal Act is amended by striking out subsection (1).

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

K. D. SEAMAN, Governor