



ANNO DECIMO OCTAVO

**ELIZABETHAE II REGINAE**

A.D. 1969

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**No. 62 of 1969**

An Act to amend the Supreme Court Act, 1935-1969.

[Assented to 4th December, 1969.]

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

1. (1) This Act may be cited as the "Supreme Court Act Amendment Act (No. 3), 1969". Short titles.
- (2) The Supreme Court Act, 1935-1969, as amended by this Act, may be cited as the "Supreme Court Act, 1935-1969".
- (3) The Supreme Court Act, 1935-1969, is hereinafter referred to as "the principal Act".
2. This Act shall come into operation on a day to be fixed by proclamation. Commencement.
3. Section 2 of the principal Act is amended by inserting after the passage "PART III—Sittings and distribution of business" the passage "PART IIIA—The Land and Valuation Court". Amendment of principal Act, s. 2—Arrangement.
4. Section 7 of the principal Act is amended by striking out from subsection (1) the word "six" and inserting in lieu thereof the word "seven". Amendment of principal Act, s. 7—Judges of the Supreme Court.

Enactment of  
new Part IIIA.  
of principal  
Act.

5. The following new Part comprising the following new sections is enacted and inserted in the principal Act immediately after section 62 thereof:—

PART IIIA  
THE LAND AND VALUATION COURT

Interpretation.

62a. In this Part, unless the contrary intention appears—

“the Court” means the Land and Valuation Court constituted under this Part :

“the complementary amending Acts” means the Crown Lands Act Amendment Act, 1969, the Encroachments Act Amendment Act, 1969, the Highways Act Amendment Act, 1969, the Land Settlement (Development Leases) Act Amendment Act, 1969, the Land Tax Act Amendment Act, 1969, the Law of Property Act Amendment Act, 1969, the Local Government Act Amendment Act, 1969, the Pastoral Act Amendment Act, 1969, the Planning and Development Act Amendment Act, 1969, the Renmark Irrigation Trust Act Amendment Act, 1969, the Sewerage Act Amendment Act, 1969, the South-Eastern Drainage Act Amendment Act, 1969, the Water Conservation Act Amendment Act, 1969, and the Waterworks Act Amendment Act, 1969.

Transitional provisions.

62b. (1) Notwithstanding the enactment of this Part and the complementary amending Acts, any appeal, reference, proceeding or other matter instituted or commenced, but not finally disposed of, at the commencement of the Supreme Court Act Amendment Act, 1969, and the complementary amending Acts, that would, if it had been instituted or commenced after the commencement of those Acts, have proceeded in, and been heard and determined by the Court, shall, subject to this section, proceed in or before, and be heard and determined by, the court, board, tribunal, arbitrator, or other person or authority having cognizance of it, in all respects as if those Acts had not been enacted.

(2) The Court may, upon application by a party to a matter of the kind described in subsection (1) of this section, direct that the matter shall proceed in, and be heard and

determined by, the Court, and may give and make all such consequential directions and orders as it deems just for disposing of the matter.

(3) The Court is hereby invested with all powers that are reasonably necessary or expedient to dispose of any such matter according to law.

(4) Subject to this section, the operation of section 16 of the Acts Interpretation Act, 1915-1957, in relation to this Part and the complementary amending Acts is unaffected.

62c. (1) There shall be a court entitled the "Land and Valuation Court" which shall be a division of the Supreme Court of South Australia.

Establishment  
of Land and  
Valuation  
Court.

(2) The Court shall be constituted of a judge upon whom the jurisdiction of the Court has, in accordance with this section, been conferred.

(3) There shall be a judge of the Supreme Court upon whom the jurisdiction of the Court has, by the instrument of his appointment, been conferred.

(4) Where—

(a) the judge upon whom the jurisdiction of the Court has been conferred deems it improper or undesirable that he should hear and determine any proceeding before the Court, or he is, by reason of ill health or any other cause, unable, wholly or in part, to perform the duties of his office ;

or

(b) the Governor is of the opinion that it is in the interests of the administration of justice to do so,

the Governor may, by instrument published in the *Gazette*, confer temporarily or permanently, the jurisdiction of the Court upon any other judge.

(5) A judge upon whom the jurisdiction of the Court has been conferred is not thereby precluded from performing and discharging any other functions and duties of a judge of the Supreme Court.

**Jurisdiction  
of the Court.**

62d. (1) The Court has the jurisdiction conferred upon it under the following Acts :—

- the Crown Lands Act, 1929-1969 ;
- the Encroachments Act, 1944-1969 ;
- the Highways Act, 1926-1969 ;
- the Land Settlement (Development Leases) Act, 1949-1969 ;
- the Land Tax Act, 1936-1969 ;
- the Law of Property Act, 1936-1969 ;
- the Local Government Act, 1934-1969 ;
- the Pastoral Act, 1936-1969 ;
- the Planning and Development Act, 1966-1969 ;
- the Renmark Irrigation Trust Act, 1936-1969 ;
- the Sewerage Act, 1929-1969 ;
- the South-Eastern Drainage Act, 1931-1969 ;
- the Water Conservation Act, 1936-1969 ;
- the Waterworks Act, 1932-1969.

(2) The Court shall have jurisdiction to hear and determine all actions, matters and proceedings in which compensation is to be assessed under and pursuant to the Compulsory Acquisition of Land Act, 1925-1966, (as amended from time to time) or under and pursuant to any Act passed in substitution for that Act (as it may be amended from time to time), whether or not that Act is expressly, or impliedly, to be read, or incorporated with another Act or Acts (with or without qualification or modification) and whether or not the action, matter or proceeding would, but for this subsection, have been heard or determined by any other court or by arbitrators, or in any other manner.

(3) The Court shall have such additional jurisdiction as may be conferred upon it by any Act or any regulation under an Act.

(4) The Court shall, in the exercise of its jurisdiction, have all the powers and authority of the Supreme Court of South Australia and a judgment or order of the Court shall be regarded as, and shall have the force and validity of, a judgment or order of the Supreme Court of South Australia.

(5) The Court shall have the full jurisdiction exercisable by a single judge of the Supreme Court, but that jurisdiction shall be exercised by the Court only in respect of

any cause, matter or proceeding that is before the Court in pursuance of this Part, or any other Act or any regulation under an Act.

62e. (1) Where any judge is of the opinion that in any cause, pending or part-heard, in the Supreme Court, a question has arisen, or is likely to arise, (whether as a preliminary point or in the course of the hearing), as to the value of land, that judge may, on the application of a party to the cause, or of his own motion, refer the cause to the Court for hearing and determination.

Reference of matters involving question of valuation.

(2) The Court shall hear and determine any cause referred to it under subsection (1) of this section.

62f. The provisions of sections 49 and 50 of this Act shall extend and apply to and in relation to the Land and Valuation Court and any judgment, order or direction thereof.

Appeals and cases stated.

62g. The Crown shall be entitled to appear before the Court in any matter or proceeding in which the public interest, or any right or interest of the Crown, may be involved or affected.

Right of Crown.

62h. (1) Rules of Court may be made under this Act by the judge upon whom the jurisdiction of the Court has been conferred to regulate the practice and procedure of the Court and to provide for any matters necessary or expedient for the purposes of this Part.

Rules of Court.

(2) The power to make rules under this section includes power to make rules in respect of any jurisdiction conferred on the Court by this or any other Act, whenever passed.

(3) The rules may provide that the master shall be registrar of the Court and shall have and may exercise and discharge such powers, authorities, functions and duties in relation to the administration of the business of the Court as may be specified in the rules, and the master may be invested with such jurisdiction by the rules as may be necessary or expedient for the purposes of this Part.

(4) Where provisions in respect of the practice or procedure of the Court are contained in this, or any other Act, or in general orders or rules made under the authority of this or any other Act, rules of Court may be made under this section for modifying those provisions to any extent that may be necessary or expedient.

(5) All rules of Court made in pursuance of this section—

(a) shall be published in the *Gazette* ;

(b) shall be laid before both Houses of Parliament within fourteen days after that publication if Parliament is then in session, and if not, within fourteen days after the commencement of the next session of Parliament ;

and

(c) shall, subject to disallowance in accordance with this section, have, as from the date of publication in the *Gazette*, or from any later date specified in the rules, the force of law and be judicially noticed and conclusively deemed to be valid.

(6) If either House of Parliament within fourteen sitting days (whether or not those sitting days occur in the same Session or Parliament as that in which the rules were laid before that House) after the rules are laid before it passes a resolution disallowing all or any of those rules, the rules disallowed shall cease to have any effect, but that disallowance shall not affect the validity, or cure the invalidity, of anything done in the meantime.

Sittings of  
Court.

62i. The Court shall sit at such times and places as the judge exercising the jurisdiction of the Court directs.

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

- J. W. HARRISON, Governor.