



ANNO TRICESIMO SEXTO

ELIZABETHAE II REGINAE

A.D. 1987

No. 80 of 1987

An Act to amend the Supreme Court Act, 1935.

[Assented to 19 November 1987]

The Parliament of South Australia enacts as follows:

Short title. 1. (1) This Act may be cited as the "Supreme Court Act Amendment Act, 1987".

(2) The Supreme Court Act, 1935, is in this Act referred to as "the principal Act".

Repeal of s. 39 and substitution of new section. 2. Section 39 of the principal Act is repealed and the following section is substituted:

Vexatious proceedings.

39. (1) If, on the application of the Attorney-General, the court is satisfied that a person has persistently instituted vexatious proceedings, the court may make either or both of the following orders:

(a) an order prohibiting the person by whom the vexatious proceedings were instituted from instituting further proceedings, or further proceedings of a particular class, without leave of the court;

(b) an order staying proceedings already instituted by that person.

(2) Where it appears to the Supreme Court or any other court of the State that there are proper grounds for an application under this section, it may refer the matter to the Attorney-General for consideration.

(3) An order under this section remains in force (subject to variation by the court)—

(a) if a period for the operation of the order is fixed—until the expiration of that period or the revocation of the order (whichever first occurs);

(b) if no such period is fixed—until revocation of the order.

(4) Where an order is made under this section, a copy of the order must be published in the *Gazette*.

(5) For the purposes of this section, proceedings are vexatious—

(a) if instituted to harass or annoy, to cause delay, or for any other ulterior purpose;

or

(b) if instituted without reasonable ground.

(6) A reference in this section to proceedings extends to both civil and criminal proceedings whether instituted in the court or some other court of the State.

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

D. B. DUNSTAN, Governor