

South Australia



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ELIZABETHAE II REGINAE
A.D. 2000

**DISTRICT COURT (ADMINISTRATIVE AND DISCIPLINARY DIVISION)
AMENDMENT ACT 2000**

No. 4 of 2000

[Assented to 20 April 2000]

An Act to amend the District Court Act 1991; and to make related amendments to other Acts.

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SCHEDULE 1

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The Parliament of South Australia enacts as follows:

Short title

1. (1) This Act may be cited as the *District Court (Administrative and Disciplinary Division) Amendment Act 2000*.

(2) The *District Court Act 1991* is referred to in this Act as "the principal Act".

Commencement

2. (1) Subject to this section, this Act will come into operation on a day to be fixed by proclamation.

(2) If section 52 of the *Motor Vehicles (Miscellaneous) Amendment Act 1999* comes into operation before the date fixed by proclamation for the commencement of this Act, paragraph (a) of clause 27 of Schedule 1 of this Act is to be taken to have been struck out.

Amendment of s. 8—Civil jurisdiction

3. Section 8 of the principal Act is amended by inserting after subsection (4) the following subsections:

(5) All proceedings before the Court, other than in its Criminal Division, are to be regarded as civil proceedings for the purposes of this Act or any other Act or law.

(6) Subsection (5) does not affect any special rule as to the conduct of proceedings for a contempt of the Court.

Amendment of s. 20—The Court, how constituted

4. Section 20 of the principal Act is amended—

(a) by striking out subsection (3);

(b) by striking out from subsection (4)(a) "(except for the purpose of dealing with interlocutory, procedural or administrative matters)" and substituting ", subject to paragraph (ab),";

(c) by inserting after paragraph (a) of subsection (4) the following paragraph:

(ab) the Court is not required to sit with assessors—

(i) for the purposes of—

(A) dealing with preliminary, interlocutory or procedural matters; or

(B) dealing with questions of costs; or

(C) entering consent orders; or

(ii) for a part of the proceedings relating only to questions of law,

and may, for that purpose or as a consequence, while sitting without assessors, make any ruling, order or judgment (including a final judgment) it considers appropriate;;

(d) by striking out from subsection (4)(b)(i) "or Magistrate".

Insertion of Division heading in Part 6

5. The following heading is inserted in the principal Act immediately after the heading to Part 6:

DIVISION 1—GENERAL

Amendment of s. 42—Costs

6. Section 42 of the principal Act is amended by striking out from subsection (1) "civil proceedings" and substituting "proceedings in the Civil Division".

Insertion of new Division

7. The following Division is inserted in Part 6 of the principal Act after section 42:

DIVISION 2—ADMINISTRATIVE AND DISCIPLINARY DIVISION

SUBDIVISION 1—PRELIMINARY

Interpretation

42A. In this Division—

"Court" means the Court sitting in its Administrative and Disciplinary Division.

SUBDIVISION 2—ADMINISTRATIVE APPEALS

Application of Subdivision and interpretation

42B. (1) This Subdivision applies in relation to the appellate jurisdiction conferred on the Court by another Act (the special Act) subject to the provisions of the special Act.

(2) In this Subdivision—

"decision" includes an act (such as the giving or making of a notice, direction, determination, requirement or order) and a failure or refusal to make a decision or act;

"original decision-maker", in relation to an appeal, means the person or body whose decision is appealed against, and includes, if that person or body made the decision on an appeal against, or review of, a decision made by some other person or body, that other person or body.

Extension of time to appeal

42C. The Court may, in its discretion, extend the time fixed by the special Act for instituting an appeal, even if the time for instituting the appeal has ended.

Stay of operation of decision appealed against

42D. (1) The making of an appeal against a decision does not affect the operation of the decision or prevent the taking of action to implement the decision.

(2) However, on the making of an appeal, the Court or the original decision-maker may, on application or at its own initiative, make an order staying or varying the operation or implementation of the whole or a part of a decision appealed against pending the determination of the appeal if the Court, or the original decision-maker, is satisfied that it is just and reasonable in the circumstances to make the order.

(3) An order by the Court, or the original decision-maker, under this section—

- (a) is subject to such conditions as are specified in the order; and
- (b) may be varied or revoked—
 - (i) in any case—by further order by the Court; or
 - (ii) if the order was made by the original decision-maker—by further order by the original decision-maker or the Court.

Conduct of appeal

42E. (1) The Court must, on an appeal, examine the decision of the original decision-maker on the evidence or material before the original decision-maker but the Court may, as it thinks fit, allow further evidence or material to be presented to it.

(2) The Court, on an appeal—

- (a) is not bound by the rules of evidence but may inform itself as it thinks fit; and
- (b) must act according to equity, good conscience and the substantial merits of the case without regard to technicalities and legal forms.

(3) The Court must, on an appeal, give due weight to the decision being appealed against and the reasons for it and not depart from the decision except for cogent reasons.

Decision on appeal

42F. The Court may, on an appeal—

- (a) affirm the decision appealed against;
- (b) rescind the decision and substitute a decision that the Court considers appropriate;
- (c) remit matters to the original decision-maker for consideration or further consideration in accordance with any directions or recommendations of the Court.

Costs and ancillary orders, etc., on appeals

42G. (1) The Court may, on an appeal, make any ancillary or consequential order that the Court considers appropriate.

(2) However, no order for costs is to be made unless the Court considers such an order to be necessary in the interests of justice.

SUBDIVISION 3—OTHER PROCEEDINGS

Costs and ancillary orders, etc., in other proceedings

42H. (1) The Court may, in proceedings other than proceedings to which Subdivision 2 applies, make any ancillary or consequential order that the Court considers appropriate.

(2) However, no order for costs is to be made unless the Court considers such an order to be necessary in the interests of justice.

Repeal of s. 52

8. Section 52 of the principal Act is repealed.

Related amendments

9. (1) Schedule 1 contains related amendments to other Acts.

(2) Schedule 2 contains related amendments to statutory instruments made under other Acts.

(3) The amendment of a statutory instrument by this Act does not affect the power to vary or revoke the statutory instrument by subsequent statutory instrument.

SCHEDULE 1
Related Amendments to Acts

Provision Amended	How Amended
1. Ambulance Services Act 1992	
(a) section 10(1)	Strike out "Administrative Appeals Court" and substitute "Administrative and Disciplinary Division of the District Court".
(b) section 10(2)	Strike out this subsection.
(c) section 10(3)	Strike out this subsection.
(d) section 10(4)	Strike out this subsection.
2. Apiaries Act 1931	
(a) section 8E(1)	Strike out "a District Court" and substitute "the Administrative and Disciplinary Division of the District Court".
(b) section 8E(3)	Strike out this subsection.
3. Associations Incorporation Act 1985	
(a) section 50(1)	Strike out "a District Court" and substitute "the Administrative and Disciplinary Division of the District Court (the Court)".
(b) section 50(2a)	Strike out this subsection.
(c) section 50(3)	Strike out this subsection.
(d) section 50(4)	Strike out "reversed by a District Court under subsection (3)" and substitute "reversed on appeal".
4. Building Work Contractors Act 1995	
(a) section 10(2)	Strike out "or such longer period as the District Court may allow".
(b) section 10(5)	Strike out this subsection.
(c) section 10(6)	Strike out this subsection.
(d) section 17(2)	Strike out "or such longer period as the District Court may allow".
(e) section 17(5)	Strike out this subsection.
(f) section 17(6)	Strike out this subsection.
5. Business Names Act 1996	
(a) section 16(3)	Strike out this subsection.
(b) section 16(4)	Strike out this subsection.

	Provision Amended	How Amended
6.	Conveyancers Act 1994	
(a)	section 7A(2)	Strike out "or such longer period as the Court may allow".
(b)	section 7A(5)	Strike out this subsection.
(c)	section 7A(6)	Strike out this subsection.
(d)	section 22(2)	Strike out this subsection.
(e)	section 37(3)	Strike out this subsection.
7.	Dangerous Substances Act 1979	
(a)	section 28(5)(a)	Strike out "Chief Judge of the District Court of South Australia" and substitute "Chief Magistrate".
(b)	section 28(7)	Strike out "Administrative and Disciplinary Division of the District Court" and substitute "Magistrates Court".
(c)	section 37(3)	Strike out this subsection.
(d)	section 37(5)	Strike out this subsection.
(e)	section 37(6)	Strike out this subsection.
(f)	section 37(7)	Strike out this subsection.
(g)	section 37(8)	Strike out this subsection.
(h)	section 37(9)	Strike out this subsection.
(i)	section 37(10)	Strike out this subsection.
(j)	section 37(11)	Strike out this subsection.
8.	Dog and Cat Management Act 1995	
(a)	section 58(1)	Strike out "Administrative Appeals Division" and substitute "Administrative and Disciplinary Division".
(b)	section 58(2)	Strike out this subsection.
(c)	section 58(5)	Strike out this subsection.
(d)	section 58(7)	Strike out this subsection.
(e)	section 58(8)	Strike out this subsection.
(f)	section 58(9)	Strike out this subsection.

Provision Amended	How Amended
(g) section 58(10)	Strike out this subsection and substitute: (10) On the hearing of an appeal, the Court may (in addition to the powers of the Court under Part 6 Division 2 of the <i>District Court Act 1991</i>) make an order in relation to the dog that a court could have made if the proceedings had been criminal proceedings under this Act (and the order takes effect as if it had been made in such proceedings). ¹ ¹ . See section 47.
9. Dried Fruits Act 1993	
(a) section 30(1)	Strike out "Administrative Appeals Division" and substitute "Administrative and Disciplinary Division".
(b) section 30(2)	Strike out "or such longer period as the Court may allow".
(c) section 30(5)	Strike out this subsection.
(d) section 30(6)	Strike out this subsection.
10. Education Act 1972	
(a) section 68(1)	Strike out "a local court of full jurisdiction shall lie" and substitute "the Administrative and Disciplinary Division of the District Court lies".
(b) section 68(2)	Strike out ", but the court may, if it is satisfied that it is just and reasonable in the circumstances to do so, dispense with the requirement that the appeal should be so instituted".
(c) section 68(3)	Strike out this subsection.
(d) section 72M(1)	Strike out "a local court of full jurisdiction" and substitute "the Administrative and Disciplinary Division of the District Court".
(e) section 72M(2)	Strike out ", but the court may, if it is satisfied that it is just and reasonable in the circumstances to do so, dispense with the requirement that the appeal should be so instituted".
(f) section 72M(3)	Strike out this subsection.
(g) section 75C(1)	Strike out "a local court of full jurisdiction" and substitute "the Administrative and Disciplinary Division of the District Court".
(h) section 75C(2)	Strike out ", but the court may, if it is satisfied that it is just and reasonable in the circumstances to do so, dispense with requirement that the appeal should be so instituted".
(i) section 75C(3)	Strike out this subsection.

Provision Amended	How Amended
11. Electoral Act 1985	
(a) section 31(3)(c)	Strike out this paragraph and substitute: (c) of the claimant's rights under this Act to appeal against the decision.
(b) section 35(3)(c)	Strike out this paragraph and substitute: (c) if applicable, the rights of the person to whom the notice is given to appeal against the decision.
(c) section 42(6)(c)	Strike out this paragraph and substitute: (c) the rights of the applicant to appeal against the decision of the Electoral Commissioner.
(d) headings	Strike out the headings to Part 12 and Division 1 of Part 12 and substitute: PART 12 APPEALS DIVISION 1—ADMINISTRATIVE APPEALS
(e) section 100(1)	Strike out "A decision of any of the following classes is reviewable under this Division:" and substitute "An appeal under this Division may be made against any of the following decisions:".
(f) section 100(2)	Strike out "is reviewable" and substitute "may be appealed against".
(g) section 101	Strike out this section and substitute: Administrative appeals 101. (1) A person who has a proper interest in a decision that may be appealed against under this Division may appeal against the decision to— (a) the Electoral Commissioner; or (b) the Administrative and Disciplinary Division of the District Court. (2) An appeal must be instituted within one month after the person receives notice of the decision. (3) The following provisions apply in relation to an appeal to the Electoral Commissioner: (a) the Electoral Commissioner may, if satisfied that it is just and reasonable in the circumstances to do so, dispense with the requirement that an appeal be instituted within the period fixed by subsection (2);

Provision Amended	How Amended
	<p>(b) the appeal must be in writing and set out in detail the grounds for the appeal;</p> <p>(c) the Electoral Commissioner must afford the appellant and all other persons with a proper interest in the decision the opportunity to make submissions, orally or in writing, on the appeal;</p> <p>(d) the Electoral Commissioner must, after considering all submissions—</p> <p style="padding-left: 40px;">(i) affirm the decision appealed against; or</p> <p style="padding-left: 40px;">(ii) rescind the decision and substitute a decision that the Electoral Commissioner considers appropriate.</p>
	<p>(4) This section does not limit the powers of the District Court under Part 6 Division 2 of the <i>District Court Act 1991</i>.</p>
12. Electricity Act 1996	
(a) section 76(1)	Strike out "decision of" and substitute "decision as confirmed, amended or substituted by".
(b) section 76(2)	Strike out "Except on an appeal limited to a question of law, the" and substitute "The".
(c) section 76(4)	Strike out this subsection.
(d) section 76(5)	Strike out this subsection and substitute: (5) The Court may, on an appeal—
	<p>(a) affirm the decision appealed against; or</p> <p>(b) remit the matter to the original decision maker for consideration or further consideration in accordance with any directions of the Court.</p>
13. Emergency Services Funding Act 1998	
section 26(4)	Before "District Court" insert "Administrative and Disciplinary Division of the".
14. Fisheries Act 1982	
(a) section 58(1)	Strike out "may apply to the Administrative Appeals Court for a review of the decision or order" and substitute "may appeal to the Administrative and Disciplinary Division of the District Court (the Court) against the decision or order".
(b) section 58(2)	Strike out this subsection and substitute: (2) An appeal must be made within one month of the making of the decision or order appealed against.
(c) section 58(3)	Strike out this subsection.

	Provision Amended	How Amended
(d)	section 58(6)	Strike out "making an application for review" and substitute "instituting an appeal".
(e)	section 58(7)	Strike out this subsection.
(f)	section 58(8)	Strike out this subsection.
(g)	section 58(9)	Strike out "Administrative Appeals Court made upon a review" and substitute "Court on an appeal under this section."
15.	Freedom of Information Act 1991	
(a)	section 4(1)	Strike out the definition of "District Court" and substitute: "District Court" means the Administrative and Disciplinary Division of the District Court;.
(b)	section 40(1)	Strike out "a District Court" and substitute "the District Court".
(c)	section 40(2)	Strike out this subsection.
(d)	section 41(2)	Strike out "a District Court" and substitute "the District Court".
(e)	section 42(1)	Strike out this subsection.
(f)	section 42(2)	Before "Court" first occurring insert "District".
(g)	section 43(1)	Strike out "A" and substitute "The".
16.	Gas Act 1997	
(a)	section 74(2)	Strike out this subsection.
(b)	section 74(4)	Strike out this subsection.
(c)	section 74(5)	Strike out this subsection.
(d)	section 75	Strike out this section.
(e)	section 76	Strike out this section.
17.	Guardianship and Administration Act 1993	
(a)	section 65	Strike out "or the Administrative Appeals Court".
(b)	heading to Division 2 of Part 6	Strike out "ADMINISTRATIVE APPEALS COURT" and substitute "ADMINISTRATIVE AND DISCIPLINARY DIVISION OF THE DISTRICT COURT".
(c)	section 66(1)	Strike out "The Administrative Appeals Court" and substitute "The Administrative and Disciplinary Division of the District Court (the ADD)".

Provision Amended	How Amended
(d) section 66 new subsection	After subsection (1) insert: (1a) However, if the ADD is of the opinion that the delay likely to be consequent on convening assessors in any particular case would prejudice the proper administration of justice in the matter, the ADD may hear and determine the appeal without assessors.
(e) section 66(2)	Strike out "Court" and substitute "ADD".
(f) section 66(6)	Strike out this subsection and substitute: (6) Subject to subsection (7), where proceedings are brought before the ADD under this Act, a Judge of the District Court will select a member from each of the panels to sit with the ADD as assessors in the proceedings.
(g) section 66(7)	Strike out "Court" and substitute "ADD".
(h) section 66(8)	Strike out "judicial officer" and substitute "Judge".
(i) section 66(9)	Strike out "Court" and substitute "ADD". Strike out "judicial officer" twice occurring and substitute, in each case, "Judge".
(j) section 67	Strike out "Administrative Appeals Court" wherever occurring and substitute, in each case, "ADD". Strike out "Court" wherever occurring and substitute, in each case, "ADD".
(k) section 67(6)	Strike out this subsection.
(l) section 67 new subsection	After subsection (15) insert: (15a) The ADD may make an order for costs against a party in accordance with a prescribed scale, but only if the ADD is satisfied that the institution of the proceedings, or the party's conduct in relation to the proceedings, was frivolous, vexatious or calculated to cause delay.
(m) section 68	Strike out this section.
(n) section 69	Strike out this section.
(o) section 70	Strike out "Administrative Appeals Court" wherever occurring and substitute, in each case, "ADD".
(p) section 70(1)	Strike out "the Court" and substitute "the ADD". Strike out "that Court" and substitute "the ADD".
(q) section 70(2)(c)	Strike out "Court" and substitute "ADD".
(r) section 71	Strike out "Administrative Appeals Court" and substitute "ADD".
(s) section 72(1)	Strike out "Board or Administrative Appeals Court" and substitute "ADD".

	Provision Amended	How Amended
(t)	section 73(1)	Strike out "Administrative Appeals Court" and substitute "ADD".
18.	Historic Shipwrecks Act 1981	
(a)	section 11(6)	Strike out "apply to a District Court for review of the notice" and substitute "appeal to the Administrative and Disciplinary Division of the District Court against the decision to give the notice".
(b)	section 11(7)	Strike out this subsection.
19.	Housing Improvement Act 1940	
(a)	section 24(1)	Strike out "local court of full jurisdiction nearest to the house" and substitute "Administrative and Disciplinary Division of the District Court".
(b)	section 24(2)	Strike out this subsection.
(c)	section 53(1)	Strike out "local court of full jurisdiction nearest to the house" and substitute "Administrative and Disciplinary Division of the District Court".
(d)	section 53(2)	Strike out this subsection.
(e)	section 60A(1)(b)(b)	Strike out "local court of full jurisdiction nearest the house" and substitute "District Court".
(f)	section 60A(2)	Strike out "local court" and substitute "District Court". Strike out "court" second occurring and substitute "Court".
(g)	section 60A(3)	Strike out "local court" and substitute "District Court".
(h)	section 61(4)	Strike out "the <i>Local Courts Act 1926</i> or".
20.	Independent Industry Regulator Act 1999	
(a)	section 27(1)	Strike out this subsection and substitute: (1) The applicant for a review under this Part, or any other party to the review who made submissions on the review, who is dissatisfied with the determination or decision as confirmed, varied or substituted by the Industry Regulator on the review may appeal to the Administrative and Disciplinary Division of the District Court (the Court) against the determination or decision.
(b)	section 27(2)	Strike out "Except on an appeal limited to a question of law, the" and substitute "The".
(c)	section 27(3)(a)	Strike out "appealed against" and substitute "on the review".
(d)	section 27(5)	Strike out this subsection.

Provision Amended	How Amended
(e) section 27(8)	Strike out this subsection and substitute: (8) The Court may, on an appeal— (a) affirm the decision appealed against; or (b) remit the matter to the Industry Regulator for consideration or further consideration in accordance with any directions of the Court.
21. Land Agents Act 1994	
(a) section 8A(2)	Strike out "or such longer period as the Court may allow".
(b) section 8A(5)	Strike out this subsection.
(c) section 8A(6)	Strike out this subsection.
(d) section 20(2)	Strike out this subsection.
(e) section 35(3)	Strike out this subsection.
22. Livestock Act 1997	
(a) section 73(2)	Strike out this subsection.
(b) section 73(5)	Strike out this subsection.
(c) section 73(6)	Strike out this subsection.
(d) section 73(7)	Strike out this subsection.
(e) section 74	Strike out this section.
23. Local Government Act 1999	
(a) section 173(8)	Strike out this subsection.
(b) section 256(1)	Strike out "apply for a review of" and substitute "appeal against".
(c) section 256(3)	Strike out "apply to the District Court for a review of the order" and substitute "appeal against the order to the District Court".
(d) section 256(4)	Strike out this subsection.
(e) section 256(5)	Strike out this subsection.
(f) section 256(6)	Strike out this subsection.
(g) section 256(7)	Strike out this subsection.
(h) section 266(1)	Strike out "may, if the judicial officer who is to preside at the proceedings" and substitute "will, if a Judge of the District Court".
(i) section 266(2)	Strike out this subsection.
(j) section 276(8)	Strike out this subsection.

Provision Amended	How Amended
24. Meat Hygiene Act 1994	
(a) section 35(1)	Strike out "Administrative Appeals Court" and substitute "Administrative and Disciplinary Division of the District Court (the Court)".
(b) section 35(3)	Strike out this subsection.
(c) section 35(4)	Strike out ", but the Court may dispense with the requirement that an appeal be so instituted".
(d) section 35(7)	Strike out this subsection.
(e) section 35(8)	Strike out this subsection.
(f) section 35(9)	Strike out this subsection.
(g) section 35(10)	Strike out this subsection.
25. Mental Health Act 1993	
section 28	Strike out "Administrative Appeals Court" and substitute "Administrative and Disciplinary Division of the District Court".
26. Motor Vehicles Act 1959	
(a) section 81B(6)	Strike out ", in accordance with the relevant rules of court, appeal to a local court" and substitute "appeal to the Magistrates Court".
(b) section 81B(8)	Strike out "local court" and substitute "Magistrates Court". Strike out "the court" and substitute "the Court".
(c) section 81B(9)	Strike out "a court" and substitute "the Magistrates Court". Strike out "the court" and substitute "the Court".
(d) section 88(3)	Strike out "a court of summary jurisdiction" and substitute "the Magistrates Court". Strike out "that court" and substitute "that Court".
(e) section 88(4)	Strike out "court" twice occurring and substitute, in each case, "Court".
(f) section 98PF	Strike out "the judicial officer who is to preside at the proceedings" and substitute "a judicial officer of the Court".
(g) section 98PH(2)	Strike out " or such longer period as the District Court may allow".
(h) section 98PH(5)	Strike out this subsection.
(i) section 98PH(6)	Strike out this subsection.
(j) section 98PH(7)	Strike out this subsection.

	Provision Amended	How Amended
(k)	section 132(1)	Strike out "a court of summary jurisdiction" and substitute "the Magistrates Court". Strike out "the court" and substitute "the Court".
(l)	section 132(2)	Strike out "court" twice occurring and substitute, in each case, "Court".
(m)	section 139A(2)(a)	Strike out "a court of summary jurisdiction, by the court which made the order," and substitute "the Magistrates Court, by a magistrate".
(n)	Schedule 5 clause 4	Strike out "the judicial officer who is to preside at the proceedings" and substitute "a judicial officer of the Court".
27.	Motor Vehicles Act 1959	
(a)	section 81B(9)	Strike out "a court" and substitute "the Magistrates Court". Strike out "the court" and substitute "the Court".
(b)	section 98ZA(1)	Strike out "decision of" and substitute "decision as confirmed, varied or substituted by". Strike out ", in accordance with the rules of court,".
(c)	section 98ZA(4)	Strike out this subsection.
(d)	section 98ZA(6)	Strike out this subsection.
(e)	section 98ZC	Strike out this section.
28.	Passenger Transport Act 1994	
(a)	section 4(1)	After the definition of "designated taxi-stand" insert: "District Court" or "Court" means the Administrative and Disciplinary Division of the District Court;.
(b)	section 38(1)	Strike out "Administrative Appeals Court" and substitute "District Court".
(c)	section 38(3)	Strike out this subsection.
(d)	section 38(4)	Strike out "or such longer period as the Court may allow".
(e)	section 38(7)	Strike out this subsection.
(f)	section 38(8)	Strike out this subsection.
(g)	section 38(9)	Strike out this subsection.
(h)	section 38(10)	Strike out this subsection.
(i)	section 43(2)	Strike out "Administrative Appeals Court" and substitute "District Court".
(j)	section 51(1)	Strike out "Administrative Appeals Court" and substitute "District Court".

Provision Amended	How Amended
29. Petroleum Products Regulation Act 1995	
(a) section 47(2)	Strike out this subsection.
(b) section 47(6)	Strike out this subsection.
(c) section 47(8)	Strike out this subsection and substitute: (8) Nothing prevents a prohibition notice from being stayed or varied under Part 6 Division 2 of the <i>District Court Act 1991</i> .
(d) section 47(9)	Strike out this subsection.
(e) section 47(10)	Strike out this subsection.
(f) section 47(11)	Strike out this subsection.
30. Plumbers, Gas Fitters and Electricians Act 1995	
(a) section 10(2)	Strike out "or such longer period as the Court may allow".
(b) section 10(5)	Strike out this subsection.
(c) section 10(6)	Strike out this subsection.
(d) section 17(2)	Strike out "or such longer period as the Court may allow".
(e) section 17(5)	Strike out this subsection.
(f) section 17(6)	Strike out this subsection.
31. Police Act 1998	
(a) section 51(2)	Strike out ", but the Court may, if it is satisfied that it is just and reasonable in the circumstances to do so, dispense with the requirement that the appeal be instituted within that period".
(b) section 51(3)	Strike out this subsection.
32. Police (Complaints and Disciplinary Proceedings) Act 1985	
(a) section 46(4)	Strike out ", but the Court may, if it is satisfied that it is just and reasonable in the circumstances to do so, dispense with the requirement that the appeal be instituted within that period".
(b) section 46(5)	Strike out this subsection.
(c) section 46(6)	Strike out this subsection.
(d) section 46(7)	Strike out this subsection.

	Provision Amended	How Amended
33.	Police Superannuation Act 1990	
(a)	section 39(1)	Strike out "apply to the District Court or to the Board for a review of the decision" and substitute "appeal to the Administrative and Disciplinary Division of the District Court or to the Board against the decision".
(b)	section 39(2)	Strike out this subsection.
(c)	section 39(3)	Strike out this subsection.
(d)	section 39(4)	Strike out "a review by" and substitute "an appeal to".
34.	Public and Environmental Health Act 1987	
(a)	section 29(1)	Before "District Court" insert "Administrative and Disciplinary Division of the".
(b)	section 29(1a)	Strike out "unless the District Court, in its discretion, allows an extension of time for instituting the appeal".
(c)	section 29(2)	Strike out this subsection.
35.	Rail Safety Act 1996	
(a)	section 20(3)	Strike out ", or the outcome of an appeal".
(b)	section 20(4)	Strike out this subsection and substitute: (4) The Administering Authority may make an interim order suspending the operation of a decision pending the outcome or determination of conciliation or mediation proceedings.
(c)	section 20(5)	Strike out this subsection.
(d)	section 20(6)	Strike out this subsection.
36.	Second-hand Vehicle Dealers Act 1995	
(a)	section 10(2)	Strike out "or such longer period as the District Court may allow".
(b)	section 10(5)	Strike out this subsection.
(c)	section 10(6)	Strike out this subsection.
37.	Security and Investigation Agents Act 1995	
(a)	section 11(2)	Strike out "or such longer period as the Court may allow".
(b)	section 11(5)	Strike out this subsection.
(c)	section 11(6)	Strike out this subsection.

	Provision Amended	How Amended
(d)	Schedule 1 subclause (7)	After "continue with any proceedings" insert ", the Court constituted of the judicial officer who is presiding at the proceedings".
38.	South Australian Metropolitan Fire Service Act 1936	
(a)	section 51A	Strike out "court" wherever occurring and substitute, in each case, "Court".
(b)	section 51A(8)	Strike out "a local court" and substitute "the Magistrates Court".
(c)	section 52E(2)	Strike out ", but the District Court may, if it is satisfied that it is just and reasonable in the circumstances to do so, dispense with the requirement that the appeal be instituted within that time".
(d)	section 52E(3)	Strike out this subsection.
(e)	section 52E(4)	Strike out this subsection.
(f)	section 52E(5)	Strike out this subsection.
(g)	section 60B(1)	Strike out the definition of "District Court".
(h)	section 60B(13)	Strike out "unless the District Court, in its discretion, allows an extension of time for instituting the appeal".
(i)	section 60B(15)	Strike out this subsection.
(j)	section 60B(16)	Strike out this subsection.
(k)	section 60B(17)	Strike out this subsection.
(l)	section 67(a)	Strike out "a local court" and substitute "the Magistrates Court".
(m)	Schedule 1 clause 4	Strike out "the judicial officer who is to preside at the proceedings" and substitute "a Judge of the District Court".
39.	Southern State Superannuation Act 1994	
(a)	section 40(1)	Strike out "apply to the District Court or to the Board for a review of the decision" and substitute "appeal to the Administrative and Disciplinary Division of the District Court or to the Board against the decision".
(b)	section 40(2)	Strike out this subsection.
(c)	section 40(3)	Strike out this subsection.
(d)	section 40(4)	Strike out "a review by" and substitute "an appeal to".
40.	State Lotteries Act 1966	
	section 18AA(1)	Strike out "Administrative Appeals Court" and substitute "Administrative and Disciplinary Division of the District Court".

	Provision Amended	How Amended
41.	Superannuation Act 1988	
(a)	section 44(1)	Strike out "apply to the District Court or to the Board for a review of the decision" and substitute "appeal to the Administrative and Disciplinary Division of the District Court or to the Board against the decision".
(b)	section 44(2)	Strike out this subsection.
(c)	section 44(3)	Strike out this subsection.
(d)	section 44(4)	Strike out "a review by" and substitute "an appeal to".
42.	Supported Residential Facilities Act 1992	
(a)	section 3	Strike out the definition of "Administrative Appeals Court". After the definition of "council" insert: "District Court" means the Administrative and Disciplinary Division of the District Court;
(b)	heading to Division 3 of Part 3	Strike out the heading and substitute: DIVISION 3—DISTRICT COURT
(c)	section 19(1)	Strike out "Administrative Appeals" and substitute "District".
(d)	section 19(5)	Strike out this subsection and substitute: (5) Subject to subsection (6), where proceedings are brought before the District Court under this Act, a Judge of the District Court will choose two members of the panel to sit with the Court as assessors in the proceedings.
(e)	section 19(6)	Strike out "Administrative Appeals" and substitute "District".
(f)	section 19(7)	Before "Court" insert "District". Strike out "judicial officer" twice occurring and substitute, in each case, "Judge".
(g)	section 20(1)	Strike out "Administrative Appeals" and substitute "District".
(h)	section 20(2)	Strike out "Administrative Appeals" and substitute "District".
(i)	section 20(3)	Strike out "Administrative Appeals Court" first occurring and substitute "District Court". Strike out "Administrative Appeals" second occurring.
(j)	section 20(4)	Strike out "Administrative Appeals" and substitute "District".
(k)	section 20(5)	Strike out "Administrative Appeals" and substitute "District".
(l)	section 20(6)	Strike out "Administrative Appeals" and substitute "District".
(m)	section 20(7)	Before "Court" insert "District".
(n)	section 20(8)	Before "Court" insert "District".
(o)	section 20(9)	Strike out "Administrative Appeals" and substitute "District".

**District Court (Administrative and Disciplinary
Division) Amendment Act 2000**

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SCHEDULE 1

	Provision Amended	How Amended
(p)	section 20(10)	Strike out "Administrative Appeals" and substitute "District".
(q)	section 31(6)(i)	Strike out "Administrative Appeals Court" first occurring and substitute "District Court". Strike out "Administrative Appeals" second occurring.
(r)	section 32(1)	Strike out "Administrative Appeals" and substitute "District".
(s)	section 32(2)	Strike out "unless the Administrative Appeals Court allows a longer time for the institution of the appeal".
(t)	section 32(3)	Strike out this subsection.
(u)	section 32(4)	Strike out this subsection.
(v)	section 32(5)	Strike out this subsection and substitute: (5) Where the licensing authority or the District Court is satisfied that an applicant for renewal of a licence has instituted or intends to institute an appeal, the licensing authority or the Court may order that the licence remain in force until the determination of the appeal and may impose such conditions on the licence as it thinks fit.
(w)	section 32(6)	Strike out this subsection.
(x)	section 32(7)	Strike out "subsection (6)" and substitute "subsection (5)". Strike out "Administrative Appeals" and substitute "District". Strike out "suspension or".
(y)	section 44(1)	Strike out "Administrative Appeals" and substitute "District".
(z)	section 44(2)	Strike out "unless the Administrative Appeals Court allows a longer time for the institution of the appeal".
(za)	section 44(3)	Strike out this subsection.
(zb)	section 44(4)	Strike out "Administrative Appeals" and substitute "District".
43.	Survey Act 1992	
(a)	section 38A	Strike out "the judicial officer who is to preside at the proceedings" and substitute "a judicial officer of the Court".
(b)	section 42(2)	Strike out ", but the court may, if it is satisfied that it is just and reasonable in the circumstances to do so, dispense with the requirement that the appeal be instituted within that period".
(c)	section 42(3)	Strike out this subsection.
(d)	section 42(4)	Strike out this subsection.
(e)	Schedule 1 subclause (5)	Strike out "the judicial officer who is to preside at the proceedings" and substitute "a judicial officer of the Court".

Provision Amended	How Amended
44. Tobacco Products Regulation Act 1997	
(a) section 13(2)	Strike out this subsection.
(b) section 13(3)	Strike out "Subject to subsection (4), an" and substitute "An".
(c) section 13(4)	Strike out this subsection.
(d) section 13(5)	Strike out this subsection.
(e) section 47(5)	Strike out "but, in the case of decisions relating to licensed premises, with references to the Administrative and Disciplinary Division of the District Court to be read as references to the Licensing Court of South Australia".
(f) section 47 new subsection	<p>After subsection (5) insert:</p> <p>(5a) However, in the case of decisions relating to licensed premises, Part 2 applies as if—</p> <p>(a) references in Part 2 to the Administrative and Disciplinary Division of the District Court were references to the Licensing Court of South Australia; and</p> <p>(b) the Licensing Court had the powers and duties of the District Court under Part 6 Division 2 of the <i>District Court Act 1991</i>.</p>
45. Trade Measurement Administration Act 1993	
(a) section 14(2)	Strike out this subsection.
(b) section 14(3)	Strike out this subsection.
(c) section 14A	Strike out "the judicial officer who is to preside at the proceedings" and substitute "a judicial officer of the appeals court".
(d) Schedule subclause (5)	Strike out "the judicial officer who is to preside at the proceedings" and substitute "a judicial officer of the Court".
46. Travel Agents Act 1986	
(a) section 11(2)	Strike out "or such longer period as the District Court may allow".
(b) section 11(5)	Strike out this subsection.
(c) section 11(6)	Strike out this subsection.
(d) section 21(3)	Strike out this subsection.

	Provision Amended	How Amended
47.	Vocational Education, Employment and Training Act 1994	
(a)	section 27(1)	Strike out "Administrative Appeals Court" and substitute "Administrative and Disciplinary Division of the District Court (the Court)".
(b)	section 27(2)	Strike out this subsection.
(c)	section 27(3)	Strike out ", but the Court may dispense with the requirement that an appeal be so instituted".
(d)	section 27(6)	Strike out this subsection.
(e)	section 27(7)	Strike out this subsection.
(f)	section 27(8)	Strike out this subsection.
(g)	section 27(9)	Strike out this subsection.

SCHEDULE 2*Related Amendments to Statutory Instruments*

Provision Amended	How Amended
1. Guardianship and Administration Regulations 1995	
(a) regulation 10	Strike out this regulation and substitute: Prescribed scale of costs for appeals to ADD 10. For the purposes of section 67(15a) of the Act, the prescribed scale of costs is the scale set out in the relevant Schedule of the <i>District Court Rules 1992</i> as in force from time to time.
(b) regulation 12	Strike out "Administrative Appeals Court" first occurring and substitute "Administrative and Disciplinary Division of the District Court (the ADD)". Strike out "Administrative Appeals Court" second occurring and substitute "ADD".
2. Road Traffic (Driving Hours) Regulations 1999	
(a) regulation 137(3)	Strike out this subregulation.
(b) regulation 137(4)	Strike out this subregulation.
(c) regulation 138	Strike out this regulation.