



ANNO TRICESIMO OCTAVO

# ELIZABETHAE II REGINAE

A.D. 1989

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No. 59 of 1989

**An Act to amend the Judicial Administration (Auxiliary Appointments and Powers) Act, 1988.**

[Assented to 26 October 1989]

The Parliament of South Australia enacts as follows:

## Short title

1. (1) This Act may be cited as the *Judicial Administration (Auxiliary Appointments and Powers) Act Amendment Act, 1989*.

(2) The *Judicial Administration (Auxiliary Appointments and Powers) Act, 1988*, is referred to in this Act as "the principal Act".

## Appointment of judicial auxiliaries

2. Section 3 of the principal Act is amended by inserting after subsection (6) the following subsection:

(7) A person acquires no rights under the *Judges' Pensions Act, 1971*, in respect of service in a judicial office on an auxiliary basis unless that person concurrently holds an appointment (on a permanent basis) to some other judicial office that attracts such rights, in which case the service will be treated as if it were service in the office that he or she holds on a permanent basis.

## Powers of judicial auxiliary

3. Section 4 of the principal Act is amended by inserting after subsection (1) the following subsection:

(1a) A person appointed to act in a judicial office on an auxiliary basis may only exercise the jurisdiction and powers deriving from that office in respect of matters assigned to that person by—

(a) the judicial head of the court in which the office exists;

or

(b) the judicial head of some other court in which he or she is undertaking, or is about to undertake, judicial work.

## Insertion of s. 6

4. The following section is inserted after section 5:

**Concurrent judicial appointments**

6. (1) A judicial officer may hold concurrent appointments to two or more judicial offices.

(2) Where the Governor makes an appointment by virtue of which a judicial officer will hold two or more concurrent appointments, one of the judicial offices must be designated by the Governor (with the consent of the appointee) as the primary judicial office.

(3) The remuneration and conditions of service of a judicial officer who holds two or more concurrent appointments will be the same as for a judicial officer who holds a single appointment to the primary office.

(4) Subject to subsection (5), the retirement, resignation or removal from office of a judicial officer who holds two or more concurrent appointments will be governed by the law applicable to the primary office and the judicial officer will, until retirement, resignation or removal from office (or earlier death), continue to hold both or all of those appointments.

(5) A judicial officer who holds two or more concurrent appointments may not, except with the approval of the Governor, resign from one or more of the relevant judicial offices without resigning from all of them, and a resignation, unless it is a resignation from all judicial offices, will not give rise to any right to pension, retirement leave or other similar benefit.

(6) This section does not apply in relation to—

(a) the appointment of a person to act in two or more judicial offices on an auxiliary basis;

or

(b) the appointment of a judicial officer who holds judicial office on a permanent basis to act in some other judicial office on an auxiliary basis.

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

C. L. LAUCKE, Governor's Deputy