

House of Assembly

As passed all stages and awaiting assent.

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South Australia

Environment, Resources and Development Court (Jurisdiction) Amendment Bill 2006

A BILL FOR

An Act to amend the *Environment, Resources and Development Court Act 1993*.

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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Environment, Resources and Development Court (Jurisdiction) Amendment Act 2006*.

2—Commencement

This Act will come into operation on a day to be fixed by proclamation.

3—Amendment provisions

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

Part 2—Amendment of *Environment, Resources and Development Court Act 1993*

4—Amendment of section 7—Jurisdiction

- (1) Section 7—after subsection (1) insert:
 - (1a) The Court does not have jurisdiction in respect of major indictable offences.
- (2) Section 7(2)—after "respect of" insert:

summary or minor indictable
- (3) Section 7(3)—delete subsection (3) and substitute:
 - (3) If jurisdiction is conferred on the Court under this or any other Act in respect of a summary or minor indictable offence, any proceedings for the offence must be commenced in the Court.
 - (3a) The Court will deal with a charge of a summary offence or a minor indictable offence in the same way as the Magistrates Court deals with such a charge (and in accordance with the procedures that would apply if the Magistrates Court were dealing with such a charge) and the *Summary Procedure Act 1921* applies to the Court subject to any additions, exclusions or modifications prescribed by the regulations as if references to the Magistrates Court extended to the Court.
 - (3b) For the avoidance of doubt, if a person charged with a minor indictable offence elects, in accordance with the *Summary Procedure Act 1921*, for trial in a superior court, the Court must commit the defendant for trial by jury in the District Court.
- (4) Section 7(4)—delete "an indictable" and substitute:

a minor indictable
- (5) Section 7(4)(a)—delete "twice a Division 1 fine" and substitute:

\$300 000
- (6) Section 7(5)—delete subsection (5) and substitute:
 - (5) If the Court is of the opinion in any particular case that a sentence should be imposed that exceeds the limits prescribed by subsection (4), the Court may remand the defendant to appear for sentence before the District Court.

5—Amendment of section 15—Constitution of Court

Section 15(14)—delete subsection (14) and substitute:

- (14) Where the Court has jurisdiction to try a charge for any offence, the Court will be constituted of—
 - (a) in the case of a minor indictable offence—a Judge; or
 - (b) in the case of a summary offence—a Judge or a magistrate.