

South Australia

**Evidence (Suppression Orders) Amendment
Bill 2012**

A BILL FOR

An Act to amend the *Evidence Act 1929*.

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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 *Evidence (Suppression Orders) Amendment Act 2012*.

2—Commencement

- 5 This Act will come into operation 3 months after the day on which it is assented to by the Governor.

3—Amendment provisions

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

10 Part 2—Amendment of *Evidence Act 1929*

4—Variation of section 69A—Suppression orders

- (1) Section 69A(8)(a)—after "copy of the order" insert:

and the reasons for which the order was made

- (2) Section 69A(9)—after "copy of the order" insert:

15 and the reasons for which the order was made

- (3) Section 69A(10)(b)—delete "the order in the register" and substitute:

in the register—

- (i) the order; and
- (ii) the reasons for which the order was made; and

(4) Section 69A(10)—after paragraph (c) insert:

and

- (d) will cause the register to be published on the internet (other than material contained in the register that must not be published under the terms of a suppression order).

5—Variation of section 69AB—Expiry and review of suppression orders

Section 69AB(4)—after subsection (4) insert:

(5) If, on a review of a suppression order, the court is considering varying or confirming (rather than revoking) the suppression order, the court—

- (a) must recognise that a primary objective in the administration of justice is to safeguard the public interest in open justice and the consequential right of the news media to publish information relating to court proceedings; and
- (b) may only confirm or vary the order if satisfied that special circumstances exist giving rise to a sufficiently serious threat of prejudice to the proper administration of justice, or undue hardship, to justify the continuation of the order in the particular case.

6—Variation of section 71A—Restriction on reporting proceedings relating to sexual offences

Section 71A(1), (2) and (5)—delete subsections (1), (2) and (5)

Schedule 1—Transitional provision

1—Transitional provision

The amendments made to the *Evidence Act 1929* by this Act apply only in relation to a suppression order made after the commencement of this clause.