

**Legislative Council—No 242**

As received from the House of Assembly and read a first time, 27 September 2017

South Australia

**Statutes Amendment (Attorney-General's  
Portfolio) (No 2) Bill 2017**

A BILL FOR

An Act to amend various Acts within the portfolio of the Attorney-General.

---

## Contents

### Part 1—Preliminary

- 1 Short title
- 2 Amendment provisions

### Part 2—Amendment of *Cross-border Justice Act 2009*

- 3 Insertion of section 108A
  - 108A Application of *Youth Justice Administration Act 2016*
- 4 Insertion of section 117A
  - 117A Application of *Youth Justice Administration Act 2016*

### Part 3—Amendment of *Justices of the Peace (Miscellaneous) Amendment Act 2016*

- 5 Substitution of section 8
  - 8 Amendment of section 11—Disciplinary action, suspension and removal of other justices

### Part 4—Amendment of *Real Property Act 1886*

- 6 Substitution of section 6
  - 6 Laws inconsistent not to apply
  - 6A Effect of section 6

### Part 5—Amendment of *Surveillance Devices Act 2016*

- 7 Amendment of section 3—Interpretation
- 

## The Parliament of South Australia enacts as follows:

### Part 1—Preliminary

#### 1—Short title

- 5 This Act may be cited as the *Statutes Amendment (Attorney-General's Portfolio) (No 2) Act 2017*.

#### 2—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 *Cross-border Justice Act 2009*

#### 10 3—Insertion of section 108A

After section 108 insert:

#### 108A—Application of *Youth Justice Administration Act 2016*

- 15 The *Youth Justice Administration Act 2016* does not apply in relation to a person detained in a detention centre in another participating jurisdiction under this Part.

#### 4—Insertion of section 117A

After section 117 insert:

##### **117A—Application of *Youth Justice Administration Act 2016***

The *Youth Justice Administration Act 2016* applies in relation to a  
person detained in a detention centre in the State under this Division.

### **Part 3—Amendment of *Justices of the Peace (Miscellaneous) Amendment Act 2016***

#### 5—Substitution of section 8

Section 8—delete the section and substitute:

##### **8—Amendment of section 11—Disciplinary action, suspension and removal of other justices**

(1) Section 11(1)—delete subsection (1) and substitute:

(1) There is proper cause for taking disciplinary action against a justice if the justice breaches or fails to comply with—

- (a) this Act; or
- (b) a condition of his or her appointment; or
- (c) a prescribed provision of a code of conduct.

(2) Section 11(2), (3), (5) and (6)—delete "Governor" wherever occurring and substitute in each case:

Attorney-General

### **Part 4—Amendment of *Real Property Act 1886***

#### 6—Substitution of section 6

Section 6—delete the section and substitute:

##### **6—Laws inconsistent not to apply**

No law, so far as inconsistent with this Act, shall apply to land subject to the provisions of this Act, nor shall any future law, so far as inconsistent with this Act, so apply unless it shall be expressly enacted that it shall so apply "notwithstanding the provisions of the *Real Property Act 1886*".

##### **6A—Effect of section 6**

Section 6 has effect as if Schedule 1 Part 4 of the *Aboriginal Lands Trust Act 2013* had never come into operation.

## **Part 5—Amendment of *Surveillance Devices Act 2016***

### **7—Amendment of section 3—Interpretation**

Section 3(1), definition of *review agency*, (a)—delete "the Police Ombudsman" and substitute:

5                           the reviewer under Schedule 4 of the *Independent Commissioner Against Corruption Act 2012*