

Legislative Council—No 165

As received from the House of Assembly and read a first time, 23 July 2013

South Australia

**Statutes Amendment (Attorney-General's
Portfolio) (No 3) Bill 2013**

A BILL FOR

An Act to amend various Acts the administration of which is the responsibility of the
Attorney-General.

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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 *Statutes Amendment (Attorney-General's Portfolio) (No 3) Act 2013*.

5 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 *Criminal Law Consolidation Act 1935*

4—Amendment of section 351B—Costs

Section 351B(1)—delete "taxed" and substitute:

adjudicated

Part 3—Amendment of *Criminal Law (Sentencing) Act 1988*

5—Amendment of section 44—Variation or discharge of bond

Section 44—after subsection (2) insert:

(2a) The Minister for Correctional Services must—

(a) before varying or revoking a condition of a bond of a probationer under subsection (1); or

(b) before waiving the obligation of a probationer to comply any further with a condition requiring supervision under subsection (2),

take into account the likely impact on a victim to which this subsection applies of so doing.

(2b) Subsection (2a) applies to a victim in respect of whom a victim impact statement was furnished to the sentencing court when the probationer was sentenced (whether the statement was furnished under section 7 or 7A).

Part 4—Amendment of *District Court Act 1991*

6—Amendment of section 40—Interest on judgment debts

Section 40(2)(a)—delete paragraph (a) and substitute:

(a) in the case of adjudicated costs—from the date the costs are adjudicated or an earlier date fixed by the adjudicating officer;

Part 5—Amendment of *Evidence Act 1929*

7—Amendment of section 33—Disclosure in action for defamation

(1) Section 33(1)—delete "discover" and substitute:

disclose

(2) Section 33(1)—delete "discovering" and substitute:

disclosing

(3) Section 33(1)—delete "discovery" and substitute:

disclosure

- (4) Section 33(2)—delete "discovered" and substitute:
disclosed

8—Amendment of section 71A—Restriction on reporting on sexual offences

- (1) Section 71A(5), definition of *relevant date*—before paragraph (a) insert:
5 (aa) in relation to a charge of a major indictable offence for which the
Magistrates Court is to determine and impose sentence—the date on
which a plea of guilty is entered by the accused person; or
- (2) Section 71A(5), definition of *relevant date*, (a)—delete "a major indictable offence"
and substitute:
10 any other major indictable offence

Part 6—Amendment of *Legal Services Commission Act 1977*

9—Amendment of section 31A—Secrecy

- Section 31A(3)(c)—delete "discovery" and substitute:
disclosure

Part 7—Amendment of *Supreme Court Act 1935*

10—Amendment of section 72—Rules of court

- (1) Section 72(1)(f)—delete "taxation" and substitute:
adjudication
- (2) Section 72(1)(i)—delete "tax" and substitute:
20 adjudicate

11—Amendment of section 114—Interest on judgement debts

- (1) Section 114(2)(a)—delete "taxed" and substitute:
adjudicated
- (2) Section 114(2)(b)—delete paragraph (b) and substitute:
25 (b) in the case of adjudicated costs, from the date of the certificate of the
adjudicating officer by whom the costs were adjudicated or an earlier
date specified by the adjudicating officer in the certificate.

Part 8—Amendment of *Trustee Act 1936*

12—Amendment of section 68—Court may order costs

- 30 Section 68—delete "taxed" and substitute:
adjudicated