

Legislative Council—No 165A

As reported with amendments, report adopted, Standing Orders suspended and passed remaining stages, 15 October 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*.

2—Commencement

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

3—Amendment provisions

5 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

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

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

(1) Section 44(2)—delete "If" and substitute:

Subject to subsection (2a), if

(2) Section 44—after subsection (2) insert:

15 (2a) The Minister for Correctional Services must, before deciding whether to waive the obligation of a probationer to comply any further with a condition requiring supervision, take into account the likely impact on a victim to which this subsection applies if the probationer is no longer required to remain under supervision.

20 (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*

25 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*

30 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

5 **8—Amendment of section 71A—Restriction on reporting on sexual offences**

(1) Section 71A(5), definition of *relevant date*—before paragraph (a) insert:

(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

10 (2) Section 71A(5), definition of *relevant date*, (a)—delete "a major indictable offence" and substitute:
any other major indictable offence

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

9—Amendment of section 31A—Secrecy

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

Part 6A—Amendment of *Magistrates Court Act 1991*

9A—Amendment of section 42—Appeals

(1) Section 42(5)(c)—after "including" insert:
20 , subject to subsection (5a),

(2) Section 42—after subsection (5) insert:

(5a) The Full Court may not make an order for costs in relation to an appeal to the Full Court of a kind referred to in subsection (2)(ab).

Part 7—Amendment of *Supreme Court Act 1935*

25 **9AB—Amendment of section 5—Interpretation**

Section 5(1), definition of *Full Court*, (b)(ii)—delete subparagraph (ii) and substitute:

(ii) the Chief Justice has made a determination under—

(A) section 357(3) of the *Criminal Law Consolidation Act 1935*;
or

30 (B) section 42(2a) of the *Magistrates Court Act 1991*; or

(C) section 22(2a) of the *Youth Court Act 1993*;

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:

adjudicate

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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:

(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.

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Part 8—Amendment of *Trustee Act 1936*

12—Amendment of section 68—Court may order costs

Section 68—delete "taxed" and substitute:

adjudicated

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Part 9—Amendment of *Youth Court Act 1993*

13—Amendment of section 22—Appeals

Section 22—after subsection (2) insert:

(2a) The Chief Justice may determine that the Full Court is to be constituted of only 2 judges for the purposes of hearing and determining an appeal to the Full Court of a kind referred to in subsection (2)(ba).

(2b) The decision of the Full Court when constituted by 2 judges is to be in accordance with the opinion of those judges or, if the judges are divided in opinion, the proceedings are to be reheard and determined by the Full Court constituted by such 3 judges as the Chief Justice directs (including, if practicable, the 2 judges who first heard the proceedings on appeal).

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