

House of Assembly—No 37

As laid on the table and read a first time, 1 August 2018

South Australia

Statutes Amendment (Attorney-General's Portfolio) Bill 2018

A BILL FOR

An Act to amend the *Fines Enforcement and Debt Recovery Act 2017*, the *Liquor Licensing Act 1997*, the *South Australian Civil and Administrative Tribunal Act 2013*, the *Surveillance Devices Act 2016*, the *Telecommunications (Interception) Act 2012* and the *Young Offenders Act 1993*.

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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) Act 2018*.

2—Commencement

- (1) Subject to this section, this Act will come into operation on the day on which it is assented to by the Governor.

- (2) Section 4 will be taken to have come into operation on 30 April 2018 immediately after section 23 of the *Fines Enforcement and Debt Recovery Act 2017* came into operation.
- (3) Section 5 will come into operation—
- 5 (a) immediately after section 48 of the *Fines Enforcement and Debt Recovery Act 2017* comes into operation; or
- (b) on the day on which this Act is assented to by the Governor, whichever is the later.
- (4) Part 3 will come into operation—
- 10 (a) on the day on which section 22 of the *Liquor Licensing (Liquor Review) Amendment Act 2017* comes into operation; or
- (b) on the day on which this Act is assented to by the Governor, whichever is the later.
- (5) Part 4 will come into operation immediately after section 225 of the *Statutes Amendment (SACAT No 2) Act 2017* comes into operation.
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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 *Fines Enforcement and Debt Recovery Act 2017*

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4—Amendment of section 23—Review by Court of refusal to revoke enforcement determination

Section 23—after subsection (4) insert:

- 25 (4a) If the Court reverses a decision of the Chief Recovery Officer to refuse an application made by an alleged offender under section 22(5)(b)(i) on the ground referred to in section 22(10)(b), a prosecution can be commenced for the alleged offence or offences within 6 months of the day on which the Court's decision is made despite the fact that the time for commencement of the prosecution may have already otherwise expired.
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5—Amendment of section 48—Interpretation

Section 48(1), definition of *public authority*, paragraph (b)(i) and (ii)—delete subparagraphs (i) and (ii)

Part 3—Amendment of *Liquor Licensing Act 1997*

6—Repeal of section 44

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Section 44—delete the section

7—Transitional provision

Nothing in section 6 is to be taken to affect the operation of Schedule 2 of the *Liquor Licensing (Liquor Review) Amendment Act 2017*.

Part 4—Amendment of *South Australian Civil and Administrative Tribunal Act 2013*

8—Amendment of section 70—Internal reviews

Section 70(1a)—delete subsection (1a) and substitute:

- (1a) An application for review under—
- (a) subsection (1)(a) is only by leave of a legally qualified member of the Tribunal; and
 - (b) subsection (1)(b) is only by leave of a Presidential member of the Tribunal.

Part 5—Amendment of *Surveillance Devices Act 2016*

9—Amendment of section 3—Interpretation

Section 3(1), definition of *review agency*, (b)—delete paragraph (b) and substitute:

- (b) for the Independent Commissioner Against Corruption—the reviewer under Schedule 4 of the *Independent Commissioner Against Corruption Act 2012*;

10—Amendment of section 31—Control by investigating agencies of certain records, information and material

Section 31—delete "investigating" first occurring

Part 6—Amendment of *Telecommunications (Interception) Act 2012*

11—Amendment of section 2—Interpretation

Section 2(1), definition of *review agency*, (b)—delete paragraph (b) and substitute:

- (b) for the Independent Commissioner Against Corruption—the reviewer under Schedule 4 of the *Independent Commissioner Against Corruption Act 2012*;

Part 7—Amendment of *Young Offenders Act 1993*

12—Amendment of section 36—Detention of youth sentenced as adult

Section 36(4)(b)—after subparagraph (iv) insert:

- (v) a reference to the CE will be taken to be a reference to the Chief Executive.

13—Insertion of section 40

After section 39 insert:

40—Reports by Training Centre Review Board

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- (1) The Training Centre Review Board must, not later than 31 October
in each year, report to the Minister on—
- (a) the number of youths granted periods of leave by the Board
from a training centre during the previous financial year;
and
- 10 (b) the number of applications for release from detention under
section 41A during the previous financial year—
- (i) that were granted by the Board; and
- (ii) that were refused by the Board; and
- (c) the number of applications for release on home detention
under section 41B during the previous financial year—
- 15 (i) that were granted by the Board; and
- (ii) that were refused by the Board; and
- (d) the number of youths returned to detention in a training
centre in the previous financial year following the
cancellation of a release from detention, and the reasons for
20 each such cancellation; and
- (e) the work of the Board generally in the previous financial
year; and
- (f) such other matters as the Board thinks fit, or as the Minister
may direct.
- 25 (2) The Minister must, within 12 sitting days after receiving a report
prepared under subsection (1), cause a copy of the report to be tabled
in each House of Parliament.

14—Amendment of section 43—Special procedures for terror suspects

Section 43(3)(b)—delete "presiding member" and substitute:

30 designated member

15—Amendment of section 63B—Application of *Correctional Services Act 1982* to youth with non-parole period

Section 63B—after paragraph (b) insert:

- 35 (c) a reference to the CE will be taken to be a reference to the Chief
Executive.