

Legislative Council—No 52

As received from the House of Assembly and read a first time, 6 September 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—

(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—

(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.

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*

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

Section 23—after subsection (4) insert:

(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.

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

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.