

Legislative Council—No 52A

As reported with amendments, report adopted, Standing Orders suspended and passed remaining stages, 7 November 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*.

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Amendment provisions

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
- 5 Amendment of section 48—Interpretation

Part 3—Amendment of *Liquor Licensing Act 1997*

- 6 Repeal of section 44
- 6A Amendment of section 115—Evidence of age may be required
- 7 Transitional provision

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

- 8 Amendment of section 70—Internal reviews

Part 5—Amendment of *Surveillance Devices Act 2016*

- 9 Amendment of section 3—Interpretation
- 10 Amendment of section 31—Control by investigating agencies of certain records, information and material

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

- 11 Amendment of section 2—Interpretation

Part 7—Amendment of *Young Offenders Act 1993*

- 12 Amendment of section 36—Detention of youth sentenced as adult
 - 13 Insertion of section 40
 - 40 Reports by Training Centre Review Board
 - 14 Amendment of section 43—Special procedures for terror suspects
 - 15 Amendment of section 63B—Application of *Correctional Services Act 1982* to youth with non-parole period
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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) 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

6A—Amendment of section 115—Evidence of age may be required

5 Section 115(3), definition of *prescribed person*, (c) and (d)—delete paragraphs (c) and (d) and substitute:

- (c) in relation to regulated premises—the occupier or manager of the premises or an agent or employee of the occupier, including—
 - 10 (i) a licensee of licensed premises; or
 - (ii) a responsible person for licensed premises; or
 - (iii) a person who holds a security agent's licence that authorises the person to perform the function of controlling crowds on licensed premises under the *Security and Investigation Industry Act 1995*.

15 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*

20 8—Amendment of section 70—Internal reviews

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

- (1a) An application for review under—
 - 25 (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:

- 30 (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

35 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:

- 5 (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

10 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

- 15 (1) The Training Centre Review Board must, in accordance with subsection (1a), provide a report to the Minister in relation to the previous financial year on—
- 20 (a) the number of youths granted periods of leave by the Board from a training centre during the previous financial year; and
- (b) the number of applications for release from detention under section 41A during the previous financial year—
- 25 (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—
- (i) that were granted by the Board; and
- (ii) that were refused by the Board; and
- 30 (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 each such cancellation; and
- (e) the work of the Board generally in the previous financial year; and
- 35 (f) such other matters as the Board thinks fit, or as the Minister may direct.

(1a) A report under subsection (1) must—

(a) in relation to the 2017/18 financial year, be provided to the Minister within 3 months of the commencement of this section; and

(b) in relation to each subsequent financial year, be provided to the Minister not later than 31 October in the financial year immediately after the financial year to which the report relates.

(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:

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:

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