

Legislative Council—No 2A

As reported with an amendment, report adopted, Standing Orders suspended and passed remaining stages, 20 February 2020

South Australia

**Evidence (Reporting on Sexual Offences)
Amendment Bill 2019**

A BILL FOR

An Act to amend the *Evidence Act 1929*.

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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 *Evidence (Reporting on Sexual Offences) Amendment Act 2019*.

2—Commencement

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

3—Amendment provisions

10 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 *Evidence Act 1929*

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

- (1) Section 71A(1)—delete subsection (1)
 - (2) Section 71A(2)—delete "Subject to this section, a person must not, before the relevant date," and substitute:
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A person must not, before the relevant time,

- (2a) Section 71A—after subsection (2) insert:

(2a) A police officer or any other person acting in a public official capacity who is responsible for conducting the criminal investigation in respect of a person who has been, or is about to be, charged with a sexual offence must, before the relevant time, ensure that all reasonable efforts are made to notify the victim about the expiry of the prohibition applying in respect of publication of the accused person's identity under subsection (2).

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- (3) Section 71A(3) to (3e)—delete subsections (3) to (3e) (inclusive)
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- (4) Section 71A(5), definition of *relevant date*—delete the definition and substitute:

relevant time, in relation to a charge of an offence, means the time at which the accused person's first appearance in a court (whether personally or by counsel or solicitor) in relation to the charge is concluded.