

House of Assembly—No 21

As received from the Legislative Council and read a first time, 6 September 2022

South Australia

**Statutes Amendment (Attorney-General's
Portfolio) Bill 2022**

A BILL FOR

An Act to amend the *Bail Act 1985*, the *Burial and Cremation Act 2013* and the
Correctional Services Act 1982.

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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 2022*.

2—Commencement

- (1) Subject to this section, this Act comes into operation on the day on which it is assented to by the Governor.
- (2) Part 2 comes into operation on a day to be fixed by proclamation.
- 10 (3) Part 4 comes into operation immediately after section 26(2) of the *Correctional Services (Accountability and Other Measures) Amendment Act 2021* comes into operation.

Part 2—Amendment of *Bail Act 1985*

3—Amendment of section 6—Nature of bail agreement

- 15 Section 6(2)—delete "be in the prescribed form" and substitute:

—

- (a) if the bail authority is a court—be in a form determined by that court;
or
- (b) in any other case—be in the prescribed form.

4—Amendment of section 7—Guarantee of bail

Section 7(2)—delete "be in the prescribed form" and substitute:

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- 5 (a) if the bail authority is a court—be in a form determined by that court;
or
(b) in any other case—be in the prescribed form.

5—Amendment of section 8—Form of application

Section 8(1)(a)—delete "be in the prescribed form" and substitute:

- 10 (a) if the bail authority is a court—be in a form determined by that court;
or
(b) in any other case—be in the prescribed form.

6—Amendment of section 11—Conditions of bail

Section 11(6)(c)—delete paragraph (c) and substitute:

- 15 or
(c) in any other case—
(i) if the bail authority is a court—without the permission of a
judge or magistrate; or
(ii) if the bail authority is a police officer—without the
20 permission of a police officer who is—
(A) of or above the rank of sergeant; or
(B) the responsible officer for a police station.

Part 3—Amendment of *Burial and Cremation Act 2013*

7—Amendment of section 10—Cremation permits

25 Section 10(5)(b)(i)—delete subparagraph (i) and substitute:

- (i) 2 certificates—
(A) 1 being the certificate under section 36(3) of the *Births,
Deaths and Marriages Registration Act 1996* certifying that
the deceased died from natural causes signed by—
30 • the medical practitioner who was responsible for
the deceased's medical care immediately before
death; or
• a medical practitioner who examined the body of
the deceased after death; and
35 (B) the other being a certificate in a form approved by the
Registrar signed by another medical practitioner; or

Part 4—Amendment of *Correctional Services Act 1982*

8—Amendment of section 66—Automatic release on parole for certain prisoners

5 (1) Section 66(2)(aba)—delete "(within the meaning of Part 3 Division 4 of the *Sentencing Act 2017*)"

(2) Section 66(3)—after the definition of *offence of personal violence* insert:

serious drug offence means—

10 (a) an offence against Part 5 Division 2 or 3 of the *Controlled Substances Act 1984* or a substantially similar offence against a corresponding previous enactment; or

(b) a conspiracy to commit, or an attempt to commit, such an offence.