Legislative Council
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South Australia

Statutes Amendment (Attorney-General's Portfolio and Related Matters) Bill 2026

A BILL FOR

An Act to amend the *Child Safety (Prohibited Persons) Act 2016*, the *Criminal Law Consolidation Act 1935*, the *Evidence Act 1929* and the *Sentencing Act 2017*.

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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 and Related Matters) Act 2026*.

2—Commencement

This Act comes into operation on the day on which it is assented to by, or on behalf of, the Crown.

Part 2—Amendment of *Child Safety (Prohibited Persons) Act 2016*

3—Amendment of section 10—Criminal intelligence

(1) Section 10(2)—after "court" insert:

or tribunal

(2) Section 10—after subsection (2) insert:

(3) It is the intention of the Parliament that—

(a) subsection (2) is to be taken to have always included a reference to a tribunal as a body to whom that subsection applies; and

(b) no liability lies against the Crown, the South Australian Civil and Administrative Tribunal or any other person in respect of a failure by the South Australian Civil and Administrative Tribunal to maintain the confidentiality of information classified by the Commissioner of Police as criminal intelligence before the commencement of this subsection.

4—Insertion of section 10A

After section 10 insert:

10A—Transitional etc provisions related to certain criminal intelligence

(1) This section applies to the following proceedings under this Act before the South Australian Civil and Administrative Tribunal:

(a) proceedings commenced before the commencement of this section but not determined as at that commencement;

(b) proceedings determined before the commencement of this section,

being proceedings in relation to which the confidentiality of information classified by the Commissioner of Police as criminal intelligence has been maintained.

(2) However, this section does not apply to proceedings to the extent that the confidentiality of particular information classified by the Commissioner of Police as criminal intelligence has not been maintained (whether or not an application has been made by the Commissioner of Police under section 10(2)).

(3) The South Australian Civil and Administrative Tribunal must, in relation to proceedings to which this section applies, take steps to maintain the confidentiality of information classified by the Commissioner of Police as criminal intelligence (whether or not an application has been made by the Commissioner of Police under section 10(2)).

(4) Despite any other Act or law, the Commissioner of Police may make a further application under section 10(2) in relation to proceedings to which this section applies despite having made such an application before the commencement of this section.

Part 3—Amendment of *Criminal Law Consolidation Act 1935*

5—Amendment of section 19ADA—Extreme speed

Section 19ADA(10), definition of ***relevant speed limit***, (a)—after "82" insert:

, 82A

Part 4—Amendment of *Evidence Act 1929*

6—Insertion of section 67CA

Before section 67D insert:

67CA—Application of Division

(1) This Division (as amended by the *Statutes Amendment (Attorney-General's Portfolio and Related Matters) Act 2026*) applies in relation to legal proceedings commenced before or after the commencement of this section (including, to avoid doubt, proceedings that were commenced but not completed before that commencement).

(2) However, nothing in this section or section 67D (as amended by the *Statutes Amendment (Attorney-General's Portfolio and Related Matters) Act 2026*) affects—

(a) an order, determination or ruling of a court or tribunal made before the commencement of this section; or

(b) a disclosure of, a failure to protect the disclosure of, or admission of evidence of, a protected communication that occurred in accordance with this Division prior to the commencement of this section.

7—Amendment of section 67D—Interpretation

Section 67D—after its present contents (now to be designated as subsection (1)) insert:

(2) For the purposes of the definition of ***therapeutic context*** in subsection (1)—

(a) a communication does not need to be made in connection with a sexual offence or alleged sexual offence or for the purposes of a condition that relates to a sexual offence or alleged sexual offence; and

(b) there is no requirement for a link between the sexual offence and the purposes of providing psychiatric or psychological therapy to the victim or alleged victim.

(3) Subsection (2) applies in relation to a communication whether made before or after the commencement of this Division.

Note—

This Division came into operation on 27 June 1999.

Part 5—Amendment of *Sentencing Act 2017*

8—Amendment of section 43—Re-sentencing for subsequent cooperation with law enforcement agency

(1) Heading to section 43—delete "subsequent"

(2) Section 43(1)(b)—after "agency" insert:

(whether the cooperation occurs before or after the person is sentenced, and including cooperation that occurred before the commencement of this subsection)