

Legislative Council—No 5

As introduced and read a first time, 7 May 2026

South Australia

**Statutes Amendment (Attorney-General's
Portfolio) Bill 2026**

A BILL FOR

An Act to amend various Acts within the portfolio of the Attorney-General.

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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 2026*.

2—Commencement

- (1) Subject to this section, this Act comes into operation on the day on which it is assented to by, or on behalf of, the Crown.
- 10 (2) Part 2, Part 3 and Schedule 1 come into operation on a day to be fixed by proclamation.
- (3) Part 4 comes into operation immediately after the *Statutes Amendment (Claim Farming) Act 2025* comes into operation.

Part 2—Amendment of *Encroachments Act 1944*

3—Amendment of section 3—Jurisdiction

- (1) Section 3—delete "the Supreme Court" and substitute:

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- (a) if the value of the dispute falls within the civil jurisdiction of the Magistrates Court under section 8(1) of the *Magistrates Court Act 1991*—the Magistrates Court; or
- (b) in any other case—the Supreme Court

- (2) Section 3—after its present contents as amended by this section (now to be designated as subsection (1)) insert:

- (2) A court hearing an application under section 4 or proceedings conducted in accordance with section 11 may transfer the matter to another court if it considers that it would be necessary or appropriate to do so.

Part 3—Amendment of *Magistrates Court Act 1991*

4—Amendment of section 3—Interpretation

Section 3(1), definition of *minor statutory proceeding*—after paragraph (bd) insert:

- (be) an application under section 4 of the *Encroachments Act 1944* or proceedings conducted in accordance with section 11 of that Act;

Part 4—Amendment of *Summary Offences Act 1953*

5—Amendment of section 42—Interpretation

Section 42, definition of *benefit*—after "include" insert:

an amount representing the value of any unbilled legal costs (including disbursements) incurred in relation to a claim or

6—Amendment of section 42A—Giving or receiving a benefit in exchange for claim referral

- (1) Section 42A(3)(b)—delete "by a law practice (the *first practice*) to another law practice" and substitute:

to a law practice (the *referring practice*) by another law practice

- (2) Section 42A(3)(b)(i)—delete "first practice" and substitute:
referring practice

7—Insertion of Schedule 3

After Schedule 2 insert:

Schedule 3—Transitional provision—*Statutes Amendment (Claim Farming) Act 2025*

- 5 Section 42A does not apply to a contract for the sale of a law practice that was executed, but has not been fully performed, prior to the commencement of the *Statutes Amendment (Claim Farming) Act 2025*.

Schedule 1—Transitional provision

1—Transitional provision

- 10 The jurisdiction of the Supreme Court in respect of proceedings in existence on the commencement of section 3(1) of this Act is not affected by the amendment to section 3 of the *Encroachments Act 1944*.