

Legislative Council—No 5A

As reported with amendments, report adopted, Standing Orders suspended and passed remaining stages, 20 August 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.

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement

Part 2—Amendment of *Encroachments Act 1944*

- 3 Amendment of section 3—Jurisdiction

Part 3—Amendment of *Magistrates Court Act 1991*

- 4 Amendment of section 3—Interpretation

Part 4—Amendment of *Summary Offences Act 1953*

- 5 Amendment of section 42—Interpretation
- 6 Amendment of section 42A—Giving or receiving a benefit in exchange for claim referral
- 7 Insertion of Schedule 3
- Schedule 3—Transitional provision—*Statutes Amendment (Claim Farming) Act 2025*

Schedule 1—Transitional provision

- 1 Transitional provision
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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*—delete the definition and substitute:

benefit includes monetary payments, goods and services, but does not include—

- (a) an amount representing the value of any unbilled legal costs (including disbursements) incurred in relation to a claim; or
- (b) the amount of any costs awarded by, or paid in accordance with an order of, a court or tribunal; or
- (c) a gift, other than money, of goods or services of a value not exceeding the prescribed amount;

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

(3) Section 42A(3)—after paragraph (b) insert:

or

(c) the claim referral is made—

(i) by a community legal centre in respect of a client of the centre; or

(ii) by a relevant organisation in respect of a member or client of the organisation,

and the benefit given in exchange for the referral is for the furtherance of the objects of the centre or organisation.

(4) Section 42A—after subsection (3) insert:

(4) In this section—

relevant organisation means—

(a) an industrial organisation; or

(b) a registered entity within the meaning of the *Australian Charities and Not-for-profits Commission Act 2012* of the Commonwealth.

7—Insertion of Schedule 3

After Schedule 2 insert:

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

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

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*.