



# Technical Report

## Major Legislative Changes to the South Australian Criminal Law 1998 - 2009

### Disclaimer

This document was originally created for use by the Office of Crime Statistics and Research Advisory Group to identify possible areas of justice policy that may be used for research projects or require evaluation by the Office.

It is not intended to be an exhaustive list and should not be relied on as such.

Similarly, the list of Bills before Parliament is not an exhaustive list of proposed changes to the criminal law. Rather it is a list of those changes most likely to impact upon areas of justice policy of interest to the Office.

While care has been taken in preparation of this document, it is intended as a general guide only and may contain inaccuracies. Users should independently verify all information contained herein.

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## 1998 Acts

### *Criminal Law (Forensic Procedures) Act 1998*

<b>Number</b>	No. 8 of 1998
<b>Commencement Date</b>	Came into operation 25 July 1999: Gaz. 15 July 1999 p. 234
<b>Long Title</b>	An Act to provide for carrying out of forensic procedures to obtain evidence relevant to the investigation of criminal offences; and for other purposes.

### *Evidence (Use of Audio and Audio Visual Links) Amendment Act 1998*

<b>Number</b>	No. 9 of 1998
<b>Commencement Date</b>	Came into operation 27 June 1999: Gaz. 17 June 1999, p. 3090
<b>Long Title</b>	An Act to amend the <i>Evidence Act 1929</i>
<b>Description</b>	Inserts provisions which deal with the use of audio visual equipment in court proceedings, either to take evidence or make submissions from another State or Territory or from South Australia to another State or Territory.

### *Statutes Amendment (Fine Enforcement) Act 1998 as amended by 42/1999*

<b>Number</b>	No. 60 of 1998
<b>Commencement Date</b>	Came into operation 6 March 2000: Gaz. 18 November 1999, p. 2358 (This Act was amended by No 42 of 1999 which came into operation 3 October 1999: Gaz. 23 September 1999, p. 1208)
<b>Long Title</b>	An Act to amend the <i>Correctional Services Act 1982</i> , the <i>Courts Administration Act 1993</i> , the <i>Criminal Injuries Compensation Act 1978</i> , the <i>Criminal Law (Sentencing) Act 1988</i> , the <i>Expiation of Offences Act 1996</i> , the <i>Magistrates Court Act 1991</i> , the <i>Motor Vehicles Act 1959</i> and the <i>Summary Procedure Act 1921</i> ; and for other purposes
<b>Description</b>	<p>Inserts new Division 3 of Part 9 in the <i>Criminal Law (Sentencing) Act 1988</i> which introduces policy of enforcement of pecuniary sums. Debtors who cannot pay fines to the court can now be penalised by driver's licence suspension, restriction on transacting business with the Registrar of Motor Vehicles, and seizure and sale of land or private property.</p> <p>Where debtor has no means to pay a fine, the Court may reduce or revoke the fine and in lieu of payment:</p> <ul style="list-style-type: none"> <li>• make an order for community service,</li> <li>• disqualify the debtor from holding a driver's licence for up to 6 months,</li> <li>• cancel the debtor's licence and disqualify the debtor from holding a driver's licence for up to 6 months.</li> </ul>

<b><i>Statutes Amendment (Young Offenders) Act 1998</i></b>	
<b>Number</b>	No. 41 of 1998
<b>Commencement Date</b>	Came into operation 1 October 1998: Gaz. 10 September 1998, p. 815
<b>Long Title</b>	An Act to amend the <i>Criminal Law (Sentencing) Act 1988</i> , the <i>Summary Procedure Act 1921</i> and the <i>Young Offenders Act 1993</i>
<b>Description</b>	<p>Amendments dealt with the issue of remand of youths.</p> <p>Where a youth is in custody in prison or has served a term of custody in prison at the time of sentencing for an offence, the youth will serve that sentence in prison.</p> <p>Where a youth is in custody in a training centre and is charged with or convicted of an offence alleged to have been committed while on conditional release, home detention or under bond conditions, (s)he may be remanded to a training centre.</p> <p>Where a youth is remanded in custody to a prison and is charged with or convicted of an offence alleged to have been committed while on conditional release, home detention or under bond conditions, (s)he may be transferred to a training centre for remand if good reason exists for doing so.</p> <p>A youth who is serving a sentence in a training centre (the “youth sentence”) and is sentenced for an offence committed after turning 18 which is to be served concurrently with the youth sentence, (s)he must be transferred to, and serve those sentences in a prison.</p> <p>A youth who is remanded to prison for an offence committed after turning 18 (“the adult offence”) while serving a sentence in a training centre (“the youth sentence”) will be taken to be serving that sentence while on remand in prison. When the period of remand in prison ends and no immediately servable sentence of imprisonment was imposed for the adult offence, the youth must be transferred to a training centre if the youth sentence is still running.</p>

<b><i>Summary Offences (Offensive and Other Weapons) Amendment Act 1998</i></b>	
<b>Number</b>	No. 78 of 1998
<b>Commencement Date</b>	Came into operation 17 December 2000: Gaz. 23 November 2000, p. 3235
<b>Long Title</b>	An Act to amend the <i>Summary Offences Act 1953</i>
<b>Description</b>	Inserted section 15(1c), which created the offence of manufacturing, selling, distributing, supplying or dealing in prohibited weapons or having possession of, or using, a prohibited weapon

## 1999 Acts

<b><i>Criminal Law Consolidation (Contamination of Goods) Amendment Act 1999</i></b>	
<b>Number</b>	No. 2 of 1999
<b>Commencement Date</b>	Came into operation on assent (11 March 1999)
<b>Long Title</b>	An Act to amend the <i>Criminal Law Consolidation Act 1935</i>
<b>Description</b>	<p>Creates offences of goods contamination or other acts prejudicing the health or safety of the public.</p> <p>Goods contamination includes contamination of goods, making it appear goods have been contaminated, threats to contaminate goods and making false claims that goods have been contaminated, to prejudice public health or safety, to gain benefit for self or another or to cause loss or harm to another.</p> <p>Acts prejudicing the health or safety of the public includes interference with the provision of water, electricity, gas, sewerage, drainage or waste disposal, transport or communication systems, or any other facility system or service on which the health or safety of the public is dependent.</p>

<b><i>Criminal Law Consolidation (Intoxication) Amendment Act 1999</i></b>	
<b>Number</b>	No. 15 of 1999
<b>Commencement Date</b>	Came into operation on assent (1 April 1999)
<b>Long Title</b>	An Act to amend the <i>Criminal Law Consolidation Act 1935</i>
<b>Description</b>	Deals with the issue of establishing whether a defendant's level of consciousness was affected by intoxication to the level of criminal irresponsibility while committing an offence and how that issue is to be dealt with during the trial of the defendant.

<b><i>Criminal Law Consolidation (Juries) Amendment Act 1999</i></b>	
<b>Number</b>	No. 16 of 1999
<b>Commencement Date</b>	Came into operation 16 May 1999: Gaz. 13 May 1999, p. 2502
<b>Long Title</b>	An Act to amend the <i>Criminal Law Consolidation Act 1935</i>
<b>Description</b>	Substitutes s. 246 which deals with the confidentiality of jury deliberations and identities and updates the penalty for harassment to obtain information about jury deliberations.

***Criminal Law Consolidation (Serious Criminal Trespass) Amendment Act 1999***

<b>Number</b>	No. 80 of 1999
<b>Commencement Date</b>	Came into operation 25 December 1999: Gaz. 23 December 1999, p. 3668
<b>Long Title</b>	An Act to amend the <i>Criminal Law Consolidation Act 1935</i> ; and to make a related amendment to the <i>Summary Procedure Act 1921</i>
<b>Description</b>	Introduced offences of aggravated (i.e. person has a weapon in his/her possession or is in company with others or is reckless as to whether a person is present in the place of residence) and non-aggravated serious criminal trespass in non-residential buildings and places of residence. Also expanded the definition of "place of residence" and repealed offence of break and enter (other than the offence of sacrilege).

***Road Traffic (Road Rules) Amendment Act 1999***

<b>Number</b>	No 39 of 1999
<b>Commencement Date</b>	Came into operation 1 December 1999: Gaz. 11 November 1999, p. 2254
<b>Long Title</b>	An Act to amend the <i>Road Traffic Act 1961</i> ; and to make related amendments to the <i>City of Adelaide Act 1998</i> , the <i>Local Government Act 1934</i> and the <i>Motor Vehicles Act 1959</i> .
<b>Description</b>	Made amendments to accommodate the coming into force of the Australian Road Rules which standardized legislation in relation to driving practices across Australia

***Statutes Amendment (Magistrates Court Appeals) Act 1999***

<b>Number</b>	No. 66 of 1999
<b>Commencement Date</b>	Came into operation 3 January 2000: Gaz. 9 December 1999, p. 3114
<b>Long Title</b>	An Act to amend the <i>Magistrates Court Act 1991</i> and the <i>Supreme Court Act 1935</i>
<b>Description</b>	This Act substitutes provisions relating to appeal by a party to a criminal action specifying that such appeal lies to the Supreme Court constituted of a single Judge and determinations on a question of law will be considered by the Supreme Court constituted of a single Judge.



***Statutes Amendment and Repeal (Justice Portfolio) Act 1999***

<b>Number</b>	No. 42 of 1999
<b>Commencement Date</b>	Came into operation (except Part 3 and part 11) 3 October 1999; Part 11 came into operation 1 January 2000: Gaz: 23 September 1999, p. 1208; Part 3 came into operation Part 3 (ss. 5-10) came into operation 1 September 2000: Gaz. 11 May 2000, p. 2472.
<b>Long Title</b>	An Act to amend the <i>Administration and Probate Act 1919</i> , the <i>Bail Act 1985</i> , the <i>Children's Protection Act 1993</i> , the <i>Correctional Services Act 1982</i> , the <i>Crimes at Sea Act 1998</i> , the <i>Criminal Law (Sentencing) Act 1988</i> , the <i>District Court Act 1991</i> , the <i>Magistrates Court Act 1991</i> , the <i>Statutes Amendment (Fine Enforcement) Act 1998</i> , the <i>Summary Offences Act 1953</i> , the <i>Summary Procedure Act 1921</i> , the <i>Young Offenders Act 1993</i> and the <i>Youth Court Act 1993</i> ; and to repeal the <i>Appeal Costs Fund Act 1979</i> .
<b>Description</b>	Main amendment was to the <i>Bail Act 1985</i> , with the creation of community corrections officers to replace probation/parole officers in the provision of supervision services to young and adult offenders in the community.

***Statutes Amendment (Restraining Orders) Act 1999***

<b>Number</b>	No. 24 of 1999
<b>Commencement Date</b>	Came into operation 16 May 1999: Gaz. 13 May 1999, p. 2502
<b>Long Title</b>	An Act to amend the <i>Criminal Law (Sentencing) Act 1988</i> , the <i>Domestic Violence Act 1994</i> and the <i>Summary Procedure Act 1921</i>
<b>Description</b>	Various amendments relating to the issuing of restraining orders including the provisions to: <ul style="list-style-type: none"><li>• make domestic violence restraining orders for defendants whether resident in or outside of the State,</li><li>• make an order that a weapon (other than a firearm) in the possession of a defendant subject to a domestic violence restraining order be confiscated and disposed of or dealt with as directed by the Court;</li><li>• make firearms orders to prohibit a defendant from possession of a firearm in the course of employment.</li></ul>

## 2000 Acts

<b><i>Controlled Substances (Drug Offence Diversion) Amendment Act 2000</i></b>	
<b>Number</b>	No. 87 of 2000
<b>Commencement Date</b>	Came into operation 1 October 2001: Gaz. 27 September 2001 p. 4295
<b>Long Title</b>	An Act to amend the Controlled Substances Act 1984
<b>Description</b>	Amendments deal with the Police Drug Diversion Program – persons committing simple possession offences must now be referred to a nominated assessment service.

<b><i>Criminal Law Consolidation (Mental Impairment) Amendment Act 2000</i></b>	
<b>Number</b>	No 39 of 2000
<b>Commencement Date</b>	Came into operation 29 October 2000: Gaz. 26 October 2000, p. 2786
<b>Long Title</b>	An Act to amend the <i>Criminal Law Consolidation Act 1935</i>
<b>Description</b>	Amendments deal with the sentencing of mentally impaired defendants and supervision of those defendants after sentencing.

<b><i>Criminal Law Consolidation (Searches) Amendment Act 2000</i></b>	
<b>Number</b>	No. 54 of 2000
<b>Commencement Date</b>	Came into operation 22 February 2002: Gaz. 10 January 2002 p. 4.
<b>Long Title</b>	An Act to amend the <i>Summary Offences Act 1953</i> and to make a related amendment to the <i>Criminal Law (Forensic Procedures) Act 1998</i> .
<b>Description</b>	Made amendments to section 81 of the <i>Summary Offences Act 1953</i> which deals with the power to search, examine and take particulars of persons. Adds provisions dealing with videotaping a forensic procedure.  Also amended 38(2) of the <i>Criminal Law (Forensic Procedures) Act 1998</i> which deals with providing a statement setting out the reasons for the videotaping of a forensic procedure and the right of objection to the videotaping of the procedure to the person on whom the procedure is about to be carried out.

<b><i>Criminal Law Consolidation (Sexual Servitude) Amendment Act 2000</i></b>	
<b>Number</b>	No. 20 of 2000
<b>Commencement Date</b>	Came into operation on assent (8 June 2000)
<b>Long Title</b>	An Act to amend the <i>Criminal Law Consolidation Act 1935</i> ; and to make related amendments to the <i>Criminal Assets Confiscation Act 1996</i> and the <i>Summary Offences Act 1953</i> .
<b>Description</b>	Introduced offences of: <ul style="list-style-type: none"> <li>• sexual servitude, whereby a person is compelled or forced to provide commercial sexual services by another</li> <li>• use of children in commercial sexual services; and</li> <li>• procurement of persons for the purpose of prostitution.</li> </ul>

<b><i>Road Traffic (Alcohol Interlock Scheme) Amendment Act 2000</i></b>	
<b>Number</b>	No. 91 of 2000
<b>Commencement Date</b>	Came into operation 16 July 2001: Gaz. 12 July 2001 p. 2594
<b>Long Title</b>	An Act to amend the <i>Road Traffic Act 1961</i> , and to make related amendments to the <i>Motor Vehicles Act 1959</i> .
<b>Description</b>	Introduces the Alcohol Interlock Scheme. Offenders who receive licence disqualification for a drink driving offence can now apply (at the half way point of their disqualification) to the Registrar of Motor Vehicles for a licence with alcohol interlock conditions attached.

<b><i>Shop Theft (Alternative Enforcement) Act 2000</i></b>	
<b>Number</b>	No 73 of 2000
<b>Commencement Date</b>	Came into operation 11 November 2001;Gaz. 20 September 2001 p. 4212
<b>Long Title</b>	An Act to provide for certain persons accused of minor shop theft to be subject to a non-curial enforcement process with their consent as an alternative to prosecution; and for other purposes.
<b>Description</b>	Introduces shop theft infringement notices as an alternative to prosecution for shop lifting of goods to the value of \$150.

## 2001 Acts

<i>Criminal Law (Legal Representation) Act 2001</i>	
<b>Number</b>	No 36 of 2001
<b>Commencement Date</b>	Came into operation 11 February 2002: Gaz. 15 January 2002, p. 184
<b>Long Title</b>	An Act to ensure that legal representation is available for persons charged with serious offences; and for other purposes
<b>Description</b>	Ensures that legal representation is available for persons charged with serious offences (i.e. indictable offences, including summary offences tried together with an indictable offence).

<i>Criminal Law (Sentencing) (Sentencing Procedures) Amendment Act 2001</i>	
<b>Number</b>	No. 37 of 2001
<b>Commencement Date</b>	Came into operation on assent (3 August 2001)
<b>Long Title</b>	An Act to amend the <i>Criminal Law (Sentencing) Act 1988</i> and to make related amendments to the <i>Summary Offences Act 1921</i>
<b>Description</b>	Inserted provisions (s. 9b) which made it compulsory for a defendant who is to be sentenced for an indictable offence to be present when sentence is imposed and throughout proceedings relevant to the determination of the sentence, except under certain circumstances.

<i>Expiation of Offences (Trifling Offences) Amendment Act 2001</i>	
<b>Number</b>	No. 11 of 2001
<b>Commencement Date</b>	Came into operation 29 October 2001: Gaz. 25 October 2001, p. 4686
<b>Long Title</b>	An Act to amend the <i>Expiation of Offences Act 1996</i>
<b>Description</b>	Provides for certain expiable offences to be treated as trifling under certain circumstances and an individual therefore excused from being given an expiation notice.

<i>Graffiti Control Act 2001</i>	
<b>Number</b>	No 46 of 2001
<b>Commencement Date</b>	Came into operation (except s. 4) 1 February 2002; S. 4 came into operation 1 April 2002: Gaz. 15 February 2002, p. 184
<b>Long Title</b>	An Act to introduce measures for the minimisation of graffiti; to punish people responsible for graffiti; to provide for the removal of graffiti; to make consequential amendments to the <i>Summary Offences Act 1953</i> ; and for other purposes.
<b>Description</b>	Repealed graffiti offence under s. 48 of the <i>Summary Offences Act 1953</i> .

***Legal Assistance (Restrained Property) Amendment Act 2001***

<b>Number</b>	No 10 of 2001
<b>Commencement Date</b>	Came into operation (except ss.3-5) 12 April 2001: Gaz. 12 April 2001, p. 582: ss. 3-5 came into operation 30 December 2001: Gaz 13 December 2001, p. 5352
<b>Long Title</b>	An Act to amend the <i>Criminal Assets Confiscation Act, 1996</i> ; the <i>Criminal Law (Sentencing) Act 1988</i> ; the <i>Legal Services Commission Act 1977</i> and the <i>Criminal Law Consolidation Act 1935</i>
<b>Description</b>	Deals with the use of restrained property to pay for legal assistance costs.

***Statutes Amendment (Courts and Judicial Administration) Act 2001***

<b>Number</b>	No. 69 of 2001
<b>Commencement Date</b>	Came into operation (except Parts 2, 4-6, 8-13 and 15) 13 January 2002: Gaz. 10 January 2002, p. 4; Parts 2, 4-6, 8-13 and 15 came into operation 3 February 2002: Gaz. 24 January 2002, p. 346
<b>Long Title</b>	An Act to amend the Building Work Contractors Act 1995, the <i>Courts Administration Act 1993</i> , the <i>Criminal Law Consolidation Act 1935</i> , the <i>De Facto Relationships Act 1996</i> , the <i>District Court Act 1991</i> , the <i>Judicial Administration (Auxiliary Appointments and Powers) Act 1988</i> , the <i>Magistrates Court Act 1991</i> , the <i>Mining Act 1971</i> , the <i>Opal Mining Act 1995</i> , the <i>Petroleum Act 2000</i> , the <i>Retail and Commercial Leases Act 1995</i> , the <i>Summary Procedure Act 1921</i> , the <i>Supreme Court Act 1935</i> , the <i>Unclaimed Goods Act 1987</i> and the <i>Workers Rehabilitation and Compensation Act 1986</i>
<b>Description</b>	Part 4 of this Act amended the penalty provisions of s. 85 (damaging property) of the <i>Criminal Law Consolidation Act 1935</i> by increasing the value of the damaged property and the amount of the related penalty.

***Statutes Amendment (Stalking) Act 2001***

<b>Number</b>	No. 55 of 2001
<b>Commencement Date</b>	Came into operation 13 January 2002: Gaz. 10 January 2002, p. 4
<b>Long Title</b>	An Act to amend the <i>Criminal Law Consolidation Act 1935</i> , the <i>Domestic Violence Act 1994</i> and the <i>Summary Procedure Act 1921</i>
<b>Description</b>	Amended s. 19aa of the <i>Criminal Law Consolidation Act 1935</i> to include stalking by internet or electronic communication.

<b><i>Victims of Crime Act 2001</i></b>	
<b>Number</b>	No. 58 of 2001
<b>Commencement Date</b>	Came into operation 1 January 2003: Gaz. 19 December 2002, p. 4736
<b>Long Title</b>	An Act to lay down principles to govern the treatment of victims of crime in the criminal justice system; to provide limited rights to statutory compensation for injury suffered as a result of the commission of criminal offences; to repeal the <i>Criminal Injuries Compensation Act 1978</i> ; to make related amendments to other Acts; and for other purposes

## 2002 Acts

<b><i>Controlled Substances (Cannabis) Amendment Act 2002</i></b>	
<b>Number</b>	No. 47 of 2002
<b>Commencement Date</b>	Came into operation 1 February 2003: Gaz. 16 January 2003, p.180
<b>Long Title</b>	An Act to amend the <i>Controlled Substances Act 1984</i>
<b>Description</b>	Amends the definition of a simple cannabis offence to no longer include cannabis cultivated by artificially enhanced means (i.e. hydroponics).

<b><i>Criminal Law (Forensic Procedures) (Miscellaneous) Amendment Act 2002</i></b>	
<b>Number</b>	No. 49 of 2002
<b>Commencement Date</b>	Came into operation 4 April 2003: Gaz. 3 April 2003 p. 1305
<b>Long Title</b>	An Act to amend the <i>Criminal Law (Forensic Procedures) Act 1998</i>
<b>Description</b>	Deals with the collection procedures for DNA in criminal investigations, how that DNA is to be stored, accessed and destroyed and creates the DNA Database System (to be maintained by SA Police).

<b><i>Criminal Law Consolidation (Offences of Dishonesty) Amendment Act 2002</i></b>	
<b>Number</b>	No. 26 of 2002
<b>Commencement Date</b>	Came into operation (except ss. 4-8, 12-16, 19(2)) 16 January 2003: Gaz. 16 January 2003, p. 180; ss. 4-8, 12-16, 19(2) came into operation 5 July 2003: Gaz. 15 May 2003, p. 1979
<b>Long Title</b>	An Act to amend the <i>Criminal Law Consolidation Act 1935</i> ; to repeal the <i>Secret Commissions Act 1920</i> ; and to make related amendments to other Acts.
<b>Description</b>	<p>Repeals provisions (ss. 130-166) of the <i>Criminal Law Consolidation Act 1935</i>, dealing with larceny and similar offences and substitutes provisions dealing with dishonesty offences of theft (and receiving), robbery, money laundering, dishonest dealings with documents, dishonest manipulation of machines, dishonest exploitation of advantage, dishonest interference with merchandise and making off without payment.</p> <p>Inserts provisions relating to secret commissions and offences of unlawful bias in commercial relationships.</p> <p>Repeals provisions (ss. 171-236) of the <i>Criminal Law Consolidation Act 1935</i> dealing with nocturnal offences, miscellaneous larceny offences, fraud, false pretences, receiving, false impersonation, piracy, money laundering, and forgery. Substitutes provisions dealing with offences relating to blackmail, and piracy.</p> <p>Inserts Division 4 of Part 9 (ss. 270C and 270D) which deals with preparatory conduct offences.</p>

***Criminal Law Consolidation (Territorial Application of the Criminal Law) Amendment Act 2002***

<b>Number</b>	No. 28 of 2002
<b>Commencement Date</b>	Came into operation 1 December 2002 Gaz. 28 November 2002, p. 4292
<b>Long Title</b>	An Act to amend the <i>Criminal Law Consolidation Act 1935</i>
<b>Description</b>	Inserts provisions dealing with the territorial application of the criminal law and related procedural considerations (where an offence is committed wholly or partly within the State or where an offence occurring outside the State causes harm or threat of harm in this State, an offence against a law of this State will have been committed).

***Statutes Amendment (Bushfires) Act 2002***

<b>Number</b>	No. 24 of 2002
<b>Commencement Date</b>	Came into operation 31 October 2002: Gaz. 31 October 2002, p. 3979
<b>Long Title</b>	An Act to amend the <i>Criminal Law Consolidation Act 1935</i> and the <i>Criminal Law (Sentencing) Act 1988</i>
<b>Description</b>	Creates the offence of causing a bushfire which carries the penalty of 20 years imprisonment. In sentencing offenders for this offence, the court must have regard to the requirement to bring home to the offender the gravity of the offence and exact from the offender reparation to the maximum extent possible for harm done to the community



## 2003 Acts

<i>Coroners Act 2003</i>	
<b>Number</b>	No. 33 of 2003
<b>Commencement Date</b>	Came into operation 1 July 2005: Gaz. 23 June 2005, p. 1899.
<b>Long Title</b>	An Act to provide for the appointment of the State Coroner and other coroners; to establish the Coroner's Court; to make related amendments to other Acts and statutory instruments; to repeal the <i>Coroners Act 1975</i> ; and for other purposes.
<b>Description</b>	<p>Repeals the <i>Coroners Act 1975</i> and broadens the types of deaths that should be reported to the Coroner to include death:</p> <ul style="list-style-type: none"> <li>• that occurs at a place other than a hospital but within 24 hours of-- <ul style="list-style-type: none"> <li>○ the person having been discharged from a hospital after being an inpatient of the hospital; or</li> <li>○ the person having sought emergency treatment at a hospital; or</li> </ul> </li> <li>• where the person was, at the time of death-- <ul style="list-style-type: none"> <li>○ a protected person under the <i>Aged and Infirm Persons' Property Act 1940</i> or the <i>Guardianship and Administration Act 1993</i> ; or</li> <li>○ in the custody or under the guardianship of the Minister under the <i>Children's Protection Act 1993</i> ; or</li> <li>○ a patient in an approved treatment centre under the <i>Mental Health Act 1993</i> ; or</li> <li>○ a resident of a licensed supported residential facility under the <i>Supported Residential Facilities Act 1992</i> ; or</li> </ul> </li> <li>• that occurs in the course or as a result, or within 24 hours, of the person receiving medical treatment to which consent has been given under Part 5 of the <i>Guardianship and Administration Act 1993</i>.</li> </ul> <p>The Act also removes the requirement to report the deaths of residents of institutions with mental impairments equating to dementia, unless they are also a protected person under the <i>Aged or Infirm Persons' Property Act, 1940</i> or the <i>Guardianship and Administration Act, 1993</i>.</p>

***Criminal Law Consolidation (Abolition of Time Limit for Prosecution of Certain Sexual Offences) Amendment Act 2003***

<b>Number</b>	No. 14 of 2003
<b>Commencement Date</b>	Came into operation on assent (17 June 2003)
<b>Long Title</b>	An Act to amend the <i>Criminal Law Consolidation Act 1935</i>
<b>Description</b>	<p>Removes the time limitation for the prosecution of the offences of:</p> <ul style="list-style-type: none"><li>• Rape and Attempt to commit Rape</li><li>• Indecent assault</li><li>• Acts of gross indecency</li><li>• Abduction</li><li>• Forcible abduction</li><li>• Procuring persons to be prostitutes</li><li>• Procuring defilement of persons by threats or fraud</li><li>• Householder, etc., not to permit unlawful sexual intercourse on his premises</li><li>• Offences against animals (buggery)</li><li>• Incest</li></ul> <p>Prior to the commencement of this amendment, the time limitation for prosecuting the above offences was 3 years from the commission of the offence, with offences committed prior to 1 December 1982 being immune from prosecution.</p>

<b><i>Criminal Law Consolidation (Identity Theft) Amendment Act 2003</i></b>	
<b>Number</b>	No. 60 of 2003
<b>Commencement Date</b>	Came into operation 5 September 2004: Gaz 2 September 2004. p. 3544
<b>Long Title</b>	An Act To Amend The <i>Criminal Law Consolidation Act 1935</i> And Make A Related Amendment To The <i>Criminal Law (Sentencing) Act 1988</i>
<b>Description</b>	<p>Identity theft occurs when a person uses false personal identifying information to commit other criminal behaviour. That false information may relate to a real living person or a dead person or a fictitious person. Identity theft can also extend to corporations</p> <p>This Act inserts five new offences into the <i>Criminal Law Consolidation Act</i>, as follows:</p> <ul style="list-style-type: none"> <li>• assuming a false identity or falsely pretending to have particular qualifications or to be entitled to act in a particular capacity and intending to commit or help commit a serious criminal offence;</li> <li>• making use of another's personal identification information intending to commit or help commit a serious criminal offence;</li> <li>• possessing or producing material that would enable someone to assume a false identity or exercise a false right of ownership intending to use it or allow another to use it for a criminal purpose;</li> <li>• selling or giving material that would enable someone to assume a false identity or represent a false right of ownership to another person knowing it is likely to be used for a criminal purpose; and</li> <li>• possessing equipment for making material that would enable someone to assume a false identity or exercise a false right of ownership intending to use it to commit one of these offences.</li> </ul> <p>In addition, the Act amends the <i>Criminal Law (Sentencing) Act</i> to give victims the right to get a certificate from a court so that they can prove that an offence has been committed against them. This is not limited to identity theft offences. It may be that, for example, the actual offence involved is forgery.</p>

<b><i>Criminal Law Consolidation (Self Defence) Amendment Act 2003</i></b>	
<b>Number</b>	No. 28 of 2003
<b>Commencement Date</b>	Came into operation 27 July 2003: Gaz. 24 July 2003 p. 3103
<b>Long Title</b>	An Act to amend the <i>Criminal Law Consolidation Act 1935</i>
<b>Description</b>	Inserts provisions which deal with the legal defence of a person who used force to defend themselves against a person (other than an a member of the police force who is acting in the course of duty) who they genuinely believed was committing, or to have just committed, home invasion, providing the person who is defending themselves is not under the influence of a drug.

<b><i>Criminal Law (Sentencing) (Sentencing Guidelines) Amendment Act 2003</i></b>	
<b>Number</b>	No. 29 of 2003
<b>Commencement Date</b>	Came into operation 27 July 2003: Gaz. 24 July 2003, p. 3103
<b>Long Title</b>	An Act to amend the <i>Criminal Law (Sentencing) Act 1988</i>
<b>Description</b>	<p>Inserts section 29A which makes provision for the Full Court to make sentencing guidelines to guide a sentencing court in determining sentence for:</p> <ul style="list-style-type: none"> <li>• offences generally or of a particular class or</li> <li>• offenders generally or of a particular class.</li> </ul> <p>Sentencing guidelines may</p> <ul style="list-style-type: none"> <li>• indicate an appropriate range of penalties for a particular offence or offences of a particular class and</li> <li>• indicate how particular aggravating or mitigating factors should be reflected in sentence.</li> </ul> <p>Sentencing guidelines may also indicate how the sentence for an offender who co-operated with authorities, pleaded guilty to the charge or contributed in some other way to reducing the burden on the criminal justice system should be reduced.</p>

***Criminal Law (Sentencing) (Serious Repeat Offenders) Amendment Act 2003***

<b>Number</b>	No. 23 of 2003
<b>Commencement Date</b>	Came into operation 27 July 2003: Gaz.24 July 2003, p. 3104
<b>Long Title</b>	An Act to amend the <i>Criminal Law (Sentencing) Act 1988</i>
<b>Description</b>	<p>Inserts provisions which allow the court to declare a person a serious repeat offender. A serious offence is defined as:</p> <ul style="list-style-type: none"><li>• a serious drug offence (i.e. the manufacture sale etc., of drug of dependence or prohibited substance (including acting as an accessory to the commission of such an offence))</li><li>• an offence against the person;</li><li>• robbery or robbery with violence;</li><li>• home invasion;</li><li>• damage to property by fire or explosives;</li><li>• causing a bushfire;</li></ul> <p>including conspiracy to commit, or an attempt to commit, those offences; and</p> <ul style="list-style-type: none"><li>• an offence that is committed in circumstances in which the offender uses violence or a threat of violence for the purpose of or in the course of, committing the offence, or for the purpose of escaping from the scene of the offence.</li></ul> <p>An offence is not to be regarded as a serious offence unless the maximum penalty prescribed for the offence is, or includes, imprisonment for at least 5 years.</p> <p>The Court may declare a person to be a serious repeat offender if the person has been convicted of at least three serious offences and there were at least three separate occasions on which a serious offence was committed. Serious offence in this case includes the classes of offences described above as well as:</p> <ul style="list-style-type: none"><li>• an offence of another State or Territory declared to be a serious offence,</li><li>• an offence against the law of the Commonwealth dealing with the importation of drugs and</li><li>• a sentence of imprisonment (other than a suspended sentence) has been imposed for the offence or</li><li>• if a penalty is yet to be imposed, a sentence of imprisonment is the appropriate penalty.</li></ul> <p>The new provisions do not apply to an offence committed by a youth.</p>

***Firearms (COAG Agreement) Amendment Act 2003***

<b>Number</b>	No. 37 of 2003
<b>Commencement Date</b>	Came into operation 1 October 2003: s. 2
<b>Long Title</b>	An Act To Amend The <i>Firearms Act 1977</i>
<b>Description</b>	<p>At its meeting on 6 December 2002, the Council of Australian Governments (COAG) agreed on a national approach to restrict the availability and use of hand guns, particularly concealable weapons. This COAG agreement included as a centrepiece a compensated buyback of hand guns for sporting shooters and some collectors.</p> <p>The Act introduces tougher penalties for illegal activities involving firearms, in accordance with the APMC resolutions. The maximum penalties for various offences to do with the unlawful possession and use of firearms will be:</p> <ul style="list-style-type: none"><li>a) where the firearm is a prescribed firearm—\$50 000 or imprisonment for 10 years, an increase from \$20 000 or imprisonment for four years;</li><li>b) where the firearm is a class C, D or H firearm—\$35 000 or imprisonment for seven years, an increase from \$10 000 or imprisonment for two years;</li><li>c) where the firearm is any other kind of firearm—\$20 000 or imprisonment for four years, an increase from \$5 000 or imprisonment for one year.</li></ul> <p>The first two offences are major indictable and the last minor indictable. The prosecution is given a discretion to elect to prosecute those offences summarily, in which case the applicable maximum penalty will be \$10 000 or imprisonment for two years.</p> <p>The maximum penalties for acquisition or supply of firearms or firearm parts will be:</p> <ul style="list-style-type: none"><li>a) where the firearm or firearm part is or involves a prescribed firearm—\$75 000 or imprisonment for 15 years;</li><li>b) where the firearm or firearm part is or involves a class C, D or H firearm—\$50 000 or imprisonment for 10 years;</li><li>c) where the firearm or firearm part is or involves any other kind of firearm—\$35 000 or imprisonment for seven years.</li></ul> <p>All of these offences are major indictable. Again, the prosecution is given a discretion to elect to prosecute these offences summarily, in which case the applicable maximum penalty will be \$10 000 or imprisonment for two years.</p>

<b>Statutes Amendment (Anti-Fortification) Act 2003</b>	
<b>Number</b>	No. 46 of 2003
<b>Commencement Date</b>	Came into operation 1 February 2004: Gaz. 15 January 2004 p. 197
<b>Long Title</b>	An Act to Amend the <i>Development Act 1993</i> and the <i>Summary Offences Act 1953</i> .
<b>Description</b>	<p>Deals with the problems of criminal organisations, such as those commonly referred to as 'outlaw motorcycle gangs', fortifying premises.</p> <p>Amends the <i>Development Act 1993</i> and the <i>Summary Offences Act 1953</i> to give effect to an election commitment of the Government to enact laws to prevent motorcycle gangs from turning their clubrooms into suburban fortresses and, where such fortresses have been constructed, laws to empower the police to demolish fortifications preventing their access.</p>

<b>Statutes Amendment (Expiation Of Offences) Act 2003</b>	
<b>Number</b>	No. 53 of 2003
<b>Commencement Date</b>	Came into operation (except ss. 5, 6, 10 and 11) 18 December 2003:Gaz. 18 December 2003, p. 4527.
<b>Long Title</b>	An Act to amend the <i>Expiation of Offences Act 1996</i> , the <i>Road Traffic Act 1961</i> and the <i>Summary Procedure Act 1921</i> .
<b>Description</b>	<p>This Act makes amendments in relation to the enforcement of expiation notices and introduces the use of Expiation Enforcement Warning Notices. Such a notice provides an offender with 14 days to pay the Expiation Notice, after which proceedings for Enforcement of the Notice will take place.</p> <p>In addition, section 79B of the <i>Road Traffic Act 1961</i> is amended by inserting a provision requiring a notice setting out particulars of a statutory declaration that named the person receiving an expiation notice as the alleged driver of a vehicle involved in an offence detected by a photographic detection device, with the expiation notice.</p>

<b><i>Statutes Amendment (Road Safety Reforms) Act 2003</i></b>	
<b>Number</b>	No. 8 of 2003
<b>Commencement Date</b>	Came into operation (except ss 5-23, 25, and 27-34) 19 September 2003: Gaz.18 September 2003, p. 3600.
<b>Long Title</b>	An Act to amend the <i>Harbors and Navigation Act 1993</i> , the <i>Motor Vehicles Act 1959</i> and the <i>Road Traffic Act 1961</i> .
<b>Description</b>	<p>This Act contains amendments to implement the following road safety measures:</p> <ul style="list-style-type: none"> <li>• the introduction of loss of licence for drivers who commit an offence of exceeding the prescribed concentration of alcohol of more than 0.05 and less than 0.079;</li> <li>• the introduction of mobile random breath testing;</li> <li>• the use of red light cameras to detect speeding offences;</li> <li>• the allocation of demerit points for camera detected speeding offences;</li> <li>• sanctions for breaches of road traffic laws by holders of either a learner's permit or a provisional licence;</li> <li>• the strengthening of both theoretical and practical testing of learner drivers; and</li> <li>• an increase in the minimum period for which persons are to hold a learner's permit and provisional licence.</li> </ul> <p>This Act also makes minor amendments to both the <i>Road Traffic Act</i> and <i>Harbors and Navigation Act</i>.</p>

<b><i>Summary Offences (Vehicle Immobilisation Devices) Amendment Act 2003</i></b>	
<b>Number</b>	No. 56 of 2003
<b>Commencement Date</b>	Came into operation 10 January 2005: Gaz; 2 December 2004 p. 4443.
<b>Long Title</b>	An Act To Amend The <i>Summary Offences Act 1953</i>
<b>Description</b>	<p>Amends section 74B by removing the definition of "major offence" and by substituting the word "detention" for "custody" to clarify that the measure applies to persons who have escaped whilst being detained under the mental impairment provisions (Part 8A) of the <i>Criminal Law Consolidation Act 1935</i>.</p> <p>Also inserts new section 74BA which provides that an authorised police officer may, in specified circumstances, use a vehicle immobilisation device, such as a tyre deflation device. Such devices are defined to be a device so declared by regulation.</p>



<b><i>Summary Procedure (Classification Of Offences) Amendment Act 2003</i></b>	
<b>Number</b>	No 25 of 2003
<b>Commencement Date</b>	Came into operation on assent (24 July 2003)
<b>Long Title</b>	An Act To Amend The <i>Summary Procedure Act 1921</i>
<b>Description</b>	<p>The <i>Criminal Law Consolidation (Offences of Dishonesty) Act 2002</i> amended the <i>Criminal Law Consolidation Act 1935</i> by reforming and consolidating offences of dishonesty. This amendment re-enacted the offence of robbery. Schedule 3 of the <i>Offences of Dishonesty Act</i> contains a number of consequential amendments to other acts, including amendments to the <i>Summary Procedure Act 1921</i>. The object of those amendments is to preserve the categories of summary, minor indictable and major indictable offences as they relate to the new offences of dishonesty, including robbery.</p> <p>A drafting error in the <i>Offences of Dishonesty Act</i> caused those categories to be changed when that change was not intended, so this Act restores what was the intention.</p> <p>Section 3 of the Act amends section 5 of the <i>Summary Procedure Act 1921</i> by excluding robbery from classification as a summary or minor indictable offence. Robbery is only to be classified as a major indictable offence.</p>

## 2004 Acts

<b><i>Australian Crime Commission (South Australia) Act 2004</i></b>	
<b>Number</b>	No 7 of 2004
<b>Commencement Date</b>	Came into operation 6 May 2004: Gaz. 6 May 2004, p 1227
<b>Long Title</b>	An Act to make provision for the operation of the Australian Crime Commission in South Australia; to repeal the <i>National Crime Authority (State Provisions) Act 1984</i> ; to make related amendments to other Acts; and for other purposes.
<b>Description</b>	<p>In broad terms this Act:</p> <ul style="list-style-type: none"> <li>• provides for the functions of the ACC under South Australian law, including conducting investigations and intelligence operations into relevant criminal activity;</li> <li>• establishes and provides for the new functions of the Board and CEO under South Australian law, complimenting the provisions of the Commonwealth Act that establish the ACC's governance;</li> <li>• provides for the authorisation of special intelligence operations and special investigations by the Board (special ACC operations/investigations), subject to a number of safeguards in the form of special requirements for the composition of the Board, special voting requirements and a power for the IGC-ACC to revoke the authorisation;</li> <li>• provides for the investigatory powers of the ACC under South Australian law, including search powers under warrant and coercive examination powers. These powers will only be available to the ACC in special ACC operations/investigations. The ACC's examination powers under South Australian law will be exercised by examiners, who will be independent statutory officers appointed under the Commonwealth Act;</li> <li>• creates offences for failure to comply with the provisions of the Act smoothing the effective performance of the ACC's functions under South Australian law. These offences will include failing to attend an examination or failing to answer questions, and failing to produce documents or things when required to do so by a summons. The offences in the Act will reflect the offences contained in the Commonwealth Act and the existing South Australian NCA legislation; and</li> <li>• repeals the existing South Australian NCA legislation and contains necessary transitional provisions to smooth the transition from the NCA to the ACC under State law and consequential amendments to other Acts that are necessary because of the NCA's replacement by the ACC.</li> </ul> <p>In general terms, the Act is a part of complementary legislation enacted both in other States and Territories and at the Commonwealth level to ensure that Australia has an enhanced and effective national framework to allow the new ACC to fight serious organised crime.</p>

***Commission of Inquiry (Children in State Care) Act 2004***

<b>Number</b>	No 33 of 2004
<b>Commencement Date</b>	Came into operation 18 November 2004: Gaz. 18 November 2004, p. 4359
<b>Long Title</b>	An Act to provide for a Commission of Inquiry into allegations of the failure on the part of government agencies, employees or other relevant persons to investigate or appropriately deal with allegations concerning sexual offences against children under the guardianship, custody or care or control of the Minister responsible for the protection of children; to provide evidentiary powers and immunities in connection with the inquiry; and for other purposes

***Criminal Law Consolidation (Child Pornography) Amendment Act 2004***

<b>Number</b>	No 52 of 2004
<b>Commencement Date</b>	Came into operation on 30 January 2005: Gaz. 13 January 2005, p. 67.
<b>Long Title</b>	An Act to amend the <i>Criminal Law Consolidation Act 1935</i> and to make consequential amendments to the <i>Criminal Law (Forensic Procedures) Act 1998</i> , the <i>Summary Offences Act 1953</i> and the <i>Summary Procedure Act 1921</i> .
<b>Description</b>	<p>This Act removes the child pornography provisions from section 33 of the <i>Summary Offences Act 1953</i> and inserts Division 11A into the <i>Criminal Law Consolidation Act</i> which relates to child pornography and related offences. These offences are the production and dissemination of child pornography, possession of child pornography and procuring a child to commit an indecent act.</p> <p>The Act also makes consequential amendments to the <i>Summary Procedure Act 1921</i> relating to the preliminary examination of charges of indictable offences, in particular when dealing with documents of a pornographic nature.</p>

***Criminal Law Consolidation (Intoxication) Amendment Act 2004***

<b>Number</b>	No 40 of 2004
<b>Commencement Date</b>	Came into operation on 25 November 2004: Gaz. 25 November 2004, p. 4406
<b>Long Title</b>	An Act to amend the <i>Criminal Law Consolidation Act 1935</i>
<b>Description</b>	<p>Seeks to abolish the “drunk’s defence” from the criminal law, whereby a defendant may, at common law, use intoxication to deny, on the facts, that the he or she had any kind of fault element for any kind of offence.</p> <p>This Act fulfils an election promise by the Rann Government to remove the “drunk’s defence” and to restore the common law before the 1979 High Court decision in O’Connor so far as that is possible.</p>

***Motor Vehicles (Suspension of Licences of Medically Unfit Drivers) Amendment Act 2004***

<b>Number</b>	No. 6 of 2004
<b>Commencement Date</b>	Came into operation on assent: 1 April 2004
<b>Long Title</b>	An Act to amend the <i>Motor Vehicles Act 1959</i>
<b>Description</b>	<p>Amends the <i>Motor Vehicles Act 1959</i> to restore the power of the Registrar of Motor Vehicles to immediately suspend the driver's licence of a person on receiving information from a legally qualified medical practitioner, registered optometrist or registered physiotherapist or from another source, that the person is suffering from a physical or mental illness, disability or deficiency such that they are likely to endanger the public if they continue to drive.</p> <p>Most importantly, the Act seeks to ensure that the community continues to be protected from the dangers posed by individuals who are suffering from a physical or mental illness, disability or deficiency and are a danger to themselves and others if they continue to drive.</p>

***Statutes Amendment (Computer Offences) Act 2004***

<b>Number</b>	No. 2 of 2004
<b>Commencement Date</b>	Came into operation 30 May 2004: Gaz. 22 April 2004, p. 1086
<b>Long Title</b>	An Act To Amend The <i>Criminal Law Consolidation Act 1935</i> And The <i>Summary Offences Act 1953</i>
<b>Description</b>	<p>Creates the following new offences to deal with computer damage and associated crime.</p> <p>They are:</p> <ul style="list-style-type: none"><li>• Use of a computer with intention to commit or facilitate the commission of an offence.</li><li>• Use of a computer with intention to commit or facilitate the commission of an offence outside the state.</li><li>• Unauthorised modification of computer data.</li><li>• Unauthorised impairment of electronic communication.</li><li>• Possession of computer viruses with intent to commit a serious computer offence.</li></ul> <p>Also creates a new summary offence of unauthorised impairment of data held in a credit card or on computer disk or other device.</p>

<b><i>Statutes Amendment (Courts) Act 2004</i></b>	
<b>Number</b>	No. 23 of 2004
<b>Commencement Date</b>	Came into operation (except ss. 19 and 23) 1 September 2004: Gaz. 26 August 2004, p. 3402; ss. 19 and 23 came into operation 14 March 2005: Gaz. 28 October 2004, p. 4083.
<b>Long Title</b>	An Act To Amend The <i>Courts Administration Act 1993</i> ; The <i>De Facto Relationships Act 1996</i> ; The <i>Development Act 1993</i> ; The <i>Environment, Resources And Development Court Act 1993</i> ; The <i>Juries Act 1927</i> ; The <i>Summary Procedure Act 1921</i> ; And The <i>Supreme Court Act 1935</i> ; To Make Related Amendments To Various Other Acts; And For Other Purposes.
<b>Description</b>	<p>This Act introduces sections regarding the publication of judicial proceedings on the CAA internet site and proceedings occurring pursuant to the <i>Defacto Relationships Act 1996</i>, constitutes the Environment, Resources And Development Court when exercising jurisdiction under the <i>Development Act 1993</i>, makes amendments relating to the payment of jurors and inserts section 99CA in to the <i>Summary Procedure Act 1921</i> which deals with special provisions relating to non-police complaints for section 99 restraining orders.</p> <p>This Act also provides for the retrospective commencement of section 10 of the <i>Criminal Law Consolidation (Offences of Dishonesty) Amendment Act 2000</i>. This section will be taken to have come into operation on 29 October 2000 immediately after the <i>Criminal Law Consolidation (Mental Impairment) Amendment Act 2000</i> came into operation.</p>

<b><i>Statutes Amendment (Misuse Of Motor Vehicles) Act 2004</i></b>	
<b>Number</b>	No 56 of 2004
<b>Commencement Date</b>	Came into operation (except s. 7) 7 February 2005: s. 7 came into operation on 2 May 2005: Gaz. 20 January 2005, p. 260.
<b>Long Title</b>	An Act to amend the <i>Road Traffic Act 1961</i> and the <i>Summary Offences Act 1953</i>
<b>Description</b>	<p>This Act deals with the careless driving of motor vehicles, racing, speed trials, burnouts on roads, and the dangerous operation of a motor vehicle, with the penalties that can apply.</p> <p>The new offence of misusing a motor vehicle is created in new section 44B.</p> <p>Misuse includes—</p> <ul style="list-style-type: none"> <li>• driving in a public place in a race, speed trial, pursuit or any other competitive trial to test drivers' skills or vehicles;</li> <li>• operating a motor vehicle in a public place so as to produce sustained wheel spin;</li> <li>• driving a motor vehicle in a public place so as to cause engine or tyre noise, or both, that disturbs persons residing or working in the vicinity;</li> <li>• driving a motor vehicle onto an area of park or garden so as to break up the ground surface or cause other damage.</li> </ul> <p>The penalty for misuse of a motor vehicle is \$2 500 or 3 months imprisonment. In addition, on conviction the court must order a licence disqualification (being a minimum of 6 months for a first offence or 3 years for a subsequent offence). For the purposes of the licence disqualification, other types of offences involving misuse of a motor vehicle (defined in the provision as misuse of motor vehicle offences) would also be counted if they occurred within 5 years of the offence in question.</p>

<b><i>Summary Offences (Consumption Of Dogs And Cats) Amendment Act 2004</i></b>	
<b>Number</b>	No. 4 of 2004
<b>Commencement Date</b>	Came into operation 3 May 2004: Gaz. 22 April 2004 p. 1087.
<b>Long Title</b>	An Act to amend the <i>Summary Offences Act 1953</i>
<b>Description</b>	<p>Amends the <i>Summary Offences Act</i> by creating offences to prohibit the consumption of dogs and cats. In addition to consumption, the Act creates offences of killing, processing or supplying dog or cat meat for human consumption.</p> <p>Any prosecution for an offence must establish that the offences were committed knowingly. The maximum penalty is a fine of \$1 250.</p>

***Summary Offences (Offensive Weapons) Amendment Act 2004***

<b>Number</b>	No. 5 of 2004
<b>Commencement Date</b>	Came into operation 1 July 2004: Gaz. 3 June 2004 p 1717
<b>Long Title</b>	An Act to amend the <i>Summary Offences Act 1953</i> .
<b>Description</b>	Creates the offence of carrying an offensive weapon or possessing or using a dangerous article at night, in or in the vicinity of licensed premises

## 2005 Acts

<b><i>Classification (Publications, Films And Computer Games) (Types Of Classifications) Amendment Act 2005</i></b>	
<b>Number</b>	No. 2 of 2005
<b>Commencement Date</b>	Came into operation 26 May 2005: Gaz. 24 March 2005, p. 712.
<b>Long Title</b>	An Act to amend the <i>Classification (Publications, Films and Computer Games) Act 1995</i> .
<b>Description</b>	<p>Brings the classification of films and computer games under a single system, so that there can be no confusion amongst consumers about the suitability of the movie or computer game they (or their children) are about to watch or play.</p> <p>In addition, the Act defines new categories which more clearly emphasise the difference between advisory categories and legally-restricted material.</p>



<b><i>Controlled Substances (Serious Drug Offences) Amendment Act 2005</i></b>	
<b>Number</b>	No. 80 of 2005
<b>Commencement Date</b>	Came into operation (except ss 4(1), (3), (5)- (12), 7-11, 13-17, 19(1), (3), (4), 20, 22, 29, 30 & Sch 1) 12 January 2006: Gaz. 12 January 2006 p. 43; remaining provisions came into operation 3 December 2007: Gaz 22 November 2007, p. 4294
<b>Long Title</b>	An Act to amend the <i>Controlled Substances Act 1984</i> and to make related amendments to the <i>Correctional Services Act 1982</i> , the <i>Criminal Assets Confiscation Act 2005</i> , the <i>Criminal Law (Sentencing) Act 1988</i> and the <i>Listening and Surveillance Devices Act 1972</i> .
<b>Description</b>	<p>This Act creates a new structure for serious drug offences. They are trafficking in a controlled drug, trafficking in a commercial quantity of a controlled drug and trafficking in a large commercial quantity of a controlled drug. These offences are supplemented by a similarly tiered structure of offences on manufacture (manufacturing, manufacturing a commercial quantity, and manufacturing a large commercial quantity) and on cultivation of controlled plants (cultivation, cultivation of a commercial quantity, and cultivation of a large commercial quantity).</p> <p>New provisions deal with selling, supplying or administering a controlled drug to a child or possessing a controlled drug intending to sell, supply or administer the drug to a child or procuring a child to commit any serious drug offence. They are punishable by life imprisonment.</p> <p>In addition, new offences for the sale of a controlled precursor, sale of a commercial quantity of a controlled precursor and sale of a large commercial quantity of a controlled precursor are created, each with the belief or intent that it be used to manufacture a controlled drug.</p> <p>Minor drug offences have been redrafted and moved to Part 5 Division 4 of the Act. Aside from the familiar offences of possession, consumption, use, etc., this Division contains the offences of manufacture, cultivation, supply and administration of controlled drugs—behaviour that goes beyond the incidence of mere use, but where a commercial element did not exist or cannot be proven.</p> <p>The Act also includes amendments to the Act regarding powers of authorised officers, extension of research permits, authority to prescribe or supply a drug of dependence, minister's powers to publish information, licences, authorities &amp; permits, ministerial power to issue mass media warnings, ministerial power to act to protect public health, automatic vending machines, certificates of analysis, ministerial power to require information and membership of the Controlled Substances Advisory Council.</p>

***Correctional Services (Miscellaneous) Amendment Act 2005***

<b>Number</b>	No. 1 of 2005
<b>Commencement Date</b>	Came into operation 17 November 2005: Gaz. 17 November 2005, p. 3972
<b>Long Title</b>	An Act to amend the <i>Correctional Services Act 1982</i>
<b>Description</b>	This Act addresses changes to the philosophies, attitudes and practices of the Department for Correctional Services since the <i>Correctional Services Act 1982</i> first came into operation and makes amendments to bring the Act into line to support current practices.

***Correctional Services (Parole) Amendment Act 2005***

<b>Number</b>	No. 46 of 2005
<b>Commencement Date</b>	Came into operation 16 February 2006: Gaz. 16 February 2006, p. 577.
<b>Long Title</b>	An Act to amend the <i>Correctional Services Act 1982</i> .
<b>Description</b>	<p>This Act amends the <i>Correctional Services Act 1982</i> to implement the recommendations of the review conducted by the government in 2003 into aspects of the parole system including the functions of the Parole Board and its guidelines. The aim in commissioning the review was to ensure that community safety and community interests are priorities in decisions on parole. The Act is based on the recommendations emanating from the review. The amendments include -</p> <ul style="list-style-type: none"><li>• expanding the involvement of victims and their families in the parole process by establishing a victims register and specifically requiring the Parole Board to consider the impact that the release on parole of a prisoner is likely to have on a registered victim and/or the registered victim's family;</li><li>• removing the mechanism of automatic release for prisoners serving any part of a sentence of imprisonment for a sexual offence.</li></ul>

***Criminal Assets Confiscation Act 2005***

<b>Number</b>	No. 19 of 2005
<b>Commencement Date</b>	Came into operation 2 April 2006: Gaz. 16 February 2006, p 578
<b>Long Title</b>	An Act to provide for the confiscation of proceeds and instruments of crime; to make related amendments to the <i>Controlled Substances Act 1984</i> , the <i>Criminal Law Consolidation Act 1935</i> , the <i>Financial Transaction Reports (State Provisions) Act 1992</i> and the <i>Legal Services Commission Act 1977</i> ; to repeal the <i>Criminal Assets Confiscation Act 1996</i> ; and for other purposes.
<b>Description</b>	This Act fulfils election promises made by the Rann government. It enacts a comprehensive and extensive set of new powers targeting the assets and profits of criminals. It does so by measures corresponding to the Commonwealth <i>Proceeds of Crime Act 2002</i> so as to promote consistency between state and Commonwealth provisions.

***Criminal Law Consolidation (Criminal Neglect) Amendment Act 2005***

<b>Number</b>	No. 4 of 2005
<b>Commencement Date</b>	Came into operation 14 April 2005: Gaz. 14 April 2005, p. 874
<b>Long Title</b>	An Act to amend the <i>Criminal Law Consolidation Act 1935</i> .
<b>Description</b>	<p>This Act attributes criminal liability to carers of children and vulnerable adults when the child or adult dies or is seriously harmed as a result of an unlawful act while in their care.</p> <p>The Act establishes a new offence of criminal neglect that can be proved without having to identify the principal offender.</p>

***Criminal Law Consolidation (Instruments of Crime) Amendment Act 2005***

<b>Number</b>	No. 63 of 2005
<b>Date</b>	Came into operation 6 March 2006: Gaz. 16 February 2006, p. 578
<b>Long Title</b>	An Act to amend the <i>Criminal Law Consolidation Act 1935</i>
<b>Description</b>	<p>This Act creates two new offences of dishonestly dealing in instruments of crime and fills the gaps in the current dishonesty provisions of the <i>Criminal Law Consolidation Act 1935</i>. These offences extend coverage to those people who deal in any way with anything that has been used to commit an indictable offence and do so dishonestly.</p> <p>The two offences are as follows:</p> <ul style="list-style-type: none"><li>• knowingly dealing in an instrument of crime and that the dealing may facilitate the commission of a crime or escape detection or other consequences of the crime;</li><li>• dealing with property which the defendant ought reasonably to know is an instrument of crime and is reckless about whether the dealing may facilitate the commission of a crime or escape detection or other consequences of the crime.</li></ul>

***Justices of the Peace Act 2005***

<b>Number</b>	No. 56 of 2005
<b>Commencement Date</b>	Came into operation 1 July 2006: Gaz. 22 June 2006, p. 2012
<b>Long Title</b>	An Act to provide for the appointment of justices of the peace; to repeal the <i>Justices of the Peace Act 1991</i> ; and to make related amendments to various other Acts.
<b>Description</b>	This Act makes provision for justices of the peace to receive special training which allows them to sit on the bench of the Magistrates Court (as special justices) to hear minor traffic matters such as driving unlicensed, driving unregistered and speeding offences.

***Motor Vehicles (Licences and Learner's Permits) Amendment Act 2005***

<b>Number</b>	No. 10 of 2005
<b>Commencement Date</b>	Came into operation (except ss. 9(2), 79A(3) and (4) of the <i>Motor Vehicles Act 1959</i> (inserted into that Act by s. 10)) 31 October 2005: <i>Gaz.</i> 13 October 2005, p. 3698
<b>Long Title</b>	An Act to amend the <i>Motor Vehicles Act 1959</i> ; and to make related amendments to the <i>Road Traffic Act 1961</i>
<b>Description</b>	<p>The Act builds on the previous novice driver initiatives introduced as part of the Phase 1 Road Safety Reform Package introduced in late 2002.</p> <p>The Act amends the <i>Motor Vehicles Act 1959</i> to implement an enhanced graduated licensing scheme, which will be implemented in two stages. Features of Stage 1 include:</p> <ul style="list-style-type: none"><li>• a minimum of 50 hours of supervised driving in the learner phase;</li><li>• a requirement that a supervising driver (in the L phase) must have held a full licence for a minimum of two years and have not been disqualified in the previous two years;</li><li>• splitting the provisional (or P) licence into a P1 and P2 phase;</li><li>• a requirement that a P1 driver must pass a computer based Hazard Perception Test to progress to the P2 phase;<ul style="list-style-type: none"><li>○ applying curfews to novice drivers who commit either:</li><li>○ a single offence which incurs four or more demerit points; or</li><li>○ a combined red light and speed offence; or</li><li>○ two or more speeding offences where each offence results in three or more demerit points being accumulated; or</li><li>○ any offence if the driver has previously been disqualified in relation to other offences.</li></ul></li><li>• removing the requirement to display a plate in the P2 licence phase;</li><li>• allowing progression to the P2 licence phase after two years;</li><li>• recognising that the vast majority of novice drivers drive responsibly and safely by permitting a more rapid progression to the P2 phase for good novice drivers (those who do not incur demerit points for 12 months in the P1 licence phase or those who incur one, two, or three demerit points but undertake an approved driver awareness course;</li><li>• reforming the 'hardship licences' provisions of the <i>Motor Vehicles Act</i>.</li></ul> <p>Features of stage 2 include:</p> <ul style="list-style-type: none"><li>• further sanctions for provisional licence holders who breach the conditions of their licence, in particular regression to a former licence stage and retaking of tests for those novice drivers who lose their licence;</li><li>• a computerised theory test for applicants for the learner's permit.</li></ul>

***Road Traffic (Drug Driving) Amendment Act 2005***

<b>Number</b>	No. 77 of 2005
<b>Commencement Date</b>	Came into operation 1 July 2006: Gaz. 8 June 2006, p. 1600
<b>Long Title</b>	An Act to amend the <i>Road Traffic Act 1961</i> and to make related amendments to other Acts
<b>Description</b>	<p>This Act introduces a scheme to permit drug testing of drivers using oral fluid and blood. A new offence of driving with a prescribed drug in oral fluid or blood (proposed section 47BA (1)) is created.</p> <p>This new offence will be based on the presence of a prescribed drug in a person's saliva or blood. Initially, only two drugs will be defined as a prescribed drug for the purposes of random drug testing—THC and methamphetamine.</p> <p>Penalties for the new offence will be the same as the offence of exceeding the prescribed concentration of alcohol, that is, a maximum fine of \$700, with a first offence being expiable. Provision exists for licence disqualification depending on how many previous offences have been committed. Three demerit points will be attributed to each offence.</p>

<b>Road Traffic (Excessive Speed) Amendment Act 2005</b>	
<b>Number</b>	No. 23 of 2005
<b>Commencement Date</b>	Came into operation 1 December 2005: Gaz. 10 November 2005, p. 3926
<b>Long Title</b>	An Act to amend the <i>Road Traffic Act 1961</i> ; and to make related amendments to the Summary Offences Act 1953.
<b>Description</b>	<p>This Act addresses the issue of drivers and riders who drive at excessive speed- that is exceeding the applicable speed limit by 45 km/h or more. It also creates an expiable offence of excessive speeding attracting an expiation fee of \$500, 6 demerit points and an immediate 6 month loss of licence, commencing 24 hours from the time of the offence being detected.</p> <p>In those cases where the offence is detected by a photographic detection device (fixed or mobile speed camera), the disqualification will take effect 28 days after service of the notice on the registered owner or operator.</p> <p>Where the registered owner or operator nominates by statutory declaration that another person was driving the vehicle at the time of the offence and the subsequent police investigation confirms this, the nominated person will be served with an expiation notice. In these cases disqualification will commence 24 hours after the service of the notice on the nominated driver.</p> <p>This Act also:</p> <ul style="list-style-type: none"> <li>• creates court imposed penalties for the offence of excessive speeding.</li> <li>• increases the court imposed penalties for the offence of reckless and dangerous driving in order to maintain parity between the new proposed offence of excessive speeding; and</li> <li>• excludes the drivers of police vehicles and emergency services vehicles from the offences of excessive speeding and misuse of motor vehicles when they are driving with care whilst engaged on official duties and it is reasonable that the provision should not apply.</li> </ul>

<b><i>Statutes Amendment (Criminal Procedure) Amendment Act 2005</i></b>	
<b>Number</b>	No. 74 of 2005
<b>Commencement Date</b>	Came into operation 1 March 2007;Gaz 1 March 2007, p. 672
<b>Long Title</b>	An Act to amend the <i>Criminal Law Consolidation Act 1935</i> ; the <i>Criminal Law (Forensic Procedures) Act 1998</i> ; the <i>Director of Public Prosecutions Act 1991</i> ; the <i>Magistrates Court Act 1991</i> ; and the <i>Summary Procedure Act 1921</i>
<b>Description</b>	<p>This Act makes changes to the procedures to be undertaken in criminal trials as recommended by the Standing Committee of Attorneys-General, its Deliberative Forum, the Martin committee, the Duggan committee and the Kapunda Road royal commissioner as well as, in a wider spread, the New South Wales Law Reform Commission and the Rosskill and Auld inquiries in the United Kingdom.</p> <p>In particular, the Act makes amendments to the <i>Criminal Law Consolidation Act 1935</i> which</p> <ul style="list-style-type: none"> <li>• require police officers investigating an indictable offence to disclose all relevant information to the Director of Public Prosecutions (DPP) that might reasonably be expected to assist the case for the prosecution or the case for the accused person.</li> <li>• allow the court to make an order requiring the defence to give the DPP written notice of an intention to introduce certain types of evidence listed in the provision (including evidence tending to establish that the defendant was mentally incompetent to commit the alleged offence or is mentally unfit to stand trial, evidence of self defence and evidence of provocation).</li> <li>• require the defence to provide written notice of the intention to introduce “expert” evidence (setting out the name and qualifications of the expert, a description of the general nature of the evidence and what it tends to establish) to the DPP on or before the date of the first directions hearing or as soon as practicable after it becomes available to the defence.</li> </ul>

<b><i>Statutes Amendment (Drink Driving) Act 2005</i></b>	
<b>Number</b>	No. 6 of 2005
<b>Commencement Date</b>	Came into operation (except ss. 4, 5, 12 and 13 and Schedule 1) 1 June 2005: Gaz. 26 May 2005, p. 1365; remaining provisions came into operation 1 December 2005: Gaz 10 November 2005, p. 3927
<b>Long Title</b>	An Act to amend the <i>Motor Vehicles Act 1959</i> and the <i>Road Traffic Act 1961</i> .
<b>Description</b>	This Act introduces unrestricted mobile breath testing and immediate loss of licence for drink driving with a BAC of 0.08 and above.



***Statutes Amendment (Intervention Programs and Sentencing Procedures) Amendment Act 2005***

<b>Number</b>	No. 49 of 2005
<b>Commencement Date</b>	Came into operation 19 December 2005: Gaz. 15 December 1005, p. 4326
<b>Long Title</b>	An Act to amend the <i>Bail Act 1985</i> , the <i>Criminal Law (Sentencing) Act 1988</i> , the <i>District Court Act 1991</i> , the <i>Magistrates Court Act 1991</i> and the <i>Supreme Court Act 1935</i>
<b>Description</b>	<p>This Act provides formal statutory backing for two practices that have developed in the courts.</p> <p>One is the practice of directing defendants to undertake programs of intervention (also known as diversion programs) that help them take responsibility for the underlying causes of their criminal behaviour.</p> <p>The other is the use of sentencing conferences in any court sentencing Aboriginal defendants.</p>

***Statutes Amendment (Vehicle and Vessel Offences) Amendment Act 2005***

<b>Number</b>	No 81 of 2005
<b>Commencement Date</b>	Came into operation 30 July 2006: Gaz. 27 July 2006 p. 2400
<b>Long Title</b>	An Act to amend the <i>Criminal Law Consolidation Act 1935</i> ; the <i>Bail Act 1985</i> ; the <i>Harbors and Navigation Act 1993</i> ; and the <i>Road Traffic Act 1961</i> .
<b>Description</b>	<p>The Act amends the <i>Criminal Law Consolidation Act 1935</i> and the <i>Road Traffic Act 1961</i> by creating a new offence of leaving an accident scene after causing death or physical harm by careless use of a vehicle or vessel, restructures the offence of causing death by dangerous driving and increases the penalties for failing to stop and give assistance to persons injured in motor vehicle accidents.</p> <p>The Act also redefines the terms 'motor vehicle' and 'vehicle' and extends the offences in part 3, division 6 of the <i>Criminal Law Consolidation Act 1935</i> to accidents involving vessels and motor vessels such as jet skis.</p>

***Statutes Amendment And Repeal (Aggravated Offences) Act 2005***

<b>Number</b>	No. 62 of 2005
<b>Commencement Date</b>	Came into operation (except ss. 18, 22 and 23) 15 May 2006: <i>Gaz.</i> 20 April 2006, p. 1127
<b>Long Title</b>	An Act to Amend the <i>Criminal Law Consolidation Act 1935</i> , the <i>Criminal Law (Sentencing) Act 1988</i> , the <i>Juries Act 1927</i> , the <i>Summary Offences Act 1953</i> and the <i>Summary Procedure Act 1921</i> ; and to repeal the <i>Kidnapping Act 1960</i> .
<b>Description</b>	<p>Replaces most statutory non-fatal offences against the person (i.e. assaults) with a new, simpler offence of causing harm.</p> <p>Builds a new penalty structure for offences of causing harm and existing non-fatal offences against the person that are already expressed in terms of causing harm. Each offence has two parts—a basic offence with a penalty the same as the existing penalty for the offence, and an aggravated offence, with a higher penalty. Other than to replace inconsistent terminology or adjust minor anomalies in penalty, the Act does not change offences that are already expressed in terms of causing harm or already include an aggravated component.</p> <p>Reconstructs the offences of assault and kidnapping in a way that is consistent with the new causing harm offences and the new aggravated penalty structure.</p> <p>Updates s. 7a of the <i>Summary Offences Act 1953</i> (obstructing or disturbing religious worship) so that it applies to weddings and funerals, whether religious or secular.</p>

<b><i>Statutes Amendment (Sentencing of Sex Offenders) Act 2005</i></b>	
<b>Number</b>	No. 31 of 2005
<b>Commencement Date</b>	Came into operation (except ss. 10-18) 11 August 2005: Gaz 11 August 2005, p. 3011
<b>Long Title</b>	An Act to amend the <i>Criminal Law (Sentencing) Act 1988</i> and the <i>Criminal Law Consolidation Act 1935</i> .
<b>Description</b>	<p>This Act continues the Rann Government's "tough on crime policy".</p> <p>The Act seeks to:</p> <ul style="list-style-type: none"> <li>• establish deterrence as a 'primary policy of the criminal law' for the purpose of sentencing child sex offenders;</li> <li>• apply higher maximum penalties for sex offences committed against children aged 12 or 13;</li> <li>• enable a court to declare a child sex offender to be a 'serious repeat offender' after two (rather than three) convictions for sexual offences against a person under 14 years;</li> <li>• subject a sex offender to indefinite detention if a court finds he is 'unwilling' to control his sexual instincts; and</li> <li>• reverse the effect of the recent decision of the Court of Criminal Appeal in Regina against Kench 2005, SASC 85. (in which the defendant's sentence was reduced because the Court of Criminal Appeal ruled that sentencing policy enunciated in R v D (1997) 69 SASR 413 did not apply to his case. In other words the defendant was sentenced based on the penalty applicable at the time of his offences, and not based on the current penalties which reflect current community opinion regarding the sentencing of paedophiles. As a result the defendant received a lesser sentence.)</li> </ul>

<b><i>Terrorism (Police Powers) Act 2005</i></b>	
<b>Number</b>	No. 70 of 2005
<b>Commencement Date</b>	Came into operation on assent (8 December 2005)
<b>Long Title</b>	An Act to give special powers to police officers to prevent and investigate terrorist acts; to amend the <i>Emergency Management Act 2004</i> ; and for other purposes.

## 2006 Acts

<b><i>Anangu Pitjantjatjara Yankunytjatjara Land Rights (Regulated Substances) Amendment Act 2006</i></b>	
<b>Number</b>	No. 19 of 2006
<b>Commencement Date</b>	Came into operation 29 September 2006: Gaz. 28 September 2006, p. 3361
<b>Long Title</b>	An Act to amend the <i>Anangu Pitjantjatjara Yankunytjatjara Land Rights Act 1981</i>
<b>Description</b>	<p>This Act targets the problems of the trafficking of petrol and other regulated and illicit substances on the APY lands.</p> <p>A new section - section 42D - is inserted by this Act, which provides that—</p> <ul style="list-style-type: none"> <li>• it is an offence to, on the lands, sell or supply, or take part in the sale or supply, or have in your possession for the purpose of sale or supply, a regulated substance. The maximum penalty for contravention is a fine of \$50 000 or imprisonment for 10 years;</li> <li>• a police officer may seize and retain a motor vehicle that the officer suspects of being used for, or in connection with, an offence against the section, or which affords evidence of such an offence;</li> <li>• the mechanism for dealing with a motor vehicle seized under the clause, including its forfeiture upon conviction of the offence charged to which the motor vehicle's seizure relates, and the payment of the proceeds of the sale less costs to Anangu Pitjantjatjara Yankunytjatjara. The Minister may, however, permit the release of the motor vehicle on such conditions as the Minister thinks fit.</li> </ul>

<b><i>Child Sex Offenders Registration Act 2006</i></b>	
<b>Number</b>	No 32 of 2006
<b>Commencement Date</b>	Came into operation 18.10.2007: Gaz.18 October 2007, p. 3969
<b>Long Title</b>	An Act to establish a register of child sex offenders; to prevent registered child sex offenders engaging in child-related work; to make a related amendment to the <i>Criminal Law (Sentencing) Act 1988</i> ; and for other purposes.
<b>Description</b>	<p>Child-offender registration legislation requires some types of offender, known as 'registrable offenders', who have been convicted of serious offences against children (generally sex offences and offences of violence with a sexual element) to register with and provide certain personal information to the police upon their release from prison or upon conviction if no custodial sentence is imposed. Registrable offenders are then required, regularly, to report to police and to keep police informed about any changes to the required information. Failure to report to police or update information as required are themselves further offences. Penalties for breaches of the legislation include imprisonment. The length of time a registrable offender must remain registered depends upon the nature and seriousness of the offence with which the offender has been convicted, but can be for life in the most serious of cases.</p> <p>The purpose of a child offender register, in the Australian context, is to assist police to monitor the whereabouts and activities of registrable offenders who, because of their record of serious offending, are thought to pose a sexual threat to children. Access to the information on the register is strictly controlled, and is limited to police and other law enforcement authorities for monitoring and law enforcement purposes.</p>

<b><i>Criminal Law Consolidation (Dangerous Driving) Amendment Act 2006</i></b>	
<b>Number</b>	No. 14 of 2006
<b>Commencement Date</b>	Came into operation 13 August 2006: Gaz. 10 August 2006, p. 2642.
<b>Long Title</b>	An Act to amend the <i>Criminal Law Consolidation Act 1935</i>
<b>Description</b>	This Act fulfils an election promise made by the Rann government - to make it a criminal offence for people to engage in high speed or dangerous police chases. Those convicted will face a mandatory loss of licence for two years and maximum imprisonment of five years. Offenders will be liable for prosecution for more serious offences if death or serious injury is caused by the pursuit or if the lives of members of the public or police are deliberately or recklessly endangered.

***Criminal Law Consolidation (Throwing Objects At Moving Vehicles) Amendment Act 2006***

<b>Number</b>	No. 9 of 2006
<b>Commencement Date</b>	Came into operation 10 September 2006: Gaz. 7 September 2006, p 3165
<b>Long Title</b>	An Act to amend the Criminal Law Consolidation Act 1935
<b>Description</b>	This Act fulfils an election pledge made by the Labour Government prior to the 2006 election - to introduce new legislation to target rock throwers. This act creates the offence of throwing a missile at a moving vehicle, which attracts a maximum penalty of five years' imprisonment.

***Evidence (Suppression Orders) Amendment Act 2006***

<b>Number</b>	No 30 of 2006
<b>Commencement Date</b>	Came into operation 1 April 2007: Gaz. 29 March 2007, p. 930
<b>Long Title</b>	An Act to amend the <i>Evidence Act 1929</i>
<b>Description</b>	<p>This Act is the fulfilment of an election promise by the Rann Government in the 2006 election campaign to “update laws governing the use of suppression orders in South Australia in order to better reflect public expectations”.</p> <p>The court may only make a suppression order (other than an interim order) if satisfied that special circumstances exist giving rise to a sufficiently serious threat of prejudice to the proper administration of justice, or undue hardship, so as to justify the making of an order.</p> <p>The amendments also introduce a process of review for suppression orders. If a court makes a suppression order during the course of proceedings, it must then review the order as soon as practicable after the conclusion of those proceedings. At that point, the court will be in a position to decide whether the suppression order should be confirmed, varied or revoked.</p> <p>In addition, the Act increases the penalties for breach of a suppression order from a fine of \$2 000 to a fine of \$10 000 for a natural person and a fine of \$120 000 for a body corporate.</p>

***Evidence (Use of Audio and Audio Visual Links) Amendment Act 2006***

<b>Number</b>	No 33 of 2006
<b>Commencement Date</b>	Came into operation 1 April 2007; Gaz 22 March 2007, p. 864
<b>Long Title</b>	An Act to amend the <i>Evidence Act 1929</i>
<b>Description</b>	<p>This Act amends the <i>Evidence Act 1929</i> to provide for the use of audio-visual links or audio links to courts.</p> <p>This Act fulfils the Rann government's promise to improve access to the courts and recognises the benefits of this technology. It makes it clear that a court may receive evidence or submissions by audio or audio-visual links rather than requiring a person to appear physically before the court.</p>

***Magistrates (Part-Time Magistrates) Amendment Act 2006***

<b>Number</b>	No 26 of 2006
<b>Commencement Date</b>	Came into operation 10 December 2006: Gaz. 7 December 2006, p. 4269
<b>Long Title</b>	An Act to amend the <i>Magistrates Act 1983</i>
<b>Description</b>	This Act amends the <i>Magistrates Act 1983</i> to provide for the appointment of magistrates part time and for resident magistrates in country areas.

## 2007 Acts

<b><i>Controlled Substances (Possession of Prescribed Equipment) Act 2007</i></b>	
<b>Number</b>	50 of 2007
<b>Commencement Date</b>	Came into operation 26.9.2008 (Gaz 25.9.2008 p4575) except s 4—19.10.2008 (Gaz 16.10.2008 p4834)
<b>Long Title</b>	An Act to amend the <i>Controlled Substances Act 1984</i>
<b>Description</b>	This Act is part of the first phase of the Government's legislative response to criminal motor cycle gang offending, in this instance targeting the cultivation of cannabis (hydroponically) and the manufacture of amphetamine and amphetamine—type drugs.

<b><i>Correctional Services (Miscellaneous) Amendment Act 2007</i></b>	
<b>Number</b>	No. 26 of 2007
<b>Commencement Date</b>	Came into operation 23 November 2007: Gaz. 22 November 2007, p. 4294
<b>Long Title</b>	An Act to amend the <i>Correctional Services Act 1982</i>
<b>Description</b>	<p>This Act introduces provisions to prevent prison staff engaging in inappropriate behaviour in their dealings with inmates In particular the Act provides for a mix of supporting legislation and regulations to:</p> <ul style="list-style-type: none"> <li>• prevent money to which a prisoner may not be entitled, or where the identity of the person making the payment is not known, being placed in the prisoner's prison trust account;</li> <li>• prevent prisoners being prescribed certain prescription drugs;</li> <li>• prevent prisoners from entering into contracts with correctional staff, or other designated people who frequent prisons; and</li> <li>• prevent prisoners from removing goods that they may have made whilst in prison for sale in the community without the authority of the chief executive.</li> </ul>

<b><i>Criminal Assets Confiscation (Serious Offences) Amendment Act 2007</i></b>	
<b>Number</b>	No. 43 of 2007
<b>Commencement Date</b>	Came into operation on assent: s. 2 (1 November 2007)
<b>Long Title</b>	An Act to amend the <i>Criminal Assets Confiscation Act 2005</i>
<b>Description</b>	This Act amends the <i>Criminal Assets Confiscation Act 2005</i> so that the definition of `serious offence' includes any foreign offence declared by the regulations to be a serious offence. This includes an offence against the law of a foreign country or an offence against international law. This amendment is general in nature and covers not only any current prisoners who may seek to profit from criminal activity, but also, potentially, an offender subject to foreign law or a norm of international law that may be the subject of any other regulation made in the future.



***Criminal Law (Clamping, Impounding and Forfeiture of Vehicles) Act 2007***

<b>Number</b>	No. 29 of 2007
<b>Commencement Date</b>	Came into operation 16 December 2007: Gaz. 6 December 2007, p. 4734
<b>Long Title</b>	An Act to provide certain powers to seize and deal with motor vehicles in connection with certain offences and alleged offences; to make a related amendment to the <i>Summary Offences Act 1953</i> ; and for other purposes.
<b>Description</b>	<p>This Act:</p> <ul style="list-style-type: none"><li>• allows police to wheel-clamp a motor vehicle as an alternative to impounding it for an impounding offence;</li><li>• extends the period of police impounding or clamping from 48 hours to seven days;</li><li>• includes the offences of graffiti vandalism and repeat offences of driving an uninsured motor vehicle, driving an unregistered motor vehicle, and driving without a licence as offences for which police may impound or clamp a motor vehicle and for which police may seek a court order for impounding or forfeiture.</li></ul>

***Criminal Law Consolidation (Drink Spiking) Amendment Act 2007***

<b>Number</b>	No. 1 of 2007
<b>Commencement Date</b>	Came into operation on 1 April 2007; Gaz. 29 March 2007, p. 929
<b>Long Title</b>	An Act to amend the <i>Criminal Law Consolidation Act 1935</i>
<b>Description</b>	<p>This Act introduces the specific offence of food or drink spiking. This new offence fills a gap in the criminal law, where the action of spiking where no further criminal intent exists is dealt with, rather than the effect of the spiking (such as date rape). This covers instances where the spiking was carried out as a prank to make a fool of the victim (at a bucks' party, hens' night, or the like). The offence also extends to any substance (any classification of poison, substance, drug, alcohol, traditional aphrodisiac) that is likely to impair the consciousness or bodily function of the victim, or which is intended to do so, whether or not the spiked drink or food is drunk or eaten wholly, partly or at all.</p>

<b><i>Criminal Law (Forensic Procedures) Act 2007</i></b>	
<b>Number</b>	No 5 of 2007
<b>Commencement Date</b>	Came into operation on 14 May 2007; Gaz 10 May 2007 p. 1977
<b>Long Title</b>	An Act to provide for carrying out forensic procedures to obtain evidence relevant to the investigation of criminal offences; to make provision for a DNA database system; to make related amendments to the <i>Child Sex Offenders Registration Act 2006</i> and the <i>Summary Offences Act 1953</i> ; to repeal the <i>Criminal Law (Forensic Procedures) Act 1998</i> ; and for other purposes
<b>Description</b>	<p>This Act regulates the carrying out of forensic procedures to obtain evidence in the investigation of criminal offences and provide for the continuation of the DNA database. It replaces the <i>Criminal Law (Forensic Procedures) Act 1998</i>.</p> <p>Forensic procedures include the taking of prints of the hands, fingers, feet or toes; the taking of an impression or cast of part of a person's body; an examination of a part of a person's body; and the taking of a sample of biological or other material from a person's body. DNA testing is one of the most important investigatory tools provided for under the Act. DNA testing has the proved capacity to assist in solving serious crimes such as murder and rape. Since 2002 the law has required prisoners in South Australia to be DNA tested. At the 2006 election the Rann government pledged that DNA tests would be conducted on offenders who:</p> <ul style="list-style-type: none"> <li>• assault another person;</li> <li>• stalk other persons;</li> <li>• damage other persons' property irrespective of the value;</li> <li>• are found unlawfully in possession of other people's property;</li> <li>• are over the age of 18 years and who vandalise and graffiti property;</li> <li>• are in the possession of illicit drugs.</li> </ul> <p>After the election, the Commissioner of Police put a submission to the government arguing for amendments to the act to simplify and clarify its operation. He proposed extended testing that would allow the testing of suspects for any summary offence for which imprisonment is a penalty. He has also recommended permanent retention of suspects' forensic material. The Kapunda Road Royal Commissioner also recommended that the act be simplified. The government too note of these comments and completed a comprehensive review of the act, in consultation with the Commissioner of Police.</p> <p>The Act allows forensic procedures to be carried out on a person suspected of having committed an indictable offence or any summary offence punishable by imprisonment. The Act also deals with legal, operational and administrative matters raised by the Commissioner. The Act reduces the categories of procedures, allows for the authorisation of procedures by senior police officers rather than judicial authorisation and provides for the permanent retention of DNA profiles taken from suspects. The Act also removes the legislative impediment to the inter-jurisdictional matching of DNA through the National Criminal Investigation DNA database</p>

***Criminal Law (Sentencing) (Dangerous Offenders) Amendment Act 2007***

<b>Number</b>	No. 27 of 2007
<b>Commencement Date</b>	Came into operation 1 November 2007: Gaz. 1 November 2007, p. 4143
<b>Long Title</b>	An Act to amend the <i>Criminal Law (Sentencing) Act 1988</i>
<b>Description</b>	<p>This Act–</p> <ul style="list-style-type: none"><li>• requires sentencing courts to give primary consideration to the need to protect the public from an offender's criminal acts;</li><li>• introduces minimum non-parole periods for major indictable offences resulting in the death or total permanent incapacity of the victim;</li><li>• proposes the detention of dangerous sexual and violent prisoners in custody by removing non-parole periods for prisoners sentenced to life where there is little prospect of rehabilitation and where the protection of the public requires their continued incarceration.</li></ul>

**Statutes Amendment (Victims of Crime) Act 2007**

<b>Number</b>	No 48 of 2007
<b>Commencement Date</b>	Came into operation 17 July 2008: Gaz. 17 July 2008, p. 3372
<b>Long Title</b>	An act to amend the <i>Bail Act 1985</i> , the <i>Correctional Services Act 1982</i> , the <i>Evidence Act 1929</i> , the <i>Victims of Crime Act 2001</i> and the <i>Youth Court Act 1993</i>
<b>Description</b>	<p>This Act strengthens victim's rights by extending the requirement to comply with the declaration of principles in the <i>Victims of Crime Act 2001</i> to include public officials and agencies outside the criminal justice sector from which victims of crime may seek assistance.</p> <p>In addition, the bill provides victims with new rights including:</p> <ul style="list-style-type: none"><li>• the right to be consulted before the Director of Public Prosecutions enters into a charge bargain with the accused or decides to modify or not proceed with the charges, where the crime alleged to have been committed is a serious crime;</li><li>• the right to know if a mentally-incompetent offender is detained, escapes, is recaptured or is released</li><li>• the right to information about the details of any supervision order imposed on the offender and the outcome of any proceedings to vary, revoke or review that order</li><li>• the right to information about an offender's compliance with a community-service order or a good-behaviour bond</li><li>• the right to ask the prosecuting authority to consider an appeal.</li><li>• the right to attend proceedings against the offender.</li></ul> <p>The bill also seeks to ensure that reasonable efforts must be made to notify victims, who express safety concerns to police, about any bail condition imposed to protect them.</p> <p>Increases to the compensation available to victims under the provisions of the <i>Victims of Crime Act 2001</i> are also included in this Act.</p>

<b><i>Summary Offences (Gatecrashers at Parties) Amendment Act 2007</i></b>	
<b>Number</b>	No. 2 of 2007
<b>Commencement Date</b>	Came into operation on 1 April 2007; Gaz. 29 March 2007, p. 930
<b>Long Title</b>	An Act to amend the <i>Summary Offences Act 1953</i> and to make a related amendment to the <i>Criminal Law Consolidation Act 1935</i> .
<b>Description</b>	<p>This Act fulfils a Labor Party election promise to clarify the law in relation to “gatecrashers” attending private functions and to allow for their removal.</p> <p>This Act amends the <i>Summary Offences Act 1953</i> by inserting section 17AB which creates a number of special offences relating to trespassers at private parties, makes provision for removal of trespassers at, and persons loitering in the vicinity of, private parties and provides special evidentiary arrangements in relation to offences under the provision.</p>

<b><i>Summary Procedure (Paedophile Restraining Orders) Amendment Act 2007</i></b>	
<b>Number</b>	No. 38 of 2007
<b>Commencement Date</b>	Came into operation 9 December 2007: Gaz. 29 November 2007 p. 4328
<b>Long Title</b>	An Act to amend the <i>Victims of Crime Act 2001</i>
<b>Description</b>	<p>This Act expands the court's power to make paedophile restraining orders, working in tandem with the <i>Child Sex Offenders Registration Act 2006</i>, in that when a paedophile is being sentenced for offences that will see him or her entered on the child sex offenders registry, the police or the Director of Public Prosecutions may lay a complaint to obtain a restraining order, if loitering around children or internet use was a factor of the relevant offending. If a judge or magistrate is satisfied that there is merit in banning an offender from using the internet—or, indeed, some parts of it—the judge or magistrate can make such an order.</p> <p>The Act also creates power for the police to enter the premises of the offender once a year, to ensure compliance with the law. Police may seize computer equipment, with return of that machine within a reasonable time frame, to forensically examine its contents to ensure compliance with the order.</p>

<b><i>Victims of Crime (Commissioner of Victim's Rights) Amendment Act 2007</i></b>	
<b>Number</b>	No 47 of 2007
<b>Commencement Date</b>	Came into operation 17 July 2008: Gaz. 17 July 2008, p. 3373
<b>Long Title</b>	An act to amend the <i>Victims of Crime Act 2001</i> ; and to make a related amendment to the <i>Criminal Law (Sentencing) Act 1988</i>
<b>Description</b>	<p>This Act amends the <i>Victims of Crime Act 2001</i> by repealing the provisions that create the position of Victims of Crime Coordinator and establishing a new independent Commissioner for Victims' Rights. The Commissioner's role is broader than that of the Coordinator and will include</p> <ul style="list-style-type: none"> <li>• advising the Attorney-General on the marshalling of available government resources</li> <li>• assisting victims of crime in their dealing with the Director of Public Prosecutions, police and other government agencies;</li> <li>• monitoring and reviewing the effect of court practices and procedures on victims;</li> <li>• monitoring and reviewing the effect of the law on victims and victims' families;</li> <li>• carrying out other functions related to the objects of the Victims of Crime Act assigned by the Attorney; and</li> <li>• carrying out the functions assigned to the commissioner under other acts.</li> </ul>

## 2008 Acts

<b><i>Controlled Substances (Controlled Drugs, Precursors and Cannabis) Amendment Act 2008</i></b>	
<b>Number</b>	No. 32 of 2008
<b>Commencement Date</b>	Came into operation 10 September 2009: Gazette 10 September 2009, p. 4410
<b>Long Title</b>	An Act to amend the <i>Criminal Law Consolidation Act 1935</i> and the <i>Summary Procedure Act 1921</i> .
<b>Description</b>	<p>This Act increases the penalties against the cultivation of hydroponic cannabis, and requires the courts to treat amphetamines alongside the most serious category of illegal drugs. It rearranges the way in which precursor substances are controlled in this State, and introduces major new offences aimed directly at those who are operating drug laboratories and provides legislative amendments to smooth further movement to a national standard for the regulation of controlled drugs and substances generally, with the aim of toughening the law.</p> <p>[House of Assembly - Thursday, 3 April 2008, Page 2579]</p>

***Criminal Law Consolidation (Rape and Sexual Offences) Amendment Act 2008***

<b>Number</b>	No. 10 of 2008
<b>Commencement Date</b>	Came into operation Pt 2 (ss 4—16) & Sch 1 (cl 7)—23.11.2008 (Gazette 20.11.2008 p5171)
<b>Long Title</b>	An act to amend the <i>Criminal Law Consolidation Act 1935</i> ; and to make related amendments to the <i>Child Sex Offenders Registration Act 2006</i> , the <i>Correctional Services Act 1982</i> , the <i>Criminal Law (Sentencing) Act 1988</i> , the <i>Evidence Act 1929</i> and the <i>Summary Procedure Act 1921</i>
<b>Description</b>	<p>This Act amends the <i>Criminal Law Consolidation Act 1935</i> to:</p> <ul style="list-style-type: none"><li>• reform the offence of persistent sexual abuse;</li><li>• reform the offence of rape to include a continuation of sexual intercourse when consent is withdrawn and to include compelled sexual intercourse or bestiality;</li><li>• introduce a new offence of compelled sexual activity;</li><li>• define reckless indifference to consent to sexual acts;</li><li>• define consent to sexual activity and set out the circumstances in which consent is to be taken to have been vitiated;</li><li>• reform the offence of unlawful sexual intercourse;</li><li>• reform the offence of incest;</li><li>• reform offences with animals;</li><li>• reform the law on severance of trials for sexual offence proceedings;</li><li>• update references to sexual organs in the act to include surgically reconstructed or altered organs.</li></ul> <p>It makes related amendments to the <i>Child Sex Offenders Registration Act 2006</i>, <i>Correctional Services Act 1982</i>, the <i>Criminal Law (Sentencing) Act 1988</i>, the <i>Evidence Act 1929</i> and the <i>Summary Procedure Act 1921</i></p>



***Firearms (Firearms Prohibition Orders) Amendment Act 2008***

<b>Number</b>	Number 15 of 2008
<b>Commencement Date</b>	Came into operation Pt 2 (ss 4—38) & Sch 2 (cll 1—10)—27.11.2008 (Gazette 27.11.2008 p5277)
<b>Long Title</b>	An Act to amend the <i>Firearms Act 1977</i> and to make related amendments to the <i>Criminal Law Consolidation Act 1935</i> and the <i>Summary Offences Act 1953</i>
<b>Description</b>	<p>This Act strengthens the powers of police to combat firearms related violence by introducing firearms prohibition orders, giving police the ability to ban persons with a known propensity for violence, or persons who associate with such persons, from possessing or accessing firearms. Although primarily aimed at targeting motorcycle gangs and their associates, firearms prohibition orders can also be applied to any person who has a known history of serious crime or violence, or who has been identified by a medical professional as being a risk to themselves or others because of a health condition.</p> <p>Complementing the prohibition orders is a range of ancillary legislation which will provide the police with further tools to both investigate firearms related crime and to ensure that only appropriately responsible persons are able to gain a firearms licence and possess registered firearms. This is the first step in the process of refocusing the attention of police from the regulation of the legitimate firearms community towards combating the criminal elements who use firearms in the furtherance of their criminal endeavours.</p>

<b><i>Serious and Organised Crime (Control) Act 2008</i></b>	
<b>Number</b>	No. 13 of 2008
<b>Commencement Date</b>	Came into operation 4.9.2008 (Gazette 4.9.2008 p4227)
<b>Long Title</b>	An Act to provide for the making of declarations and orders for the purpose of disrupting and restricting the activities of criminal organisations, their members and associates; to make related amendments to the <i>Bail Act 1985</i> , the <i>Criminal Law Consolidation Act 1935</i> , the <i>Freedom of Information Act 1991</i> and the <i>Summary Offences Act 1953</i> ; and for other purposes.
<b>Description</b>	<p>This Act is part of the Rann government's legislative reforms aimed at tackling the menace of outlaw motorcycle gangs and other criminal associations. It contains the following measures:</p> <p><i>Declarations</i></p> <p>The Act authorises the Attorney-General to issue a declaration about an organisation where satisfied that the members of the organisation associate for the purpose of organising, planning, supporting, facilitating or engaging in serious criminal activity; and the organisation represents a risk to public safety and order.</p> <p><i>Control Orders</i></p> <p>The Act authorises the Magistrates Court to make an order against members of declared organisations, and others, who engage in serious criminal activity, prohibiting them from associating with other members of declared organisations or other people suspected of being engaged in serious criminal activity, from attending specified premises, possessing dangerous articles or prohibited weapons, and other specified articles.</p> <p><i>Public Safety Orders</i></p> <p>The Act authorises senior police officers to issue time-limited orders against individuals or members of a group prohibiting the individual or members of the group attending a public event or place or being within a specified area on public safety grounds.</p> <p>The offence of consorting, found in section 13 of the <i>Summary Offences Act 1953</i>, is repealed and re-enacted in a modern form, to better target criminal associations between outlaw motorcycle gang members, and others. The bill amends the <i>Criminal Law Consolidation Act</i> to amend the existing offences of threatening a public officer and threatening a participant in the justice system, to better target offending by outlaw motorcycle gang members.</p> <p>The Act also amends the <i>Summary Offences Act</i>, so that an anti-fortification order may be more easily obtained against premises that are owned, occupied or habitually used by members of a declared organisation.</p> <p>The <i>Bail Act</i> is also amended to add, as categories of prescribed applicants, applicants on whom a presumption against bail falls, namely, a person charged with a breach of a control order; a person charged with a breach of a public safety order; a person charged with the offence of blackmail; a person charged with the amended offence of threatening a public officer or threatening participants in the criminal justice system.</p>

<b><i>Statutes Amendment (Public Order Offences) Amendment Act 2008</i></b>	
<b>Number</b>	No. 8 of 2008
<b>Commencement Date</b>	Came into operation on 8 June 2008: Gaz 5 June 2008, p. 1871
<b>Long Title</b>	An act to amend the <i>Criminal Law Consolidation Act 1935</i> and the <i>Summary Offences Act 1953</i> .
<b>Description</b>	<p>This Act amends the <i>Summary Offences Act 1953</i> and the <i>Criminal Law Consolidation Act 1935</i> to create a new statutory offence of riot, affray and violent disorder. It is part of the government's response to offending by outlaw motorcycle gangs and other criminal groups.</p> <p>The offence of riot is committed when 12 or more persons who are present together use or threaten unlawful violence for a common purpose and the conduct of them (taken together) is such as would cause a person of reasonable firmness present at the scene to fear for his or her personal safety. In such a case, each of the persons using unlawful violence for the common purpose is guilty of riot. The maximum penalty for riot be seven years for the basic offence and 10 years for an aggravated offence</p> <p>The offence of affray is committed by a person who uses or threatens unlawful violence towards another and whose conduct is such as would cause a person of reasonable firmness present at the scene to fear for his or her personal safety. The maximum penalty for the basic offence is three years and for the aggravated offence, five years. The legislation confers discretion on the prosecution in cases of affray to prosecute a basic offence as a summary offence.</p> <p>Violent disorder is a less serious summary offence. This offence is committed where three or more persons, who are present together, use or threaten unlawful violence and the conduct of them (taken together) is such as would cause a person of reasonable firmness present at the scene to fear for his or her personal safety. In such a case, each of the persons using or threatening unlawful violence is guilty of the offence. The maximum penalty for violent disorder will be two years imprisonment. By contrast, the maximum penalty for the existing offence of disorderly conduct is three months imprisonment.</p>

<b><i>Summary Offences (Drug Paraphernalia) Amendment Act 2008</i></b>	
<b>Number</b>	No. 11 of 2008
<b>Commencement Date</b>	Came into operation on 8 June 2008: Gaz 5 June 2008, p. 1872
<b>Long Title</b>	An Act to amend the <i>Summary Offences Act 1953</i> ; and to make related amendments to the <i>Controlled Substances Act 1984</i>
<b>Description</b>	This act inserts provisions which make it illegal to sell equipment for use in connection with the consumption of controlled drugs and amends the <i>Controlled Substances Act 1984</i> to add the offences of sell such equipment to children.

## 2009 Acts

<b><i>Bail (Arson) Amendment Act 2009</i></b>	
<b>Number</b>	No. 73 of 2009
<b>Commencement Date</b>	Came into operation on assent (10 Dec 2009)
<b>Long Title</b>	An Act to Amend the <i>Bail Act 1985</i>
<b>Description</b>	<p>This Act reverses the presumption of bail for those peoples charged with arson offences. Already under the act there is the ability, for certain offences, for the presumption of bail to be reversed.</p> <p>This Act brings arson offences into that category of offences where the presumption of bail is reversed. The practical effect of it is that if charged with arson, rather than the prosecution having to argue why bail should not be allowed, the accused, through their lawyers, would have to argue why bail should be allowed.</p> <p>[Hansard 30 Apr 09 p.2513]</p>

***Children's Protection (Implementation of Report Recommendations) Amendment Act 2009***

<b>Number</b>	No. 65 of 2009
<b>Commencement Date</b>	Came into operation 31 December 2009 (Gaz 17 December 2009, p. 6349), sections 4, 5(1) and (2), 7, 8, 9, 20 yet to be proclaimed.
<b>Long Title</b>	An Act to amend the <i>Children's Protection Act 1993</i> ; and to make related amendments to the <i>Health and Community Services Complaints Act 2004</i> .
<b>Description</b>	<p>On 17 June 2008, the South Australian Government tabled in this Parliament its initial response to the Children in State Care Commission of Inquiry report. Its response to the Children on APY Lands Commission of Inquiry report was subsequently tabled on 24 July 2008. In responding to both reports, the Government advised the Parliament that it had accepted the majority of the Commission's recommendations. The Government committed to a comprehensive implementation plan for the Mullighan recommendations, including: a package of legislation; a public apology to victims; an extra \$2.24 million to prosecute child abuse cases arising from the Mullighan Inquiry; more police and social workers posted to the communities on the APY Lands; and a further \$190.6 million over four years into the child protection system, including the introduction of reforms in keeping with Commissioner Mullighan's recommendations.</p> <p>A number of the recommendations of the Children in State Care Commission of Inquiry along with recommendation 21 of the Children on APY Lands Commission of Inquiry suggested new or strengthened statutory provisions. The Government accepted all but one of these 'legislative' recommendations, as explained to Parliament in some detail on 17 June 2008 and 24 July 2008.</p> <p>This Act amends the <i>Children's Protection Act 1993</i> and the <i>Health and Community Services Complaints Commission Act 2004</i>, as recommended by Commissioner Mullighan.</p> <p>As recommended by Commissioner Mullighan, the amendments proposed in this Act include:</p> <ul style="list-style-type: none"><li>• Enhanced provisions to promote child safe environments, including requiring a broader range of organisations to have criminal history checks for personnel working with children;</li><li>• Additional protection for mandatory notifiers;</li><li>• Provisions to ensure appropriate mechanisms are available to respond when a young person makes a disclosure of sexual abuse;</li><li>• Provisions to clarify and strengthen the role and powers of the Guardian for Children and Young People and Health and Community Services Complaints Commissioner; and</li><li>• Mechanisms to promote the participation of children and young people in government decision-making.</li></ul> <p>[Hansard 16 Jul 09 p.3630]</p>

<b><i>Child Sex Offenders Registration (Registration of Internet Activities) Amendment Act 2009</i></b>	
<b>Number</b>	No. 10 of 2009
<b>Commencement Date</b>	Came into operation on assent (2 April 2009)
<b>Long Title</b>	An Act to amend the <i>Child Sex Offenders Registration Act 2006</i>
<b>Description</b>	<p>This Act provides that child sex offenders will be required to register internet addresses including the registration of passwords and the registration of access codes so that they can be monitored by authorities.</p> <p>Under section 13 of the <i>Child Sex Offenders Registration Act</i> there are certain requirements for those who have been found guilty of child sex offences to register certain details with the relevant authorities, mainly the police: their name or former names, their place of residence, their place of work, their travel details. A whole range of personal details are required by the authorities so that the paedophiles can be monitored in a way that keeps the community safe.</p> <p>This Act extends the monitoring of paedophiles to their internet activities. [House of Assembly - Thursday, 8 May 2008, Page 3441 and Thursday, 26 March 2009, Page 2103.]</p>

<b><i>Classification (Publications, Films and Computer Games) (R 18+ Films) Amendment Act 2009</i></b>	
<b>Number</b>	No. 67 of 2009
<b>Commencement Date</b>	Came into operation on 10 January 2010 (Gaz, 10 December 2009, p. 6022)
<b>Long Title</b>	An Act to amend the <i>Classification (Publications, Films and Computer Games) Act 1995</i> .
<b>Description</b>	<p>The Act amends <i>the Classification (Publications, Films and Computer Games) Act 1995</i>. The new section 40A of the Act prohibits an occupier of premises (other than adults-only premises) at which films with a classification lower than R18+ are sold displaying material for a film classified R18+ at the premises unless the material is displayed in a different area marked as an area displaying material for films classified R18+.</p> <p>The Act also inserts a new section 69A into the act. This provision will prohibit an occupier of premises (other than an adults-only premises) at which films with a classification lower than R18+ are sold exhibiting for promotional purposes at the premises a film or part of a film classified R18+ or displaying for promotional purposes at the premises a poster, pamphlet or other printed material for a film classified R18+.</p>

<b><i>Commonwealth Powers (De Facto Relationships) Act 2009</i></b>	
<b>Number</b>	No. 86 of 2009
<b>Commencement Date</b>	To be proclaimed
<b>Long Title</b>	An Act to refer certain financial matters relating to the breakdown of certain relationships to the Parliament of the Commonwealth for the purposes of section 51(xxxvii) of the <i>Constitution of the Commonwealth</i> .
<b>Description</b>	<p>Previously under the <i>Family Law Act</i> a legally married couple seeking a property separation would go to the federal Family Court while non-married or de facto couples, seeking a property separation, you would go to a state court. However the <i>Family Law Act</i> also provided that matters concerning children, born to a de facto couple, would go to the Family Court and not a state court.</p> <p>In November 2008 federal legislation was passed which added new provisions into the <i>Family Law Act</i>, and set up within the <i>Family Law Act</i> a regime with identical provisions regarding de facto property matters to the provisions which already applied to married people in property matters. Those provisions came into operation on 1 March this year. This Act is enabling legislation to provide for de facto property settlements to be heard in the Family Court in South Australia.</p> <p>[Hansard 14 May 09 p.2768]</p>

<b><i>Correctional Services (Miscellaneous) Amendment Act 2009</i></b>	
<b>Number</b>	No. 63 of 2009
<b>Commencement Date</b>	Came into operation on 1 January 2010 (Gaz, 10 December 2009, p. 6167)
<b>Long Title</b>	An Act to amend the <i>Correctional Services Act 1982</i> ; and to make related amendments to the <i>Young Offenders Act 1993</i> .
<b>Description</b>	<p>The <i>Correctional Services Act</i> dates back to 1982. Since that time, it has been regularly amended to reflect changes in government policy and correctional practice, and to address community concerns. The changes contained in this Act are wide ranging and are considered necessary for the effective management of prisoners and offenders.</p> <p>Many of the changes proposed in the Act remove impediments that impact on effective custodial management. Others streamline existing processes to maximise the use of the Department for Correctional Services' resources. These changes will make prisoners more accountable for their actions whilst at the same time providing correctional authorities with more efficient prisoner management tools.</p> <p>[Hansard 17 Jun. 09 p.3204]</p>

***Criminal Law (Clamping, Impounding and Forfeiture of Vehicles) (Miscellaneous) Amendment Act 2009***

<b>Number</b>	No. 74 of 2009
<b>Commencement Date</b>	Came into operation 14 Feb 2010 (Gaz 12 February 2010, p. 76), sections 4 to 14 (inclusive) and Schedule 1, Part 1 yet to be proclaimed.
<b>Long Title</b>	An Act to amend the <i>Criminal Law (Clamping, Impounding and Forfeiture of Vehicles) Act 2007</i> .
<b>Description</b>	<p>This Act strengthens the current laws concerning clamping, impounding and court-ordered forfeiture of vehicles by increasing the period for which vehicles can be impounded or wheel clamped by police from seven days to 28 days, by providing for court-ordered forfeiture in more cases and by allowing for the destruction (by crushing) of forfeited and uncollected impounded vehicles.</p> <p>[Hansard 15 Jul 09 p.3558]</p>



***Cross-Border Justice Act 2009***

<b>Number</b>	No. 18 of 2009
<b>Commencement Date</b>	Came into operation 1 November 2009 (and 1 December 2009 - 67(b), 68(2)(b) & (e), 108, 110, 117, 119, 137 & Sch 1 Pt 4) (Gazette 29.10.2009 p4982)
<b>Long Title</b>	An Act to facilitate the administration of justice in regions straddling the State's borders with Western Australia and the Northern Territory; to make related amendments to the <i>Bail Act 1985</i> , the <i>Magistrates Court Act 1991</i> and the <i>Youth Court Act 1993</i> ; and for other purposes.
<b>Description</b>	<p>This Act will enable South Australia to participate in the cross-border justice schemes in conjunction with Western Australia and the Northern Territory. The schemes are aimed at delivering better justice to, and improving the safety of, the communities in the regions covered by them. They will allow police, magistrates, fines enforcement agencies, community corrections officers, prison officers and other office holders to deal with offenders from any one of the participating jurisdictions, provided the offender has a connection to the cross-border region.</p> <p>This Act allows for cross-border schemes to be introduced where border regions are shared for example, the Kimberley region or the Western Australian-South Australian border area of the Nullarbor. The regions will be prescribed by regulations.</p> <p>Initially, the scheme will apply to the Ngaanyatjarra Pitjantjatjara Yankunytjatjara lands in Australia's central desert region. The NPY lands occupy some 450,000 square kilometres that straddle the borders of Western Australia, South Australia and the Northern Territory.</p> <p>The local people of the NPY lands live and travel throughout the region according to their traditional culture and customs, frequently crossing the borders of the three jurisdictions. Many communities in the NPY lands, like other remote communities, experience high levels of alcohol and substance abuse, sexual abuse and domestic violence. The transient lifestyle of the people of the NPY lands brings challenges for justice agencies dealing with those problems, which are constrained by the state and territory borders of the region. This Act is part of a tri-jurisdictional response to those challenges.</p> <p>[House of Assembly - Wednesday, 4 February 2009, Page 1368]</p>

***Hydroponics Industry Control Act 2009***

<b>Number</b>	No. 49 of 2009
<b>Commencement Date</b>	Came into operation on 1 March 2010 (Gaz, 14 January 2010, p. 50)
<b>Long Title</b>	An Act to prevent criminal infiltration of the hydroponics industry; to prevent the misapplication of certain types of hydroponic equipment by monitoring its sale and supply; and for other purposes.
<b>Description</b>	<p>The purpose of this Act is to prevent criminal infiltration of the hydroponics industry and the misapplication of certain types of hydroponics equipment by monitoring its sale and supply. The Act is part of a series of measures implemented by the Government designed to reduce the impact of drugs on the South Australian community.</p> <p>The aim of the Act is the regulation of certain aspects of the hydroponics industry and the disruption of the hydroponics cultivation of cannabis. It provides for the regulation of specialised hydroponics stores as opposed to businesses that either provide the equipment for other purposes or primarily for other functions. The licensing component will impact mainly on businesses where there are persons with certain criminal records or associate with certain types of persons. In these cases, persons will be unlikely to obtain a hydroponics dealers licence or receive an approval to work in the industry. The licensing component will have little impact on business owners with no criminal record or criminal associations.</p> <p>The Act is an Australian first which will support Police to combat drug-related crime. For example, the requirement to keep and transfer to police records of all transactions of prescribed equipment will assist the police to investigate the mass manufacture and distribution of hydroponically cultivated cannabis in South Australia.</p> <p>The Act consists of two components, the first being the requirement to have a licence to operate certain hydroponics businesses and the second component relates to the sale of the prescribed equipment.</p> <p>[Hansard 17 Jun 2009 p.1390]</p>

<i>Intervention Orders (Prevention of Abuse) Act 2009</i>	
<b>Number</b>	No. 85 of 2009
<b>Commencement Date</b>	To be proclaimed.
<b>Long Title</b>	An Act to provide for intervention orders and associated problem gambling and tenancy orders in cases of domestic and non-domestic abuse; to make related amendments to the <i>Bail Act 1985</i> , the <i>Criminal Law Consolidation Act 1935</i> , the <i>Criminal Law (Sentencing) Act 1988</i> , the <i>Cross-border Justice Act 2009</i> , the <i>District Court Act 1991</i> , the <i>Evidence Act 1929</i> , the <i>Firearms Act 1977</i> , the <i>Magistrates Court Act 1991</i> , the <i>Problem Gambling Family Protection Orders Act 2004</i> , the <i>Summary Procedure Act 1921</i> , the <i>Supreme Court Act 1935</i> and the <i>Youth Court Act 1993</i> ; to repeal the <i>Domestic Violence Act 1994</i> ; and for other purposes.
<b>Description</b>	<p>This Act reforms laws for the restraint of domestic and personal violence. It repeals the <i>Domestic Violence Act 1994</i> and the parts of the <i>Summary Procedure Act 1921</i> that govern personal restraining orders, and makes consequential changes to other acts.</p> <p>The Act brings together laws restraining domestic violence and laws restraining other forms of personal violence. The aim is to make these laws easier to understand and enforce and to emphasise that our society does not tolerate personal violence of any kind, whether it occurs within a domestic relationship or not. Nevertheless, there is strong emphasis on domestic abuse, and there is no doubt that these laws will mostly be used by people seeking to protect themselves and their children from domestic abuse.</p> <p>For that reason, the Act acknowledges, in its definition of abuse, not only the obvious physical forms of violence but also the brutal and controlling behaviour that is typical of violence that takes place under cover of a private, familial relationship and can be concealed from the world at large, trapping the victim in a night mail world from which there is little hope of escape. It also extends the kind of relationship that will be considered 'domestic' and continues to require the courts to give priority to proceedings for the restraint of domestic abuse</p> <p>[Hansard 10 Sep 09 p.3937]</p>

***Liquor Licensing (Producers, Responsible Service and Other Matters) Amendment Act 2009***

<b>Number</b>	61 of 2009
<b>Commencement Date</b>	To be proclaimed
<b>Long Title</b>	An Act to amend the <i>Liquor Licensing Act 1997</i> .
<b>Description</b>	<p>The act currently provides for the Liquor and Gambling Commissioner to issue codes of practice that minimise the harmful and hazardous use of liquor; and promote responsible attitudes in relation to the promotion, sale, supply and consumption of liquor. A code of practice effectively contains mandatory licence conditions. The bill provides for the scope of the codes to be broadened to allow a code to deal with any matter designed to promote compliance with the provisions and objects of the act.</p> <p>The bill provides for an expansion of section 108, which relates to the sale and supply of liquor to intoxicated persons. The bill also makes it an offence to serve liquor to a person in circumstances in which the person's speech, balance, coordination or behaviour is noticeably impaired and it is reasonable to believe that the impairment is the result of the consumption of liquor.</p> <p>The bill provides an additional power to remove persons it is reasonable to suspect have supplied liquor, or are about to supply liquor, to an intoxicated person or to a person in circumstances where that person's speech, balance, coordination or behaviour is noticeably impaired and it is reasonable to believe that the impairment is the result of the consumption of liquor.</p> <p>The bill gives the Minister for Consumer Affairs the power to prohibit the manufacture, sale and supply of undesirable liquor products in South Australia if satisfied that because of its name, design or packaging the liquor is likely to have a special appeal to minors or be confused with confectionery or non-alcoholic beverage. The bill will also allow the holders of a producer's licence to allow liquor other than their own product to be provided as a sample in comparative tastings, and to be offered to consumers in a designated dining area.</p> <p>The bill makes it an offence for a licensee to provide entertainment, unless the entertainment is provided while the licensed premises are open for the sale or supply of liquor, or unless the licensing authority has expressly allowed entertainment to occur at other times</p>

***Magistrates Court (Special Justices) Amendment Act 2009***

<b>Number</b>	No. 69 of 2009
<b>Commencement Date</b>	Came into operation on 17 December 2009 (Gaz 17 December 2009, p. 6350)
<b>Long Title</b>	An Act to amend the <i>Magistrates Court Act 1991</i>
<b>Description</b>	<p>A justice of the peace may be appointed as a special justice under the Justices of the Peace Act 2005. Like the position of justice of the peace, the role of special justice is voluntary. Special justices are laymen; they are not legal practitioners. Under the <i>Magistrates Court Act 1991</i>, special justices are permitted to preside over matters in the Petty Sessions Division of the Magistrates Court, as well as other matters if there is no magistrate available. Special justices may not, however, impose a sentence of imprisonment in criminal proceedings.</p> <p>This Act will amend <i>the Magistrates Court Act</i> to extend the jurisdiction of special justices to additional minor offences and procedural matters. Allowing a broader range of minor offences to be dealt with by special justices will free stipendiary magistrates to deal with more serious criminal offences.</p> <p>[Hansard 23 Sep 09 p.4033]</p>

***Motor Vehicles (Miscellaneous No 2) Amendment Act 2009***

<b>Number</b>	No. 71 of 2009
<b>Commencement Date</b>	To be proclaimed
<b>Long Title</b>	An Act to amend the <i>Motor Vehicles Act 1959</i> ; and to make a related amendment to the <i>Road Traffic Act 1961</i> .
<b>Description</b>	<p>This Act amends the <i>Motor Vehicles Act 1959</i> to further strengthen the South Australian Graduated Licensing Scheme for novice drivers.</p> <p>The Act, inter alia, increases the required hours of supervised driving for learner drivers from 50 to 75 hours and increases the minimum time on a learner's permit from 6 to 12 months for drivers aged under 25 years</p> <p>The Act also introduces a restriction on driving high powered cars for provisional drivers (both P1 and P2) aged under 25 years and changes the penalty for the failure to display two P plates from disqualification to a fine and loss of demerit points</p> <p>The Act also strengthens the current curfew conditions applying to drivers returning from a serious disqualification offence by restricting the carriage of passengers during the curfew period of midnight to 5am</p> <p>[Hansard 13 Oct 09 p.4163]</p>

<b><i>Serious and Organised Crime (Unexplained Wealth) Act 2009</i></b>	
<b>Number</b>	No. 60 of 2009
<b>Commencement Date</b>	To be proclaimed.
<b>Long Title</b>	An Act to provide for the making and enforcement of unexplained wealth orders; to make related amendments to the <i>Criminal Assets Confiscation Act 2005</i> ; and for other purposes
<b>Description</b>	<p>One of the most effective ways to counter serious criminal offending is to confiscate the proceeds of crime.</p> <p>The <i>Criminal Assets Confiscation Act 2005</i> allows for the proceeds or instruments of crime to be forfeited to the state. However, forfeiture related proceedings may occur only where it can be shown on the civil onus of proof that the person has been convicted of a serious offence or that the person is suspected on reasonable grounds of having committed a serious offence and that the relevant property is either the proceeds of or an instrument of that crime.</p> <p>The effectiveness of these provisions is limited by the need to prove that the defendant, or some other person, has committed a serious offence. An important means of attack on the profits of organised crime, including the activities of outlaw motorcycle gangs, lies in the introduction of unexplained wealth orders. In general terms, these provisions will authorise the Crown to apply to a court for a declaration that a person, including an incorporated body, has unexplained wealth.</p> <p>A person has unexplained wealth if the value of their approved wealth, calculated in accordance with the legislation, exceeds their lawfully obtained wealth. Any wealth the defendant cannot explain will be assessed and form the basis of a civil judgment debt due from the defendant to the government.</p> <p>This Act will authorise the Crown Solicitor to apply to the court for a declaration that a person, including an incorporated body, has unexplained wealth. Wealth is defined as everything that a person has ever owned or controlled, whether before or after the act comes into force.</p> <p>[Hansard 16 Jul. 09 p.3613]</p>

***Spent Convictions Act***

<b>Number</b>	No. 72 of 2009
<b>Commencement Date</b>	To be proclaimed.
<b>Long Title</b>	An Act to limit the effect of a person's conviction for certain offences if the person completes a period of crime-free behaviour; and for other purposes.
<b>Description</b>	<p>This Act provides for the removal of certain records of conviction from persons records after a prescribed period of time. It applies in relation to convictions for eligible adult and juvenile offences. An eligible adult offence means an offence committed by an adult for which a sentence of imprisonment is not imposed or a sentence of imprisonment is imposed but the sentence is 12 months or less.</p> <p>An eligible juvenile offence means an offence committed while the defendant was a child, where on conviction of the defendant a sentence of imprisonment is not imposed or a sentence of imprisonment is imposed but the sentence is 24 months or less.</p> <p>The qualification period for a conviction for an offence to be spent is, in the case of an eligible juvenile offence, other than where the person was dealt with as an adult, five consecutive years or, in any other case, 10 consecutive years. Spent conviction orders will not apply for convictions of a body corporate, for sex offences or convictions prescribed by regulation. The Act will allow some flexibility for the Attorney, via executive council, to deal with particular offences or convictions which would not entitled to be spent.</p> <p>[Hansard 24 Sep 09 p.4095]</p>

<b><i>Statutes Amendment (Children's Protection) Act 2009</i></b>	
<b>Number</b>	No. 78 of 2009
<b>Commencement Date</b>	To be proclaimed
<b>Long Title</b>	An Act to amend the <i>Children's Protection Act 1993</i> , the <i>Criminal Law (Sentencing) Act 1988</i> and the <i>Summary Procedure Act 1921</i> .
<b>Description</b>	<p>The Act amends the <i>Summary Procedure Act 1921</i> and the <i>Child Protection Act 1993</i> and makes consequential amendments to the <i>Criminal Law (Sentencing) Act 1988</i> to establish measures to prevent and punish the exploitation of runaway children.</p> <p>The Act is in response to recommendation 47 of Commissioner Ted Mullighan's report of the Inquiry into Children in State Care, presented to this parliament on 1 April 2008. The government shares his concern about the situation of young people who have run away from home or from a care institution and to take shelter with an adult who supplies money, shelter, food, alcohol or drugs in return for the child's providing sexual services to the exploiting adult or the service of selling drugs for the exploiting adult. These young people are often unwilling to incriminate the exploitative adult for fear that this will cut off their supply of money, drugs or alcohol. Their experience of state intervention has not always been a happy one. Their very resistance to professional help makes these children all the more vulnerable to harm.</p> <p>The options now available to separate these young people from exploitative adults are not effective because they depend on the young person's cooperation or because they are limited in their scope or application.</p> <p>Investigating and prosecuting sexual or drug offending by the adult is also difficult if the young person, as the alleged victim or primary witness, wont co-operate.</p> <p>This Act introduces additional measures that target the exploiting adult, rather than the child, and in a way that does not depend on the cooperation or evidence of the child.</p> <p>[Hansard 16 Jul 09 p.3622]</p>



***Statutes Amendment (Property Offences) Amendment Act 2009***

<b>Number</b>	No. 40 of 2009
<b>Commencement Date</b>	Came into operation on 20 December 2009 (Gaz, 17 December 2009, p.6351)
<b>Long Title</b>	An Act to amend the <i>Criminal Law Consolidation Act 1935</i> and the <i>Summary Procedure Act 1921</i> .
<b>Description</b>	<p>This Act allows for the reform of general criminal damage offences (including arson).</p> <p>It provides that a person will be guilty of arson if the person, without lawful excuse, by fire or explosives, damages property that is a building or a motor vehicle or is recklessly indifferent as to whether his or her conduct damages the property. Such unlawful behaviour will constitute arson whether the building or motor vehicle so damaged belongs to the offender or another person. The penalty for arson is imprisonment for life.</p> <p>The Act also provides that a person will be guilty of an offence if the person, without lawful excuse, damages (other than by fire or explosives) the property of another or is recklessly indifferent as to whether his or her conduct damages the property. The penalty for such an offence is imprisonment for 10 years.</p> <p>This Legislation also allows for the classification of offences and that a person will be guilty of an offence if the person, without lawful excuse, threatens to damage the property of another.</p> <p>[Hansard 05 Feb 2009 p.1445]</p>

***Statutes Amendment (Recidivist Young Offenders And Youth Parole Board) Act 2009***

<b>Number</b>	No. 52 of 2009
<b>Commencement Date</b>	To be proclaimed.
<b>Long Title</b>	An Act to amend the <i>Criminal Law Consolidation Act 1935</i> , the <i>Criminal Law (Sentencing) Act 1988</i> and the <i>Young Offenders Act 1993</i>
<b>Description</b>	<p>This Act arises from concerns about the harm done by a small number of young offenders who persist in serious crime despite our best attempts at diversion and rehabilitation. They are few in number but cause disproportionate harm. The Act provides, inter alia</p> <ul style="list-style-type: none"><li>• that a court sentencing a youth for a serious offence, where the required criminal history exists, would have to consider whether the youth ought to be declared a 'recidivist young offender'. If a declaration were made, then, in sentencing the youth, proportionality would not apply and a sentence of detention could be imposed without a finding that a non-custodial sentence would be inadequate. Further, the youth would have to serve at least four-fifths of the sentence of detention before becoming eligible for release.</li><li>• that the work of reviewing the progress of a recidivist young offender, and the decision about his or her conditional release, would fall to the Training Centre Review Board constituted as the Youth Parole Board. That is, the Board would be so constituted as to include a police officer or former police officer and a person with skills and experience in matters relating to the effect of crime on victims.</li><li>• that the Youth Parole Boards paramount consideration in deciding the conditional release is public safety. The Board must also consider the youth's behaviour on any previous release from detention, as well as any reports that have been written about the youth and the circumstances into which the youth is being released. Further, the Bill directs the Board to consider the effect of conditional release on any registered victim and his or her close relatives.</li></ul> <p>[Hansard 13 May 2009 p.2700]</p>

<b>Statutes Amendment (Victims of Crime) Act 2009</b>	
<b>Number</b>	No. 79 of 2009
<b>Commencement Date</b>	To be proclaimed
<b>Long Title</b>	An Act to amend the <i>Criminal Law (Sentencing) Act 1988</i> ; the <i>Criminal Law Consolidation Act 1935</i> ; the <i>Defamation Act 2005</i> ; the <i>Freedom of Information Act 1991</i> ; and the <i>Victims of Crime Act 2001</i> .
<b>Description</b>	<p>This Act will give victims' of crime advocates the legal right to make victim impact submissions at the sentencing hearing in cases that result in the death or total permanent incapacity of the victim; and the sentencing act will be amended to enable the prosecution to obtain and present community impact statements to courts during sentencing submissions.</p> <p>Community impact statements will be used to inform the sentencing court about the effects on the community of the crimes before the court.</p> <p>The Act makes it clear that victim impact statements can be given in person via closed-circuit television or audio-visual recording, and provide for the cost of victims coming to court to read or listen to victim impact statements.</p> <p>Section 52 of the <i>Criminal Law (Sentencing) Act</i> provides for restitution orders (that is, a court order that the convicted offender return misappropriated property to the victim-owner). Unlike section 53, which provides for compensation orders that can be enforced like any other pecuniary order, an order made under section 52 appears to be unenforceable. The Act strengthen victims' rights, including their right to compensation. Making it clear how section 52 will be enforced might alleviate some of the pressure to amend the compensation laws.</p> <p>[Hansard 29 Oct 08 p.693]</p>

## Bills

No bills before the 52nd Parliament at time of preparation. First sitting of Parliament is scheduled for 6 May 2010.

## Regulations

<b><i>Australian Road Rules 1999</i></b>	
<b>Number</b>	No. 219 of 1999
<b>Commencement Date</b>	Came into operation 1 December 1999.
<b>Description</b>	<p>The <i>Australian Road Rules</i> provide road rules in this State that are uniform with road rules elsewhere in Australia.</p> <p>Also related to the commencement of the Australian Road Rules are the following regulations which came into operation on 1 December 1999:</p> <ul style="list-style-type: none"><li>• <i>Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 1999</i> (No 218 of 1999)</li><li>• <i>Road Traffic (Oversize or Overmass Vehicle Exemptions) Regulations 1999</i> (No. 233 of 1999)</li><li>• <i>Road Traffic (Mass and Loading Requirements) Regulations 1999</i> (No. 234 of 1999)</li><li>• <i>Road Traffic (Vehicle Standards) Rules 1999</i> (No. 235 of 1999)</li><li>• <i>Road Traffic (Miscellaneous) Regulations 1999</i> (No. 236 of 1999)</li></ul>