



STATUTES AMENDMENT (ATTORNEY-GENERAL'S PORTFOLIO) ACT 1992

No. 26 of 1992

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ELIZABETHAE II REGINAE

A.D. 1992

No. 26 of 1992

An Act to amend the Criminal Law Consolidation Act 1935, the Evidence Act 1929, the Real Property Act 1886, the Strata Titles Act 1988 and the Summary Procedure Act 1921.

[Assented to 14 May 1992]

The Parliament of South Australia enacts as follows:

PART 1

PRELIMINARY

Short title

1. This Act may be cited as the *Statutes Amendment (Attorney-General's Portfolio) Act 1992*.

Commencement

2. This Act will come into operation on a day to be fixed by proclamation.

Interpretation

3. A reference in this Act to the principal Act is a reference to the Act referred to in the heading to the Part in which the reference occurs.

PART 2

AMENDMENT OF CRIMINAL LAW CONSOLIDATION ACT 1935

Amendment of s. 32—Possession of a firearm with intent to commit an offence

4. Section 32 of the principal Act is amended—

(a) by striking out from paragraph (a) “3 years” and substituting “2 years”;

and

(b) by striking out from paragraph (b) “3 years” and substituting “2 years”.

Amendment of s. 275—Information may be presented in the name of the Attorney-General

5. Section 275 of the principal Act is amended by inserting in subsection (1) “or District Court” after “Supreme Court”.

Amendment of s. 276—Attorney-General may decline to prosecute

6. Section 276 of the principal Act is amended by inserting in subsection (2) “or the District Court” after “Supreme Court”.

PART 3**AMENDMENT OF EVIDENCE ACT 1929****Amendment of s. 4—Interpretation**

7. Section 4 of the principal Act is amended by inserting after paragraph (d) of the definition of “sexual offence” the following paragraph:

(da) any offence involving sexual exploitation or abuse of a child, or exploitation of a child as an object of prurient interest;

Insertion of s. 59j

8. The following section is inserted in Part VII before section 60 of the principal Act:

Court's power to dispense with formal proof

59j. (1) A court may at any stage of civil or criminal proceedings—

(a) dispense with compliance with the rules of evidence for proving any matter that is not genuinely in dispute;

or

(b) dispense with compliance with the rules of evidence where compliance might involve unreasonable expense or delay.

(2) In exercising its power under subsection (1) the court may, for example, dispense with proof of—

(a) a document or the execution of a document;

(b) handwriting;

(c) the identity of a party;

(d) the conferral of an authority to do a particular act.

(3) A court is not bound by the rules of evidence in informing itself on any matter relevant to the exercise of its discretion under this section.

PART 4**AMENDMENT OF REAL PROPERTY ACT 1886****Amendment of s. 153—Renewal or extension of mortgage, etc.**

9. Section 153 of the principal Act is amended by striking out from subsection (2) “one month” and substituting “two months”.

PART 5**AMENDMENT OF STRATA TITLES ACT 1988****Insertion of s. 29a**

10. The following section is inserted in Part III Division IV before section 30 of the principal Act:

Application of Division

29a. This Division does not apply to a strata corporation if all units comprised in the strata scheme are held by the same registered proprietor and no unit comprised in the strata scheme is subject to a contract for sale.

Amendment of s. 41a—Resolution of disputes, etc.**11. Section 41a of the principal Act is amended—**

(a) by striking out subsection (2) and substituting the following subsection:

(2) Subject to this section, an application must be made to the Magistrates Court and the *Magistrates Court Act 1991* applies, with such modifications as may be necessary for the purpose or as may be prescribed, in relation to the application as if the proceedings were a minor civil action within the meaning of that Act.;

(b) by striking out from subsection (4) “a local court” and substituting “the Magistrates Court”;

and

(c) by striking out from subsection (19) the definition of “small claim”.

PART 6**AMENDMENT OF SUMMARY PROCEDURE ACT 1921****Amendment of s. 113—Material to be forwarded by Registrar**

12. Section 113 of the principal Act is amended by striking out “Attorney-General” and substituting “Director of Public Prosecutions”.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

ROMA MITCHELL Governor