



ANNO VICESIMO

ELIZABETHAE II REGINAE

A.D. 1971

No. 49 of 1971

An Act to amend the Supreme Court Act, 1935-1971.

[Assented to 26th August, 1971]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

Short titles.

1. (1) This Act may be cited as the "Supreme Court Act Amendment Act, 1971".

(2) The Supreme Court Act, 1935-1971, as amended by this Act, may be cited as the "Supreme Court Act, 1935-1971".

(3) The Supreme Court Act, 1935-1971, is hereinafter referred to as "the principal Act".

Repeal of s. 58 of principal Act.

2. Section 58 of the principal Act is repealed.

Enactment of s. 79a of principal Act—

3. The following section is enacted and inserted in the principal Act immediately after section 79 thereof:—

Power of Crown Prosecutor and others appointed by Attorney-General as to informations, etc.

79a. (1) It shall be lawful for the Attorney-General by writing under his hand to appoint the Crown Prosecutor, or any other person named therein, to represent him at the criminal sittings and circuit sessions of the court or at any particular criminal sitting or circuit sessions of the court and in the name and on behalf of the Attorney-General to—

(a) present any information which the Attorney-General might have presented;

and

(b) amend any information which has been signed by or on behalf of the Attorney-General, before the information is presented to the court.

(2) The Crown Prosecutor or other person so appointed may, so long as the appointment has not expired or been revoked, represent the Attorney-General at the criminal sittings and circuit sessions or any of them, or at that particular criminal sitting or circuit sessions of the court, as the case may be, and any information so presented or amended shall be deemed to have been presented or amended, as the case may be, by the Attorney-General.

(3) An appointment under subsection (1) of this section of some other person to represent the Attorney-General at any particular criminal sitting or circuit sessions of the court does not revoke a general appointment under that subsection of the Crown Prosecutor to represent the Attorney-General at the criminal sittings and circuit sessions of the court.

(4) An appointment under this section is revocable at will and does not prevent the Attorney-General himself from appearing and being heard at any criminal sitting or circuit sessions of the court or from presenting or amending any information and any such appearance by the Attorney-General or presentation or amendment of an information by him does not of itself have the effect of revoking an appointment under subsection (1) of this section.

(5) Notwithstanding the repeal of section 58 of this Act as then in force and the enactment of this section by the Supreme Court Act Amendment Act, 1971, such repeal and enactment shall not affect any appointment made under section 58 prior to such repeal and such appointment shall, until it expires or is revoked, continue to have the same force and effect as if that section had not been repealed.

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

J. W. HARRISON, Governor.