



ANNO TRICESIMO SEXTO

ELIZABETHAE II REGINAE

A.D. 1987

No. 40 of 1987

An Act to amend the Crown Proceedings Act, 1972.

[Assented to 23 April 1987]

The Parliament of South Australia enacts as follows:

1. (1) This Act may be cited as the "Crown Proceedings Act Amendment Act, 1987". Short title.

(2) The Crown Proceedings Act, 1972, is in this Act referred to as "the principal Act".

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

3. Section 3 of the principal Act is amended by striking out "PROCEEDINGS BY AND AGAINST THE CROWN" and substituting "CROWN PROCEEDINGS". Amendment of s. 3—
Arrangement of Act.

4. The heading to Part II of the principal Act is repealed and the following heading is substituted: Repeal of heading and insertion of new heading.

CROWN PROCEEDINGS.

5. Section 6 of the principal Act is amended by striking out from subsection (3) "Subject to the regulations" and substituting "Subject to this Act". Amendment of s. 6—
Service, etc.

6. The following section is inserted after section 7 of the principal Act: Insertion of new section.

7a. (1) A subpoena or other process issued by a court, tribunal or other authority requiring a Minister of the Crown to appear before the court, tribunal, authority or some other person to give evidence of facts known to the Minister, or to produce documents possessed by the Minister, in his or her capacity as Minister, must be transmitted to the Crown Solicitor for service on the Minister. Service of subpoenas, etc., on Ministers.

(2) The Crown Solicitor must, upon receiving a subpoena or other process referred to in subsection (1), serve it on the Minister and provide proof of service to the court, tribunal or other authority.

(3) If the Crown Solicitor is unable to serve a subpoena or other process within a reasonable time, he or she must inform the court, tribunal or other authority of the reasons for not being able to effect service and, in that case, the court, tribunal or other authority may direct that service be effected by some other means.

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

D. B. DUNSTAN, Governor