

2 **Bills and Regulations in Principle**

Not relevant



204	AGO0046/06CS	Evidence (Suppression Orders) Amendment Act 2006 (Michael Atkinson) APPROVED
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Not relevant



CABINET COVER SHEET

1. **TITLE:** *EVIDENCE (SUPPRESSION ORDERS)
AMENDMENT ACT 2006*
2. **MINISTER:** **THE HON. MICHAEL ATKINSON M.P.
ATTORNEY-GENERAL**
3. **PURPOSE:** To seek Cabinet approval for the drafting of regulations under s. 69A of the *Evidence Act 1929* to fix a fee of \$500 per year as the fee payable for the service of notification of suppression orders
4. **IDENTIFY THE RELEVANT GOVERNMENT POLICY OR TARGET IN SOUTH AUSTRALIA'S STRATEGIC PLAN OR BOTH:** The proposal does not arise from South Australia's Strategic Plan.
5. **I.C.T. COMPONENT:** Does the submission have a material I.C.T. Component? Yes No
6. **RESOURCES REQUIRED FOR FULFILMENT:** Treasury and Finance agrees with the basis of the assessment of costs contained in this submission .
The proposed fee is fixed for cost-recovery .
7. **PUBLIC AND ENVIRONMENTAL EFFECT:** There is no family, gender, regional, environmental or social effect.
It will have an effect on media organisations.
8. **RISKS:** No risks have been identified.

9. CONSULTATION:

The fee has been fixed after consultation with the District Court.

10. COMMUNICATION STRATEGY:

I propose to write to media organisations letting them know of the fee and the planned commencement date.

11. URGENCY:

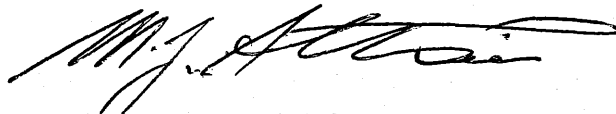
Urgent

12. RECOMMENDATION:

4.1 That Cabinet approve the drafting of regulations under s. 69A of the *Evidence Act 1929* to fix a fee of \$500 per year as the fee payable for the service of notification of suppression orders.

I declare that I have no actual or potential conflict of interest about the proposals contained in this submission.

MICHAEL ATKINSON M.P.



ATTORNEY-GENERAL

PORTFOLIO:

DATE:

15 March 2007

Contact Officer:

Katherine O'Neill
8207 1726

To THE HON. THE PREMIER FOR CABINET

About EVIDENCE (SUPPRESSION ORDERS) AMENDMENT ACT 2006

1. PROPOSAL

- 1.1 That Cabinet approve the drafting of regulations under s. 69A of the *Evidence Act 1929* to fix a fee of \$500 per year as the fee payable for being notified of suppression orders.

2. BACKGROUND

- 2.1 The *Evidence (Suppression Orders) Amendment Act, 2006*, which provides for the courts to notify nominated representatives of the news media of the making, variation and revocation of suppression orders, received Royal Assent on 23 November, 2006.
- 2.2 The Act provides that the Attorney-General may assign to a person the function of Registrar, for the purpose of providing this service. News-media organizations, which can include newspaper publishers, television and radio broadcasters and others who are in the business of publishing, may nominate a representative to whom information about these orders is to be supplied by the court.
- 2.3 The Act provides, by s. 69A(13), for the making of a regulation fixing a fee for the service provided by the court.

3. DISCUSSION

Purpose

- 3.1 I have consulted the Chief Justice and the Chief Judge. The Chief Judge advises me that, to recover the cost of the service, the Court will need to charge a fee of \$500 per nominated representative per year.

3.2 Other implications and effects

3.2.1 Economic, Financial and Budget Implications

The fee has been set so as to recover the cost of the service. There should therefore be no economic, financial or budgetary effects.

3.2.2 Required Resources

No resources are required.

3.2.3 South Australia's Strategic Plan

The proposal does not arise from the Strategic Plan.

3.2.4 Information and Communication Technology Requirements

There are no I.C.T requirements.

3.2.5 Staffing Implications

There are no staffing effects.

3.3 Public and Environmental Effect

3.3.1 There is no family, gender, regional, environmental or social effect.

3.3.2 It will have an effect on media organisations. At present, if a journalist wishes to check for a suppression order, he does so by examining the register. There is no fee for that and the courts have no record of how often it is done. That avenue will remain open. Media organisations will, therefore, now have a choice between checking the register at no charge or paying \$500 per representative per year to be notified. It is not possible to predict how many media organisations will choose the latter.

3.4 Risk Management Strategy

No risks have been identified.

3.5 Consultation

These agencies have been consulted in developing this proposal:

Treasury and Finance has been consulted on project/implementation costs. I have also consulted the District Court.

3.6 Implementation Plan

I plan for the new law to start on 1 April, 2007.

3.7 Communication Strategy

I have written to news media organisations letting them know of the proposed start date.

3.8 Executive Council

The proposal does not require the approval of Her Excellency the Governor in Executive Council.

4. RECOMMENDATION

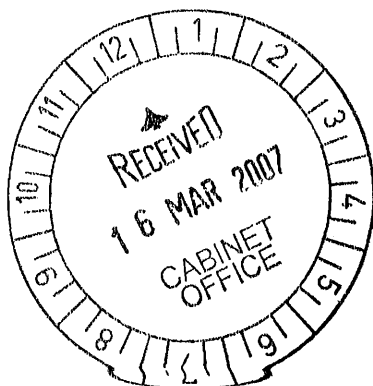
- 4.1 That Cabinet approve the drafting of regulations under s. 69A of the *Evidence Act 1929* to fix a fee of \$500 per year as the fee payable for being notified of suppression orders.

I declare that I have no actual or potential conflict of interest about the proposals contained in this submission.



Michael Atkinson
Attorney-General

15 March 2007



In Cabinet

19 MAR 2007



Instructions for Parliamentary Counsel

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Exempt clause 10(1) – legal professional privilege