

**Legislative Council—No 139**

As received from the House of Assembly, read a first time, Standing Orders suspended and passed remaining stages without amendment, 22 July 2008

South Australia

**Correctional Services (Application of Truth in Sentencing) Amendment Bill 2008**

A BILL FOR

An Act to amend the *Correctional Services Act 1982*.

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**The Parliament of South Australia enacts as follows:**

### **Part 1—Preliminary**

#### **1—Short title**

This Act may be cited as the *Correctional Services (Application of Truth in Sentencing) Amendment Act 2008*.

#### 5 **2—Amendment provisions**

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

### **Part 2—Amendment of *Correctional Services Act 1982***

#### **3—Insertion of Schedule 1**

- 10 After section 89 insert:

### **Schedule 1—Application of Truth in Sentencing Act amendments**

#### **1—Interpretation**

In this Schedule—

- 15 *subsequent amending Act* means an Act (other than the *Correctional Services (Application of Truth in Sentencing) Amendment Act 2008*) brought into operation after the commencement of the Truth in Sentencing Act that amends or substitutes a provision of this Act;

- 20 *Truth in Sentencing Act* means the *Statutes Amendment (Truth in Sentencing) Act 1994*.

## 2—Truth in sentencing clarification

- 5
- (1) The amendments to this Act made by the Truth in Sentencing Act apply, and have always applied, in respect of all prisoners serving sentences of imprisonment immediately before the commencement of those amendments, regardless of when the prisoners were sentenced.
- 10
- (2) It follows that anything done or omitted to have been done in relation to such prisoners before the commencement of this clause on the basis referred to in subclause (1) has been, and has always been, validly done or omitted to have been done.
- 15
- (3) This clause affects rights and liabilities arising between parties to proceedings initiated before the commencement of this clause to the extent to which those rights and liabilities arise from, or are affected by, an act or omission referred to in subclause (2); however, this clause does not affect any such rights or liabilities arising between parties to proceedings heard and finally determined before the commencement of this clause.
- (4) Nothing in this clause affects the operation of a subsequent amending Act (and any such Act has effect according to its terms).