

South Australia

**Criminal Law (Sentencing) (Abolition of  
Suspended Sentences) Amendment Bill 2007**

A BILL FOR

An Act to amend the *Criminal Law (Sentencing) Act 1988*; and to make a related amendment to 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 *Criminal Law (Sentencing) (Abolition of Suspended Sentences) Amendment Act 2007*.

#### 5 2—Commencement

This Act will come into operation 1 month after the day on which it is assented to by the Governor.

#### 3—Amendment provisions

10 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 *Criminal Law (Sentencing) Act 1988*

#### 4—Amendment of section 10—Matters to which a sentencing court should have regard

(1) Section 10(1)(m)—after "defendant" insert:

15 by giving proper effect to the policy stated in subsection (4a)

(2) Section 10—after subsection (4) insert:

- (4a) A primary policy of the criminal law is to provide defendants with the care, correction and guidance necessary for their development into responsible and useful members of the community.

5 **5—Amendment of section 20B—Declaration that person is serious repeat offender**

Section 20B(2)(b)(ii)—delete "(other than a suspended sentence)"

**6—Amendment of section 30—Commencement of sentences and non-parole periods**

10 Section 30(1)—delete "and does not suspend the sentence"

**7—Repeal of section 38**

Section 38—delete the section

**Part 3—Amendment of *Correctional Services Act 1982***

15 **8—Amendment of section 75—Automatic cancellation of parole upon imprisonment for offence committed while on parole**

Section 75(1)(a)—delete "and the sentence is not suspended"

**Part 4—Transitional provision**

**9—Transitional provision**

An amendment made by this Act—

- 20 (a) applies in relation to a person found guilty of an offence after the commencement of this Act; and
- (b) has no effect on a sentence of imprisonment (including a suspended sentence) imposed before the commencement of this Act.