

South Australia

**Sentencing (Limits on Home Detention)
Amendment Bill 2019**

A BILL FOR

An Act to amend the *Sentencing Act 2017*.

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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

5 This Act may be cited as the *Sentencing (Limits on Home Detention) Amendment Act 2019*.

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 *Sentencing Act 2017*

3—Insertion of section 70A

10 After section 70 insert:

70A—Home detention not available for certain child sex offences

15 (1) The powers vested in a court by this Subdivision are not exercisable in relation to a defendant who is being sentenced for a prescribed child sex offence (including, to avoid doubt, where the defendant is being sentenced on an appeal against sentence or is also being sentenced for other offences).

(2) This section applies—

- 20 (a) to a prescribed child sex offence committed before or after the commencement of this section; and
- (b) whether the defendant was charged with, or found guilty of, the prescribed child sex offence before or after the commencement of this section; and
- 25 (c) whether or not the powers vested in a court by this Subdivision would, but for this section, otherwise be exercisable in relation to the defendant.

(3) In this section—

child means a person under 18 years of age;

prescribed child sex offence means—

(a) an offence against Part 3 Division 11 or 12 of the *Criminal Law Consolidation Act 1935* where the victim is a child, or the offence is committed in the course of, or in circumstances involving, the sexual exploitation or abuse of a child; or

(b) an offence against Part 3 Division 11A of the *Criminal Law Consolidation Act 1935*,

and includes an offence of conspiracy to commit such an offence.