

Legislative Council—No 65

As received from the House of Assembly and read a first time, 24 October 2018

South Australia

Sentencing (Miscellaneous) Amendment Bill 2018

A BILL FOR

An Act to amend the *Sentencing Act 2017*.

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Amendment provisions

Part 2—Amendment of *Sentencing Act 2017*

- 4 Amendment of section 5—Interpretation
 - 5 Amendment of section 40—Reduction of sentences for guilty pleas in other cases
 - 6 Amendment of section 71—Home detention orders
 - 7 Amendment of section 79—Purpose of intensive correction order
 - 8 Amendment of section 98—Conditions of bonds under this Act
 - 9 Amendment of section 103—Variation or discharge of bond
-

The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Sentencing (Miscellaneous) Amendment Act 2018*.

5 2—Commencement

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

3—Amendment provisions

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

10 Part 2—Amendment of *Sentencing Act 2017*

4—Amendment of section 5—Interpretation

Section 5(1), definition of *intervention program manager*—delete the definition and substitute:

intervention program manager means—

- 15 (a) for the purposes of sections 29 and 30—a person employed by the South Australian Courts Administration Authority (including a delegate of such a person) to have general oversight of intervention programs referred to in those sections and to coordinate the implementation of relevant court orders under those sections; or

- (b) for the purposes of this Act (other than sections 29 and 30)—a person employed in the administrative unit of the Public Service that is responsible for assisting a Minister in the administration of the *Correctional Services Act 1982* (including a delegate of such a person) to have general oversight of intervention programs and coordinate the implementation of relevant court orders;

5—Amendment of section 40—Reduction of sentences for guilty pleas in other cases

- (1) Section 40(3)(d)—delete "arraignment appearance" and substitute:
first date fixed for the arraignment
- (2) Section 40(3)(e)—delete "defendant's arraignment appearance" and substitute:
first date fixed for the arraignment of the defendant

6—Amendment of section 71—Home detention orders

- (1) Section 71(5), definition of *serious and organised crime offence*, (a)—after subparagraph (iii) insert:
(iv) an attempt to commit any of the offences referred to in any of the preceding subparagraphs; or
- (2) Section 71(5), definition of *serious and organised crime offence*, (b)—after subparagraph (v) insert:
(vi) an attempt to commit any of the offences referred to in any of the preceding subparagraphs;

7—Amendment of section 79—Purpose of intensive correction order

- Section 79(1)(a)—delete "12 months" and substitute:
2 years

8—Amendment of section 98—Conditions of bonds under this Act

- Section 98(7)(b)—delete "case manager" and substitute:
community corrections officer

9—Amendment of section 103—Variation or discharge of bond

- Section 103(2)—delete ", despite the fact that the term, as so extended, exceeds 3 years"