

House of Assembly—No 198

As laid on the table and read a first time, 16 October 2013

South Australia

**Statutes Amendment (Electronic Monitoring)
Bill 2013**

A BILL FOR

An Act to amend the *Correctional Services Act 1982*; the *Criminal Law Consolidation Act 1935*; and the *Criminal Law (Sentencing) Act 1988*.

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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 *Statutes Amendment (Electronic Monitoring) Act 2013*.

2—Commencement

- 5 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.

Part 2—Amendment of *Correctional Services Act 1982*

4—Amendment of section 4—Interpretation

Section 4(1)—after the definition of *drug test* insert:

electronic device means an electronic device of a class or kind approved by the Minister for the purposes of this Act;

5—Amendment of section 27—Leave of absence from prison

Section 27—delete subsection (2) and substitute:

- 5 (2) Leave of absence granted under this section may be subject to such conditions as the CE thinks fit, including either or both of the following:
- (a) a condition requiring the prisoner—
- 10 (i) to be in the custody of, and supervised by, 1 or more officers or employees of the Department authorised by the Minister for the purpose; and
- (ii) to obey the reasonable directions of any officer or employee authorised under subparagraph (i);
- (b) a condition requiring the prisoner to be monitored by use of an electronic device.

6—Amendment of section 67—Release on parole by application to Board

15 Section 67(4)(f)(ii)—after "CE" insert:

(including recommendations (if any) as to the conditions that should, in the opinion of the CE, be imposed by the Board on the prisoner's release on parole)

7—Amendment of section 68—Conditions of release on parole

20 Section 68(1a)—after paragraph (d) insert:

- (e) a condition requiring the prisoner to be monitored by use of an electronic device.

Part 3—Amendment of *Criminal Law Consolidation Act 1935*

8—Amendment of section 269O—Supervision

25 Section 269O(1)(b)(ii)(B)—after "licence" insert:

(including a condition that the defendant be monitored by use of an electronic device approved under section 4 of the *Correctional Services Act 1982*)

Part 4—Amendment of *Criminal Law (Sentencing) Act 1988*

9—Amendment of section 24—Release on licence

30 Section 24(3)—after "licence" (second occurring) insert:

(including a condition that the person be monitored by use of an electronic device approved under section 4 of the *Correctional Services Act 1982*)