

**Legislative Council—No 221**

As received from the House of Assembly and read a first time, 13 November 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*)