

House of Assembly—No 55

As laid on the table and read a first time, 3 June 2020

South Australia

Statutes Amendment (Intervention Orders and Penalties) Bill 2020

A BILL FOR

An Act to amend the *Intervention Orders (Prevention of Abuse) Act 2009* and the *Sentencing Act 2017*.

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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 (Intervention Orders and Penalties) Act 2020*.

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 *Intervention Orders (Prevention of Abuse) Act 2009*

3—Amendment of section 31—Contravention of intervention order

- (1) Section 31(1), penalty provision—delete the penalty provision and substitute:
Maximum penalty: \$2 000 or imprisonment for 2 years.
- (2) Section 31(1), expiation fee—delete the expiation fee
- (3) Section 31(2), penalty provision—delete the penalty provision and substitute:
Maximum penalty:
 - (a) in the case of a basic offence—imprisonment for 5 years;
 - (b) in the case of an aggravated offence—imprisonment for 7 years.
- (4) Section 31(2aa), penalty provision—delete the penalty provision and substitute:
Maximum penalty:
 - (a) in the case of a basic offence—imprisonment for 10 years;
 - (b) in the case of an aggravated offence—imprisonment for 12 years.

(5) Section 31—after subsection (4) insert:

(5) For the purposes of this section, an aggravated offence is an offence committed in 1 or more of the following circumstances:

5 (a) the offender knew or suspected, or ought reasonably to have known or suspected, that there was a reasonable likelihood that a child would see, hear or otherwise be exposed to the conduct constituting the offence or to any effects of that conduct;

10 (b) the offender, in the course of committing the offence, threatened to restrict a person's access to the person's child.

(6) If a person is charged with an aggravated offence under this section, the circumstances alleged to aggravate the offence must be stated in the instrument of charge.

(7) In this section—

15 *basic offence*—where a subsection differentiates between the penalty for an aggravated offence and the penalty for a basic offence, the reference to a basic offence is a reference to the offence in its non-aggravated form.

Part 3—Amendment of *Sentencing Act 2017*

4—Amendment of section 52—Interpretation and application

20 Section 52(1), definition of *serious offence*—after paragraph (g) insert:

(ga) an offence against section 31(2aa)(b) of the *Intervention Orders (Prevention of Abuse) Act 2009*; or