

Legislative Council—No 207A

As reported with amendments and an amended Title, report adopted, Standing Orders suspended and passed remaining stages, 12 November 2013

South Australia

Statutes Amendment (Young Offenders) Bill 2013

A BILL FOR

An Act to amend the *Young Offenders Act 1993* 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 (Young Offenders) Act 2013*.

2—Amendment provisions

- 5 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 *Young Offenders Act 1993*

3—Amendment of section 29—Sentencing youth as an adult

- 10 Section 29(4)—delete "murder must be sentenced to imprisonment for life." and substitute:

murder—

- (a) must be sentenced to imprisonment for life; and
- (b) must be dealt with as an adult.

4—Repeal of Part 5 Division 2

- 15 Part 5 Division 2—delete Division 2

5—Amendment of section 42A—Training Centre Review Board may direct youth to surrender firearm etc

Section 42A(1)—delete "section 37(3a)(a), or"

Part 3—Amendment of *Criminal Law (Sentencing) Act 1988*

5 **6—Amendment of section 31A—Application of Division to youths**

(1) Section 31A—before subsection (1) insert:

(a1) The following provisions of this Division do not apply in relation to a youth (whether or not the youth is sentenced as an adult or is sentenced to detention to be served in a prison or is otherwise transferred to or ordered to serve a period of detention in a prison):

- 10
- (a) section 32(5)(ab);
 - (b) section 32(5)(ba);
 - (c) section 32(5a);
 - (d) section 32A.

15 (2) Section 31A(1)—delete "This Division does" and substitute:

The remaining provisions of this Division do

Schedule 1—Transitional provisions

1—Interpretation

In this Schedule—

20 *repealed section* means section 37 of the *Young Offenders Act 1993* repealed by section 4.

2—Applications under section 37 of *Young Offenders Act 1993*

(1) Despite section 16 of the *Acts Interpretation Act 1915* or a provision of any other Act or law, any right accrued but not yet exercised, or, if exercised, not yet determined, under the repealed section is, by force of this subclause, extinguished.

(2) To avoid doubt, subclause (1)—

- (a) prevents an application for release on licence from being made under the repealed section regardless of whether the youth could have made such an application before the commencement of that subclause; and
- (b) defeats any application for release on licence made by a youth under the repealed section that had not yet been determined before the commencement of that subclause.

3—Youths currently subject to licence

(1) Subject to this clause, a release on licence of a youth under the repealed section that has not been cancelled will be taken to continue in accordance with its terms.

- (2) Section 37 of the *Young Offenders Act 1993*, as in force immediately before the commencement of this clause, will be taken to continue to apply in relation to a release on licence continued under this clause as if that section had not been repealed.