

Legislative Council—No 230A

As reported with amendments, report adopted, Standing Orders suspended and passed remaining stages, 29 November 2017

South Australia

**Statutes Amendment (Youths Sentenced as Adults)
Bill 2017**

A BILL FOR

An Act to amend the *Young Offenders Act 1993*; the *Criminal Law (Sentencing) Act 1988*; and the *Sentencing Act 2017*.

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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

- 5 This Act may be cited as the *Statutes Amendment (Youths Sentenced as Adults) Act 2017*.

2—Commencement

- (1) Subject to subsection (2), this Act will come into operation on the day on which it is assented to by the Governor.
- 10 (2) Part 4 of this Act will come into operation immediately after section 6 of the *Sentencing Act 2017* comes into operation.

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 *Young Offenders Act 1993*

4—Amendment of section 3—Objects and statutory policies

- (1) Section 3(2a)(a) and (b)—delete paragraphs (a) and (b) and substitute:
regard should be had to the deterrent effect any proposed sanction may have on the youth

(2) Section 3—after subsection (3) insert:

(4) This section does not apply to a court imposing sanctions on a youth who is being dealt with as an adult, whether because the youth's conduct is part of a pattern of repeated illegal conduct or for some other reason, including, for example, the gravity of the illegal conduct (and the laws applying in relation to the sentencing of an adult apply to such a youth).

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

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

Section 31A(a1)—delete "(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)" and substitute:

unless the youth is sentenced as an adult

Part 4—Amendment of *Sentencing Act 2017*

6—Amendment of section 46—Application of Division to youths

Section 46(1)—delete "(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)" and substitute:

unless the youth is sentenced as an adult

Schedule 1—Transitional provision

1—Transitional provision

An amendment effected by this Act applies to a youth who is being sentenced as an adult after the commencement of the amendment, whether the offence in respect of which the youth is being sentenced occurred before or after that commencement.