

House of Assembly—No 150

As laid on the table and read a first time, 23 June 2021

South Australia

Statutes Amendment (Electronic Monitoring of Domestic Violence Offenders) Bill 2021

A BILL FOR

An Act to amend the *Bail Act 1985* and the *Intervention Orders (Prevention of Abuse) Act 2009*.

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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 (Electronic Monitoring of Domestic Violence Offenders) Act 2021*.

2—Commencement

This Act comes into operation 3 months after the day on which it is assented to by the Governor.

3—Amendment provisions

- 10 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 *Bail Act 1985*

4—Amendment of section 3—Interpretation

- 15 Section 3(1), definition of *Chief Executive Officer*—after "Officer" insert:
or *CE*

5—Amendment of section 11—Conditions of bail

- (1) Section 11—after subsection (2ad) insert:
 - 20 (2ae) If the applicant is a serious domestic violence offence suspect, any grant of bail to the applicant must be subject to a condition that the applicant agree to be fitted with an electronic device of a kind approved by the CE for the purpose of monitoring the whereabouts of the applicant and to comply with all reasonable directions of the CE in relation to the electronic device.

(2) Section 11(13)—after the definition of *class 2 offence suspect* insert:

serious domestic violence offence suspect means a person who has been charged with—

- 5 (a) an offence against 1 or more of the following provisions of the *Criminal Law Consolidation Act 1935* (being an offence aggravated by the circumstances referred to in section 5AA(1)(g) of that Act):
- 10 (i) Part 3;
- (ii) Part 4;
- (iii) Part 6B;
- (iv) Part 7B (being an offence consisting of aiding, abetting, counselling or procuring the commission of an offence referred to in a preceding subparagraph);
- 15 (v) section 270A (being an offence consisting of attempting to commit an offence referred to in a preceding subparagraph);
- (vi) section 270AB;
- (vii) section 270B; or
- (b) an offence against section 31(2) or (2aa) of the *Intervention Orders (Prevention of Abuse) Act 2009*; or
- 20 (c) any other offence prescribed by the regulations for the purposes of this paragraph (being an indictable offence, or a summary offence where the maximum penalty is 12 months imprisonment or more).

Part 3—Amendment of *Intervention Orders (Prevention of Abuse) Act 2009*

6—Insertion of section 12A

25 After section 12 insert:

12A—Terms of intervention order—electronic monitoring

- (1) A prescribed intervention order must include a term that, while the intervention order remains in force against the defendant, the defendant—
- 30 (a) must be fitted with an electronic device of a kind approved by the CE for the purpose of monitoring the whereabouts of the defendant; and
- (b) must comply with all reasonable directions of the CE in relation to the electronic device.
- 35 (2) In this section—
- CE* has the same meaning as in the *Correctional Services Act 1982*;

prescribed intervention order means an intervention order issued against a person—

- 5
- (a) where the person is alleged to have committed a serious domestic violence offence (whether or not the person has been charged with the offence); or
 - (b) that prohibits the person from doing 1 or more of the things referred to in section 12(1)(a) to (g) (inclusive);

serious domestic violence offence means—

- 10
- (a) an offence against 1 or more of the following provisions of the *Criminal Law Consolidation Act 1935* (being an offence aggravated by the circumstances referred to in section 5AA(1)(g) of that Act):
 - (i) Part 3;
 - (ii) Part 4;
 - 15 (iii) Part 6B;
 - (iv) Part 7B (being an offence consisting of aiding, abetting, counselling or procuring the commission of an offence referred to in a preceding subparagraph);
 - 20 (v) section 270A (being an offence consisting of attempting to commit an offence referred to in a preceding subparagraph);
 - (vi) section 270AB;
 - (vii) section 270B; or
 - 25 (b) an offence against section 31(2) or (2aa) of this Act; or
 - (c) any other offence prescribed by the regulations for the purposes of this paragraph (being an indictable offence, or a summary offence where the maximum penalty is 12 months imprisonment or more).