



ANNO VICESIMO

ELIZABETHAE II REGINAE

A.D. 1971

No. 96 of 1971

An Act to amend the Criminal Law Consolidation Act, 1935-1971.

[Assented to 3rd December, 1971]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. (1) This Act may be cited as the "Criminal Law Consolidation Act Amendment Act, 1971". Short titles.

(2) The Criminal Law Consolidation Act, 1935-1971, as amended by this Act and by all other amendments (if any) amending the same prior to the commencement of this Act, may be cited as the "Criminal Law Consolidation Act, 1935-1971".

(3) The Criminal Law Consolidation Act, 1935-1971, is hereinafter referred to as "the principal Act".

2. The following section is enacted and inserted in the principal Act immediately after section 301 thereof:—

Enactment of s. 301a of principal Act—

301a. Where sentence or judgment of death has been pronounced by a court or recorded by order of a court upon or against a person and the Governor, acting with the advice and consent of Executive Council—

When death sentence commuted to term of imprisonment, it shall be deemed to be a sentence by the court.

(a) has granted or grants a pardon to that person in respect of that sentence or judgment;

or

(b) has made or makes an order or direction commuting or purporting to commute that sentence or judgment to a sentence of imprisonment,

and, at the time of granting the pardon or making that order or direction commuting the sentence or judgment, has made or makes an order or a direction that that person shall serve a sentence of imprisonment for life or for a specified term, that last mentioned order or direction shall, for all purposes, be deemed to have been lawfully made by the court and to be the sentence of the court and shall have full effect as such as from the day on which the sentence or judgment of death was pronounced or recorded, as if the court had, by operation of this Act, full power and authority to impose and, by virtue of that power and authority, did impose on that person that sentence of imprisonment in lieu of the sentence or judgment of death.

**Amendment of
principal Act,
s. 303
Sentence for
murder.**

3. Section 303 of the principal Act is amended—

(a) by inserting after the word “death” the passage “or, instead of pronouncing sentence of death, order sentence of death to be entered of record”;

(b) by inserting after the word “pronounced” the passage “or ordered to be entered of record under this section”;

and

(c) by inserting at the end thereof the following subsection (the present contents of the section, as amended by paragraphs (a) and (b) of this section being hereby designated as subsection (1) thereof):—

(2) The making of an order under this section that sentence of death be entered of record shall have the same effect and be followed by the same consequences as if the sentence had actually been pronounced in open court.

**Repeal of
s. 307 of
principal Act.**

4. Section 307 of the principal Act is repealed.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

M. L. OLIPHANT, Governor