



ANNO DECIMO OCTAVO

ELIZABETHAE II REGINAE

A.D. 1969

No. 88 of 1969

An Act to amend the Criminal Law Consolidation Act, 1935-1966.

[Assented to 11th December, 1969.]

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

Short titles.

1. (1) This Act may be cited as the "Criminal Law Consolidation Act Amendment Act (No. 3), 1969".

(2) The Criminal Law Consolidation Act, 1935-1966, as amended by this Act, may be cited as the "Criminal Law Consolidation Act, 1935-1969".

(3) The Criminal Law Consolidation Act, 1935-1966, is hereinafter referred to as "the principal Act".

Commencement.

2. This Act shall come into operation on a day to be fixed by proclamation.

**Amendment of principal Act, s. 5—
Interpretation.**

3. Section 5 of the principal Act is amended by inserting after the definition of "night" the following definition :—

"the Parole Board" means the Parole Board of South Australia constituted under the Prisons Act, 1936-1969.

**Amendment of principal Act, s. 77a—
Detention of persons incapable of controlling sexual instincts.**

4. Section 77a of the principal Act is amended—

(a) by striking out from paragraph (b) of subsection (3) the passage "on the report of two legally qualified

medical practitioners" and inserting in lieu thereof the passage "on the recommendation of the Parole Board";

and

(b) by striking out from paragraph (b) of subsection (4) the passage "on the report of two legally qualified medical practitioners" and inserting in lieu thereof the passage "on the recommendation of the Parole Board".

5. The following section is enacted and inserted in the principal Act after section 313 thereof:—

Enactment of
s. 313a of
principal Act—

313a. Where any person apparently of, or above, the age of twenty-five years—

Persistent
offenders.

(a) is convicted of an offence punishable by imprisonment for a term of two years or more ;

and

(b) has been convicted on at least two previous occasions since he attained the age of eighteen years of an offence punishable by imprisonment for a term of two years or more,

and the court is satisfied that in the interests of the public or in his own interests he should be detained in prison for a substantial period, the court may impose, in lieu of any other sentence, a sentence of imprisonment for a term of not more than ten years.

6. Section 323 of the principal Act is amended by striking out from subsection (1) the passage "Comptroller of Prisons" and inserting in lieu thereof the passage "Parole Board".

Amendment of
principal Act,
s. 323—

Release of
habitual
criminals on
licence.

7. Section 328 of the principal Act is amended by striking out paragraphs (b) and (c).

Amendment of
principal Act,
s. 328—

Regulations.

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

J. W. HARRISON, Governor.