



ANNO VICESIMO PRIMO

ELIZABETHAE II REGINAE

A.D. 1972

No. 74 of 1972

An Act to amend the Criminal Law Consolidation Act, 1935-1972.

[Assented to 21st September, 1972]

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, 1972".

(2) The Criminal Law Consolidation Act, 1935-1972, as amended by this Act, may be cited as the "Criminal Law Consolidation Act Amendment Act, 1935-1972".

(3) The Criminal Law Consolidation Act, 1935-1972, 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. 77a—
Sexual offenders.**

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

(a) by striking out paragraph (b) of subsection (3) and inserting in lieu thereof the following paragraph:—

(b) shall not be released unless—

(i) the Governor is satisfied, on the recommendation of the Parole Board, that he is fit to be at liberty and terminates his detention;

or

(ii) the Governor releases him upon licence in pursuance of this section.;

(b) by striking out paragraph (b) of the second sentence of subsection (4) and inserting in lieu thereof the following paragraph:—

(b) where the detention is ordered during Her Majesty's pleasure, shall not be released unless—

(i) the Governor is satisfied, on the recommendation of the Parole Board, that he is fit to be at liberty and terminates his detention;

or

(ii) the Governor releases him upon licence in pursuance of this section.;

and

(c) by inserting after subsection (7) the following subsections:—

(7a) Where an offender has been detained in an institution pursuant to this section, the Governor may, on the recommendation of the Parole Board, release that person upon licence.

(7b) The terms and conditions upon which a person is released upon licence under this section shall be determined by the Governor upon the recommendation of the Parole Board.

(7c) Where—

(a) the period for which a person was released on licence under this section has expired;

or

(b) the Parole Board has reasonable cause to suspect that any such person has contravened or failed to comply with any term or condition upon which he was released,

a person authorized by warrant signed by two members of the Parole Board may apprehend the person so released, and return him to custody or detain him for examination by the Parole Board, in accordance with the terms of the warrant.

Enactment of
section 293a of
principal Act—
Release upon
licence.

4. The following section is enacted and inserted in the principal Act immediately after section 293 thereof:—

293a. (1) Where the Governor has ordered the safe custody, during his pleasure, of any person found to be insane, he may, upon the recommendation of the Parole Board, release that person upon licence.

(2) The terms and conditions upon which a person is released upon licence under this section shall be determined by the Governor upon the recommendation of the Parole Board.

(3) Where—

(a) the period for which a person was released on licence under this section has expired;

or

(b) the Parole Board has reasonable cause to suspect that any such person has contravened or failed to comply with any term or condition upon which he was released,

a person authorized by warrant signed by any two members of the Parole Board may apprehend the person so released and return him to custody, or detain him for examination by the Parole Board, in accordance with the terms of the warrant.

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

M. L. OLIPHANT, Governor