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ELIZABETHAE II REGINAE

A.D. 1988

No. 51 of 1988

An Act to amend the Acts Interpretation Act, 1915, the Children's Protection and Young Offenders Act, 1979, the Corporal Punishment Abolition Act, 1971, the Correctional Services Act, 1982, the Criminal Injuries Compensation Act, 1978, the Criminal Law Consolidation Act, 1935, the Justices Act, 1921, the Local and District Criminal Courts Act, 1926 and the Road Traffic Act, 1961; to repeal the Criminal Law (Enforcement of Fines) Act, 1987, and the Offenders Probation Act, 1913; and for other purposes.

[Assented to 5 May 1988]

The Parliament of South Australia enacts as follows:

PART I PRELIMINARY

- Short title.** 1. This Act may be cited as the *Statutes Amendment and Repeal (Sentencing) Act, 1988*.
- Commencement.** 2. (1) This Act will come into operation on a day to be fixed by proclamation.
- (2) The Governor may, in a proclamation fixing a day for this Act to come into operation, suspend the operation of specified provisions of this Act until a subsequent day fixed in the proclamation, or a day to be fixed by subsequent proclamation.

PART II AMENDMENT OF ACTS INTERPRETATION ACT, 1915

- Citation.** 3. The *Acts Interpretation Act, 1915*, is in this Part referred to as "the principal Act".
- Insertion of new s. 28a.** 4. The following section is inserted after section 28 of the principal Act:
- Standard scales for imprisonment and fines.** 28a. Unless a contrary intention is indicated in an Act in which an expression in the left hand column below appears, that expression has the meaning appearing opposite it in the right hand column:

Division 1 imprisonment	a term of imprisonment not exceeding 15 years
Division 1 fine	a fine not exceeding \$60 000
Division 2 imprisonment	a term of imprisonment not exceeding 10 years
Division 2 fine	a fine not exceeding \$40 000
Division 3 imprisonment	a term of imprisonment not exceeding 7 years
Division 3 fine	a fine not exceeding \$30 000
Division 4 imprisonment	a term of imprisonment not exceeding 4 years
Division 4 fine	a fine not exceeding \$15 000
Division 5 imprisonment	a term of imprisonment not exceeding 2 years
Division 5 fine	a fine not exceeding \$8 000
Division 6 imprisonment	a term of imprisonment not exceeding 1 year
Division 6 fine	a fine not exceeding \$4 000
Division 7 imprisonment	a term of imprisonment not exceeding 6 months
Division 7 fine	a fine not exceeding \$2 000
Division 8 imprisonment	a term of imprisonment not exceeding 3 months
Division 8 fine	a fine not exceeding \$1 000
Division 9 fine	a fine not exceeding \$500
Division 10 fine	a fine not exceeding \$200
Division 11 fine	a fine not exceeding \$100
Division 12 fine	a fine not exceeding \$50.

5. Section 31 of the principal Act is repealed.

Repeal of s. 31

6. Section 44 of the principal Act is amended by inserting in subsection (2) “, and an order for payment made in any such proceedings is enforceable as if it were a fine” after “Justices Act, 1921”.

Amendment of s. 44—
Interpretation of references to summary proceedings.

PART III

AMENDMENT OF CHILDREN'S PROTECTION AND YOUNG OFFENDERS ACT, 1979

7. The *Children's Protection and Young Offenders Act, 1979*, is referred to in this Part as “the principal Act”.

Short title.

8. Section 55 of the principal Act is repealed and the following section is substituted:

Substitution of section 55.

Sentence of life imprisonment for murder.

55. A child who is convicted of murder shall be imprisoned for life.

Imprisonment of children.

9. Section 58 of the principal Act is amended—

(a) by striking out subsection (1) and substituting the following subsection:

(1) Subject to subsection (2), a child who has been sentenced to imprisonment by an adult court will serve that sentence in prison.;

and

(b) by striking out subsection (3) and substituting the following subsection:

(3) Where an order is made under subsection (2) in respect of a child—

(a) the court must not, at the time of imposing sentence or at any other time while the child is detained in a training centre, fix a non-parole period in respect of the sentence of imprisonment;

and

(b) this Act applies in relation to the child while in a training centre to the exclusion of the *Correctional Services Act, 1982*, as if the child had been sentenced to detention in a training centre.

Insertion of new section 58a.

10. The following section is inserted after section 58 in Division IV of Part IV of the principal Act:

Release on licence of children convicted of murder.

58a. (1) Where a child who has been sentenced to imprisonment for life is being detained in a training centre, the Supreme Court may, on the application of the child, authorize the release of the child from detention on licence.

(2) On the Supreme Court authorizing the release of a child under subsection (1), the Training Centre Review Board must order the release of the child on licence on the day specified by the Court.

(3) The release of a child on licence under this section will be subject to such conditions as the Training Centre Review Board thinks fit and specifies in the licence.

(4) Where the Supreme Court has refused an application by a child for release on licence, the child may not further apply for release for a period of six months, or such lesser or greater period as the Court may have directed on refusing the application.

(5) The Training Centre Review Board may, on the application of the Crown or the child, vary or revoke any condition of a licence under this section.

(6) The Training Centre Review Board may, on the application of the Minister, cancel a release on licence under this section if satisfied that the child has contravened a condition of the licence.

(7) Where an application has been made for the cancellation of a child's release on licence, a member of the Training Centre Review Board may—

(a) summon the child to appear before the Board;

or

(b) issue a warrant for the apprehension and detention of the child pending determination of the application.

(8) Where a child who has been summoned to appear before the Training Centre Review Board fails to attend in compliance with the summons, the Board may—

(a) determine the application in the child's absence;

or

(b) direct a member of the Board to issue a warrant for the apprehension and detention of the child for the purpose of bringing him or her before the Board.

(9) A member of the Training Centre Review Board may issue a warrant for the apprehension and return to custody of a child whose release on licence has been cancelled by the Board.

(10) Where a child who has been released on licence commits an offence while subject to that licence and is sentenced to imprisonment or detention for that offence, the release on licence is, by virtue of this subsection, cancelled.

(11) If a child who is to be returned to custody on cancellation of his or her release on licence has attained the age of 18 years, he or she will be returned to custody in such prison as the Chief Executive Officer of the Department of Correctional Services directs.

(12) A child released on licence pursuant to this section will, unless the release is earlier cancelled, remain subject to that licence until the Supreme Court, on the application of the Crown or the child, discharges the child absolutely from the sentence of life imprisonment.

(13) Both the Crown and the child are parties to any application under this section.

(14) A copy of an application under this section must be served on a guardian of the child, unless—

(a) it is not practicable to do so;

or

(b) the whereabouts of all of the guardians of the child cannot, after reasonable inquiries, be ascertained.

(15) For the purposes of determining an application under this section, the Supreme Court—

(a) may hear, or receive submissions from, any person it thinks fit;

and

(b) may direct the Training Centre Review Board or any other body or person to furnish the Court with such reports as the Court may require.

11. Section 64 of the principal Act is amended by inserting in subsection (2) “(other than a child serving a sentence of life imprisonment)” after “a child who has been sentenced to detention in a training centre”.

Conditional
release from
detention.

PART IV

AMENDMENT OF CORPORAL PUNISHMENT ABOLITION ACT,
1971

Amendment of
s. 2—
Abolition of
corporal
punishment.

12. Section 2 of the *Corporal Punishment Abolition Act, 1971*, is amended by inserting “, or for the use of the pillory,” after “of any person”.

PART V

AMENDMENT OF CORRECTIONAL SERVICES ACT, 1982

Citation

13. The *Correctional Services Act, 1982*, is in this Part referred to as “the principal Act”.

Interpretation.

14. Section 4 of the principal Act is amended by striking out the definition of “sentence of indeterminate duration” and substituting the following definition:

“sentence of indeterminate duration” means detention in custody until further order of a court.

Amendment of
s. 7—
Power of Minister
and Permanent
Head to delegate.

15. Section 7 of the principal Act is amended—

(a) by inserting in subsection (1) “or any other Act” after “this Act”;
and

(b) by inserting in subsection (2) “or any other Act” after “this Act”.

Insertion in
Part II of new
Divisions IV
and V.

16. The following Divisions are inserted in Part II of the principal Act after Division III:

DIVISION IV—COMMUNITY SERVICE ADMINISTRATION

Establishment of
community
service centres.

17a. (1) The Minister may, by notice published in the *Gazette*, declare any premises to be a community service centre.

(2) The Minister may, by notice published in the *Gazette*, revoke or vary a declaration under this section.

(3) Community service centres are under the control of the Minister.

The community
service advisory
committee.

17b. (1) The community service advisory committee established under the *Offenders Probation Act, 1913*, is continued in existence under this Act.

(2) The advisory committee is comprised of not less than three, nor more than five, members appointed by the Minister, of whom—

(a) one will be appointed after consultation with the United Trades and Labor Council;

and

(b) one will be a person nominated by the Permanent Head.

(3) The members of the advisory committee will hold office upon such terms and conditions as the Minister thinks fit.

(4) The functions of the advisory committee are—

(a) to formulate guidelines for the approval of projects and tasks suitable for the performance of community service by offenders;

and

(b) to perform such other functions as the Minister may direct.

17c. (1) The Minister will establish a community service committee for each community service centre. Community service committees.

(2) A community service committee will consist of not less than three, nor more than five, members, of whom—

(a) one will be a magistrate;

(b) one will be appointed after consultation with the United Trades and Labor Council;

and

(c) one will be a person nominated by the Permanent Head.

(3) The members of a community service committee will hold office upon such terms and conditions as the Minister thinks fit.

(4) The functions of a community service committee are—

(a) to approve, within the guidelines formulated by the community service advisory committee, the projects and tasks to be performed as community service work by offenders attending the community service centre in respect of which the committee was established;

(b) to keep approved projects and tasks under regular review;

(c) to monitor the performance of community service work by offenders attending the centre;

and

(d) to perform such other functions as the Minister may direct.

(5) A community service committee must not approve a project or task for community service unless—

(a) it is a project or task for the benefit of an organization that does not seek to secure a pecuniary profit for its members;

(b) it is a project or task to aid a person, or group of persons, who, in the opinion of the committee, is or are disadvantaged through age, illness, incapacity, poverty or any other adversity;

or

(c) it is a project or task of a Government department or instrumentality or of a local government authority.

(6) A community service committee must not approve a project or task for community service work if an offender, in undertaking that project or task—

(a) would replace a person who is being paid to perform any work;

or

(b) would perform any work for which funds are available.

Insurance cover
to be provided by
Minister.

17d. (1) The Minister must provide insurance, upon such terms and conditions as the Minister thinks fit, for offenders in respect of death or injury arising out of, or occurring in the course of, community service performed pursuant to bonds or orders of court.

(2) The Minister must provide insurance, upon such terms and conditions as the Minister thinks fit, for persons appointed as voluntary supervisors of offenders performing community service pursuant to bonds or orders of court in respect of death or injury arising out of, or occurring in the course of, carrying out their duties as supervisors.

(3) The cost of providing insurance cover under this section will be borne by the Crown.

DIVISION V—PROBATION HOSTELS

Establishment of
probation hostels.

17e. (1) The Minister may, by notice published in the *Gazette*, declare any premises to be a probation hostel.

(2) The Minister may, by notice published in the *Gazette*, vary or revoke a declaration under this section.

(3) Probation hostels are under the control of the Minister.

Repeal of s. 21
and heading.

17. Section 21 of the principal Act and the heading "DIVISION I—COMMENCEMENT OF SENTENCES" preceding that section are repealed.

Insertion of
heading before
s. 21a.

18. The following heading is inserted before section 21a of the principal Act:

DIVISION I—ADMISSION AND ASSIGNMENT OF PRISONERS.

Repeal of heading
preceding s. 22.

19. The heading preceding section 22 of the principal Act is repealed.

Assignment of
prisoners.

20. Section 22 of the principal Act is amended by inserting after subsection (3) the following subsection:

(4) A person may be detained in a particular correctional institution pursuant to this section notwithstanding that the warrant of commitment by virtue of which the person is detained in custody directs that he or she be detained in some other correctional institution.

Reports by the
Board.

21. Section 64 of the principal Act is amended by striking out subsection (5).

Repeal of
Division II of
Part VI.

22. Division II of Part VI is repealed.

Insertion of new
s. 86a.

23. The following section is inserted after section 86 of the principal Act:

Immunity from
liability.

86a. (1) An employee of the Department incurs no civil liability for an act or omission in good faith and in the exercise, or purported exercise, of powers vested in the employee by or under this Act or any other Act.

(2) A liability that would, but for subsection (1), lie against an employee lies against the Crown.

PART VI

AMENDMENT OF CRIMINAL INJURIES COMPENSATION ACT, 1978

24. The *Criminal Injuries Compensation Act, 1978*, is referred to in this Part as “the principal Act”. Short title.

25. Section 13 of the principal Act is amended by inserting after subsection (7) the following subsection: Imposition of levy.

(8) Notwithstanding any other provision of this section, the Governor may remit a levy, or any part of a levy, payable by a person under this section.

PART VII

AMENDMENT TO CRIMINAL LAW CONSOLIDATION ACT, 1935

26. The *Criminal Law Consolidation Act, 1935*, is in this Part referred to as “the principal Act”. Citation.

27. Section 19a of the principal Act is amended by striking out paragraph (b) of subsection (6) and substituting the following paragraph: Death and injury arising from reckless driving, etc.

(b) the disqualification may not be reduced or mitigated in any way or be substituted by any other penalty or sentence.

28. Section 77 of the principal Act is repealed. Repeal of ss. 77 and 77a.

29. Section 77a of the principal Act is repealed. Repeal of s. 77a.

30. The heading preceding section 201 is amended by striking out “*Restitution and*” and substituting “*Rewards for*”. Amendment of heading preceding s. 201.

31. Section 201 of the principal Act is repealed. Repeal of s. 201.

32. Section 297 of the principal Act is amended by striking out subsection (5). Amendment of s. 297— Fees and compensation.

33. Sections 298 and 299 of the principal Act are repealed. Repeal of ss. 298 and 299.

34. Sections 300 to 300h (inclusive) of the principal Act and the heading preceding those sections are repealed. Repeal of ss. 300 to 300h and heading.

35. Sections 301 to 314 (inclusive) of the principal Act and the heading preceding those sections are repealed. Repeal of ss. 301 to 314 and heading.

36. The heading preceding section 315 of the principal Act is amended by striking out “*Police Supervision of Certain Offenders and*”. Amendment of heading preceding s. 315.

37. Sections 315 and 316 of the principal Act are repealed. Repeal of ss. 315 and 316.

38. Section 317 of the principal Act is amended by striking out from subsection (1) all words after “twenty dollars”. Amendment of s. 317— Harbours thieves.

Amendment of
s. 318—
Authority to
search for stolen
property.

39. Section 318 of the principal Act is amended—

(a) by inserting in subsection (1) “the Commissioner of Police or” after “When”;

and

(b) by inserting in subsection (2) “Commissioner or” before “inspector”.

Repeal of ss. 319
to 328 and
heading.

40. Sections 319 to 328 (inclusive) of the principal Act and the heading preceding section 319 are repealed.

PART VIII

AMENDMENT OF JUSTICES ACT, 1921

Short title.

41. The *Justices Act, 1921*, is in this Part referred to as “the principal Act”.

Repeal of s. 3 and
substitution of
new section.

42. Section 3 of the principal Act is repealed and the following section is substituted:

Arrangement of
Act.

3. This Act is arranged as follows:

PART I—INTRODUCTORY

PART II—JUSTICES

PART III—GENERAL PROCEDURE

PART IV—SUMMARY JURISDICTION

DIVISION I—COURTS OF SUMMARY JURISDICTION

DIVISION II—COMPLAINT AND SUBSEQUENT PROCEEDINGS

DIVISION III—THE HEARING

DIVISION IV—JUDGMENT

DIVISION V—COSTS

DIVISION VA—PAYMENT OF FINES AND OTHER PECUNIARY SUMS

DIVISION VII—ORDERS TO KEEP THE PEACE

PART V—INDICTABLE OFFENCES

DIVISION I—PROCEDURE TO COMMITTAL

DIVISION II—MINOR INDICTABLE OFFENCES

DIVISION III—COMMITTAL FOR SENTENCE

DIVISION V—MISCELLANEOUS

PART VI—APPEALS FROM COURTS OF SUMMARY JURISDICTION

PART VII—SUPPLEMENTARY PROVISIONS.

Amendment of
s. 4—
Interpretation.

43. Section 4 of the principal Act is amended—

(a) by striking out from subsection (1) the definition of “fine”;

(b) by striking out from subsection (1) the definition of “gaol”;

(c) by striking out from subsection (1) the definition of “keeper of a gaol”;

and

(d) by striking out from subsection (1) the definition of “sum adjudged to be paid by a conviction” and “sum adjudged to be paid by an order”.

44. Section 5 of the principal Act is amended by striking out subsections (6) and (7).

Amendment of s. 5—
Constitution of courts of summary jurisdiction.

45. Section 26 of the principal Act is amended by striking out “gaol” and substituting “prison or police prison”.

Amendment of s. 26—
Witnesses refusing to give evidence, etc., may be imprisoned.

46. Section 27c of the principal Act is amended—

(a) by striking out paragraph (a) of subsection (3) and substituting the following paragraph:

Amendment of s. 27c—
Hearing where defendant fails to appear.

(a) impose any penalty other than a fine;;

and

(b) by striking out subsection (6).

47. Section 48 of the principal Act is amended by striking out “not exceeding ten dollars as it may think fit, and in default of payment of the sum so awarded may be enforced by imprisonment for any period not exceeding seven days” and substituting “, not exceeding \$500, as the court thinks fit”.

Amendment of s. 48—
Compensation in certain vexatious cases.

48. The heading preceding section 49 is amended by striking out “THE COMPLAINT AND THE PROCEEDINGS THEREON” and substituting “COMPLAINT AND SUBSEQUENT PROCEEDINGS”.

Amendment of heading preceding s. 49.

49. Section 62b of the principal Act is amended—

(a) by striking out from paragraph (a) of subsection (6) “, other than a term of imprisonment in default of the payment of a fine or other sum adjudged to be paid”;

Amendment of s. 62b—
Powers of court where plea of guilty entered in writing.

(b) by striking out from paragraph (d) of subsection (6) “sum adjudged to be paid” and substituting “pecuniary sum”;

and

(c) by striking out from subsection (8) “sum adjudged” and substituting “pecuniary sum”.

50. Section 62c of the principal Act is amended by striking out from paragraph (b) of subsection (1) “(except a sentence that is conditional upon default being made in the payment of a fine)”.

Amendment of s. 62c—
Ex parte proceedings.

51. Section 65 of the principal Act is amended by striking out from subsection (4) “, and any keeper of the gaol or officer in whose custody the defendant is shall duly obey such order”.

Amendment of s. 65—
Power to adjourn.

52. Section 69a of the principal Act is amended by striking out “the court has found proved the offence or other matter alleged in the complaint” and substituting “a court of summary jurisdiction finds proved any matter alleged in a complaint (not being a charge of an offence)”.

Amendment of s. 69a—
Examination of defendant.

Repeal of s. 70ab
and heading.

53. Section 70ab of the principal Act and the heading preceding that section are repealed.

Repeal of s. 73
and heading.

54. Section 73 of the principal Act and the heading preceding that section are repealed.

Repeal of ss. 74,
75 and 76 and
heading.

55. Sections 74, 75 and 76 of the principal Act and the heading preceding those sections are repealed.

Amendment of
s. 77—
Power to award
costs.

56. Section 77 of the principal Act is amended—

(a) by striking out subsection (1) and substituting the following subsection:

(1) Where a court dismisses a complaint, the court may, in its order, direct that the complainant pay to the defendant such amount by way of costs as the court thinks just and reasonable.;

and

(b) by striking out subsection (3) and substituting the following subsection:

(3) An order for costs made under this section is enforceable as if it were a fine imposed by the court.

Repeal of ss. 78
and 79.

57. Sections 78 and 79 of the principal Act are repealed.

Amendment of
heading preceding
s. 79a.

58. The heading preceding section 79a is amended by striking out "SUMS ADJUDGED" and substituting "OTHER PECUNIARY SUMS".

Amendment of
s. 79a—
Payment to clerk
of fines and other
pecuniary sums.

59. Section 79a of the principal Act is amended—

(a) by striking out from subsection (1) "sum is by a conviction or order adjudged" and substituting "other pecuniary sum is";

and

(b) by striking out from subsection (2) "sum adjudged to be paid by a conviction or order" and substituting "other pecuniary sum".

Repeal of
Division VI of
Part IV.

60. Division VI of Part IV of the principal Act is repealed.

Amendment of
s. 119—
Witness of
refusing to enter
into recognizance
may be
committed to
prison.

61. Section 119 of the principal Act is amended—

(a) by striking out "gaol" first occurring and substituting "prison";

and

(b) by striking out "keeper of the gaol" and substituting "manager of the prison".

Amendment of
heading preceding
s. 120.

62. The heading preceding section 120 of the principal Act is amended by inserting "INDICTABLE" after "MINOR".

Repeal of ss. 129
and 130.

63. Sections 129 and 130 of the principal Act are repealed.

Amendment of
s. 151—
Delivery of
persons to prison.

64. Section 151 of the principal Act is amended—

(a) by striking out "gaol" first occurring and substituting "prison";

and

(b) by striking out “keeper of such gaol” and substituting “manager of the prison”.

65. Section 155 of the principal Act is repealed.

Repeal of s. 155.

66. Section 170 of the principal Act is amended—

(a) by striking out from subsection (1a) “gaol” and substituting “prison”;

Amendment of s. 170—
Enforcement of decision after appeal.

and

(b) by inserting after subsection (1a) the following subsection:

(1b) A person will not, while on bail pending an appeal, be taken to be serving the sentence of imprisonment from which he or she has been released.

67. Section 179 of the principal Act is amended by striking out from subsection (2) “sum adjudged to be paid by” and substituting “other pecuniary sum payable under”.

Amendment of s. 179—
Enforcement of payment of costs of appeal.

68. Section 187b of the principal Act and the heading preceding that section are repealed.

Repeal of s. 187b and heading.

PART IX

AMENDMENT OF LOCAL AND DISTRICT CRIMINAL COURTS ACT, 1926

69. Section 329 of the *Local and District Criminal Courts Act, 1926*, is repealed.

Repeal of s. 329 of the Local and District Criminal Courts Act, 1926.

PART X

AMENDMENT OF ROAD TRAFFIC ACT, 1961

70. The *Road Traffic Act, 1962*, is referred to in this Part as “the principal Act”.

Short title.

71. Section 43 of the principal Act is amended—

(a) by inserting in paragraph (a) of subsection (3b) “or be substituted by any other penalty or sentence” after “in any way”;

Failure to stop and report in case of accident.

and

(b) by striking out paragraph (b) of subsection (3b).

72. Section 46 of the principal Act is amended—

(a) by inserting in paragraph (b) of subsection (3) “or be substituted by any other penalty or sentence” after “in any way”;

Reckless and dangerous driving.

and

(b) by striking out paragraph (c) of subsection (3).

73. Section 47 of the principal Act is amended—

Driving under influence.

(a) by inserting in paragraph (b) of subsection (3) “or be substituted by any other penalty or sentence” after “in any way”;

and

(b) by striking out paragraph (c) of subsection (3).

Driving whilst having prescribed concentration of alcohol in blood.

74. Section 47b of the principal Act is amended—

(a) by inserting in paragraph (b) of subsection (3) “or be substituted by any other penalty or sentence” after “in any way”;

and

(b) by striking out paragraph (c) of subsection (3).

Police may require alcohol test or breath analysis.

75. Section 47e of the principal Act is amended—

(a) by inserting in paragraph (b) of subsection (6) “or be substituted by any other penalty or sentence” after “in any way”;

and

(b) by striking out paragraph (c) of subsection (6).

Compulsory blood tests.

76. Section 47i of the principal Act is amended—

(a) by inserting in paragraph (b) of subsection (14a) “or be substituted by any other penalty or sentence” after “in any way”;

and

(b) by striking out paragraph (c) of subsection (14a).

PART XI

REPEAL OF CRIMINAL LAW (ENFORCEMENT OF FINES) ACT, 1987

Repeal of Criminal Law (Enforcement of Fines) Act, 1987.

77. The *Criminal Law (Enforcement of Fines) Act, 1987*, is repealed.

PART XII

REPEAL OF OFFENDERS PROBATION ACT, 1913

Repeal of Offenders Probation Act, 1913.

78. The *Offenders Probation Act, 1913*, is repealed.

PART XIII

TRANSITIONAL PROVISIONS

Transitional provisions.

79. (1) A recognizance in force under an Act amended or repealed by this Act (not being a recognizance for the purposes of bail) remains in force notwithstanding that amendment or repeal and is enforceable under and in accordance with the *Criminal Law (Sentencing) Act, 1988*, as if it were a bond entered into under that Act.

Sentences of indeterminate duration.

80. (1) Subject to this section, nothing in this Act affects—

(a) the validity of a sentence of indeterminate duration (detention at Her Majesty's or the Governor's pleasure) being served, or to be served, by a person pursuant to an order of a court made

before the commencement of this Act under a provision repealed by this Act;

or

(b) the validity of the release on licence by the Governor of such a person before the commencement of this Act.

(2) On the commencement of this Act—

(a) a sentence of indeterminate duration referred to in subsection (1) will, subject to subsection (3), be taken to be a sentence of indeterminate duration imposed under the *Criminal Law (Sentencing) Act, 1988*;

and

(b) a release on licence referred to in subsection (1) will be taken to be a release on licence under that Act by the Parole Board or the Training Centre Review Board, as the case may require, on the authority of the Supreme Court.

(3) Where a child is, at the commencement of this Act, serving a sentence of indeterminate duration imposed on conviction of murder, the following provisions apply:

(a) the sentence will be taken to be a sentence of imprisonment for life imposed by the Supreme Court;

(b) if the child is in custody in a training centre, the child must (unless earlier released on licence) be transferred to a prison on turning 18 years of age;

and

(c) if the child has been released on licence by the Training Centre Review Board prior to the commencement of this Act, the child will be taken to have been released on licence by the Board under section 58a of the *Children's Protection and Young Offenders Act, 1979*, on the authority of the Supreme Court.

(4) In subsection (3)—

“child” means a person convicted of murder who had not attained the age of 18 years on the day on which he or she committed the offence.

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

D. B. DUNSTAN, Governor