



ANNO TRICESIMO OCTAVO

**ELIZABETHAE II REGINAE**

**A.D. 1989**

\*\*\*\*\*

**No. 47 of 1989**

**An Act to amend the Criminal Law (Sentencing) Act, 1988.**

[Assented to 31 August 1989]

The Parliament of South Australia enacts as follows:

**Short title**

1. (1) This Act may be cited as the *Criminal Law (Sentencing) Act Amendment Act, 1989*.

(2) The *Criminal Law (Sentencing) Act, 1988*, is referred to in this Act as “the principal Act”.

**Court to inform defendant of reasons, etc., for sentence**

2. Section 9 of the principal Act is amended—

(a) by striking out “and” from between paragraphs (a) and (b) of subsection (1);

and

(b) by inserting after paragraph (b) the following word and paragraph:

and

(c) —

(i) if the sentence fixes or extends a non-parole period—inform the defendant of the minimum period that he or she will have to serve in prison before becoming eligible for parole (assuming that maximum remissions are earned);

(ii) if the sentence fixes a term of imprisonment (and the sentence is not suspended)—inform the defendant of the minimum period that he or she will have to serve in prison assuming that he or she is not paroled but maximum remissions are earned.

**Court to take account of prospective remission**

3. Section 12 of the principal Act is amended by inserting after its present contents (now to be designated as subsection (1)) the following subsections:

(2) It is the intention of Parliament that subsection (1) should be interpreted in accordance with the judgment of the Full Court in *The Queen v. Dube* and *The Queen*

*v. Knowles* (1987) 46 SASR 118 and in so far as the principles of sentencing purportedly inferred by the Full Court from section 302 of the *Criminal Law Consolidation Act, 1936* (the precursor of subsection (1)) were not properly so inferred, those principles must be taken to be founded on this subsection.

(3) This section, as amended by the *Criminal Law (Sentencing) Act Amendment Act, 1989*, applies only in relation to offences committed after the commencement of that amending Act. .

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

D. B. DUNSTAN, Governor