



ANNO TRICESIMO SEPTIMO

# ELIZABETHAE II REGINAE

A.D. 1988

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No. 76 of 1988

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

[Assented to 1 December 1988]

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

## Insertion of new section 27a

2. The following section is inserted after section 27 of the principal Act:

### Appeals

- 27a. (1) An appeal lies to the Full Court against—
- (a) a decision of the Supreme Court on an application to discharge an order for detention under this Division;
  - (b) a decision of the Supreme Court on an application to release a person on licence under this Division;
  - (c) a decision of the Supreme Court on an application by the Crown under section 24 (11).
- (2) An appeal under this section may be instituted by the Crown or by the person to whom the particular decision relates.
- (3) Subject to a contrary order of the Full Court, an appeal cannot be commenced after 10 days from the date of the decision against which the appeal lies.
- (4) On an appeal, the Full Court may—
- (a) confirm, reverse or annul the decision subject to appeal;
  - (b) make any order that it considers should have been made in the first instance;
  - (c) make any consequential or ancillary orders.
- (5) Subject to subsection (6), where—

(a) the Supreme Court decides—

(i) to discharge an order for detention under this Division;

(ii) to release a person on licence under this Division;

or

(iii) to refuse an application by the Crown under section 24 (11);

and

(b) counsel appearing on behalf of the Crown gives immediate notice that an appeal against the decision will be instituted,

the decision has no force or effect pending the outcome of the appeal.

(6) If the Crown gives notice under subsection (5) of an appeal against a decision of the Supreme Court but then a person acting on behalf of the Crown subsequently files with the Supreme Court a notice that the Crown does not desire to proceed with the appeal, the decision will take effect.

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

D. B. DUNSTAN, Governor