



ANNO DECIMO OCTAVO

# ELIZABETHAE II REGINAE

A.D. 1969

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## No. 95 of 1969

### An Act to amend the Offenders Probation Act, 1913-1963.

[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 "Offenders Probation Act Amendment Act (No. 2), 1969".

(2) The Offenders Probation Act, 1913-1963, as amended by this Act, may be cited as the "Offenders Probation Act, 1913-1969".

(3) The Offenders Probation Act, 1913-1963, is hereinafter referred to as "the principal Act".

Amendment of  
principal Act,  
s. 4—  
Conditional  
discharge of  
offenders.

**2.** Section 4 of the principal Act is amended—

(a) by inserting after subsection (2) the following subsections :—

(2a) Where a person has been convicted of an offence punishable by imprisonment, and the court is of opinion that, having regard to—

(a) the character, antecedents, age, health or mental condition of the person convicted ;

(b) the trivial nature of the offence ;

or

(c) any other extenuating circumstances, it is expedient to exercise the powers conferred upon the court by this subsection, the court may impose a sentence of imprisonment upon the convicted person but suspend the sentence upon condition that the convicted person enters into, and observes the terms and conditions of, a recognizance to be of good behaviour for a term not exceeding three years, fixed by the court.

(2b) If a person upon whom a suspended sentence of imprisonment has been imposed pursuant to subsection (2a) of this section, does not, during the term of the recognizance, fail to observe any term or condition of the recognizance, the sentence of imprisonment shall, at the expiration of that term, be wholly extinguished. ;

and

(b) by striking out from subsection (3) the passage "subsection (1) or subsection (2) hereof" and inserting in lieu thereof the passage "subsections (1), (2) or (2a) of this section".

**3.** Section 9 of the principal Act is amended by striking out subsection (4) and inserting in lieu thereof the following subsection :—

Amendment of  
principal Act,  
s. 9—  
Breach of  
recognizance.

(4) A probative court, on being satisfied that a probationer has failed to observe any condition of his recognizance—

(a) if the probationer has not been sentenced for the original offence, may forthwith, without further proof of his guilt, sentence him for that offence, or, if he has not already been convicted thereof, convict and sentence him for that offence ;

or

(b) if the probationer has been sentenced for the original offence and the sentence has been suspended, shall forthwith order that the suspension be revoked and the sentence carried into effect.

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

J. W. HARRISON, Governor.