



ANNO TRICESIMO SEPTIMO

ELIZABETHAE II REGINAE

A.D. 1988

No. 82 of 1988

An Act to amend the Children's Protection and Young Offenders Act, 1979.

[Assented to 1 December 1988]

The Parliament of South Australia enacts as follows:

Short title

1. (1) This Act may be cited as the *Children's Protection and Young Offenders Act Amendment Act (No. 3), 1988*.

(2) The *Children's Protection and Young Offenders Act, 1979*, is in this Act referred to as "the principal Act".

Release on licence of children convicted of murder

2. Section 58a of the principal Act is amended by inserting after subsection (15) the following subsections:

(16) An appeal lies to the Full Court against—

- (a) a decision of the Supreme Court on an application by a child to be released on licence under this section;
- (b) a decision of the Supreme Court on an application by a child released on licence to be discharged from a sentence of life imprisonment.

(17) 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.

(18) 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.

(19) Subject to subsection (20), where—

- (a) the Supreme Court decides—
 - (i) to release a child on licence under this section;

or

(ii) to discharge a child released on licence from a sentence of life imprisonment;

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.

(20) If the Crown gives notice under subsection (19) 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