

## Information Notice

**Act Title**                                      **Sex Offenders Registration Act 2004**

**Information Title:**                          **Retrospective commencement**

**Version:**                                        **005**

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The amendments made to the **Sex offenders Registration Act 2004** by sections 53 to 55 of the **Justice Legislation (Further Amendment) Act 2006**, No. 79/2006 are deemed to have come into operation on 1 October 2004.

Sections 53 to 55 read as follows:

### **53. Definitions**

- (1) In section 3 of the **Sex Offenders Registration Act 2004**, for the definition of "existing controlled registrable offender" **substitute—**
- ' "**existing controlled registrable offender**" means a person who, as a result of having been sentenced for a registrable offence committed when he or she was 18 years of age or older, was immediately before 1 October 2004—
- (a) an inmate; or
  - (b) a detainee; or
  - (c) a forensic patient detained in custody under a custodial supervision order within the meaning of the **Crimes (Mental Impairment and Unfitness to be Tried) Act 1997**; or
  - (d) serving a sentence referred to in section 6C(1) of the **Corrections Act 1986**; or
  - (e) serving an order referred to in paragraph (a) of the definition of "community service order" in section 3; or
  - (f) serving an order referred to in paragraph (a) of the definition of "good behaviour bond" in section 3 under which the person is required to submit to strict supervision;
  - (g) serving a non-custodial supervision order within the meaning of the **Crimes (Mental Impairment and Unfitness to be Tried) Act 1997**; or
  - (h) in custody under a law of a foreign jurisdiction in the nature of custody referred to in paragraph (a), (b) or (c) or serving a sentence imposed or order made under the laws of a foreign jurisdiction that is equivalent to a sentence or order referred to in paragraph (d), (e), (f) or (g);'

(2) In section 3 of the **Sex Offenders Registration Act 2004**, for the definition of "supervising authority" **substitute—**

' **"supervising authority"** means—

- (a) the Secretary in relation to an offender serving—
  - (i) a sentence of imprisonment that was wholly or partly suspended and who is in the community in accordance with that sentence; or
  - (ii) an order referred to in paragraph (a) of the definition of "good behaviour bond" in section 3 under which the person is required to submit to strict supervision; and
- (b) the entity deemed by the regulations for the purposes of this definition to have custody of, or to be responsible for supervising, the class of offender to which any other offender belongs.'

#### **54. Consequential amendments**

- (1) In Note 4 at the foot of section 6(1) of the **Sex Offenders Registration Act 2004**, for "subject to supervision" **substitute** "serving the sentence".
- (2) After section 75(1)(h) of the **Sex Offenders Registration Act 2004** **insert—**

"(ha) prescribing an entity as the supervising authority in relation to a class of offender;"
- (3) After section 75(2) of the **Sex Offenders Registration Act 2004** **insert—**

"(3) Regulations made under section 75(1)(ha) may prescribe an entity as the supervising authority in relation to a class of offender even if the entity has no direct or actual supervision of offenders belonging to that class."

#### **55. New section 73B inserted**

After section 73A of the **Sex Offenders Registration Act 2004** **insert—**

##### **"73B. Transitional provision—Justice Legislation (Further Amendment) Act 2006**

The amendments of section 3 of this Act made by section 53 of the **Justice Legislation (Further Amendment) Act 2006** do not affect the rights of the parties in the proceeding known as *DPP v Neisser* [2006] VSC 218 (No. 9544 of 2005) in the Supreme Court of Victoria."