

LEGISLATIVE ASSEMBLY

CRIMES (SEXUAL OFFENCES) (FURTHER AMENDMENT) BILL

(Amendments and New Clauses to be moved by Mr Hulls)

1. Clause 1, page 2, line 8, omit "List." and insert "List; and".
2. Clause 1, page 2, after line 8 insert—
 "() the **Crimes (Sexual Offences) Act 2006** to provide for transitional arrangements relating to that Act."
3. Clause 4, line 6, omit "606" and insert "606A".
4. Clause 8, line 18, omit "158" and insert "158A".
5. Clause 9, after line 20 insert—

" _____

PART 5—AMENDMENT OF CRIMES (SEXUAL OFFENCES) ACT 2006".

6. Insert the following New Clauses to follow clause 9 and the heading proposed by Amendment No. 5—

"AA. New sections 19A and 19B inserted

After section 19 of the **Crimes (Sexual Offences) Act 2006** insert—

'19A. New section 606A inserted

After section 606 of the **Crimes Act 1958** insert—

"606A. Transitional provision—Crimes (Sexual Offences) Act 2006

- (1) An amendment made to this Act by a provision of section 4 or 5 of the **Crimes (Sexual Offences) Act 2006** applies to any trial that commences on or after the commencement of that provision, irrespective of when the offence to which the trial relates is alleged to have been committed.
- (2) An amendment made to this Act by a provision of section 6, 8, 9, 10, 11, 12 or 17(4) or (5) of the **Crimes (Sexual Offences) Act 2006** applies only to offences alleged to have been committed on or after the commencement of that provision.
- (3) For the purposes of sub-section (1), a trial commences on arraignment of the accused in accordance with Subdivision (12) of Division 1 of Part III.

- (4) For the purposes of sub-section (2), if an offence is alleged to have been committed between two dates, one before and one after the commencement of a provision of the **Crimes (Sexual Offences) Act 2006**, the offence is alleged to have been committed before the commencement of that provision."

19B. Schedule 8 amended

After clause 12 of Schedule 8 to the **Crimes Act 1958** insert—

"12A. An offence that, at the time it was committed, was a forensic sample offence."

BB. New section 23A inserted

After section 23 of the **Crimes (Sexual Offences) Act 2006** insert—

'23A. New section 33A inserted

After section 33 of the **Crimes (Criminal Trials) Act 1999** insert—

"33A. Transitional provision—Crimes (Sexual Offences) Act 2006

- (1) An amendment made to this Act by a provision of section 21 (other than sub-section (3)) of the **Crimes (Sexual Offences) Act 2006** applies only to offences alleged to have been committed on or after the commencement of that provision.
- (2) An amendment made to this Act by a provision of section 21(3) or 22 of the **Crimes (Sexual Offences) Act 2006** applies to any trial that commences on or after the commencement of that provision, irrespective of when the offence to which the trial relates is alleged to have been committed.
- (3) For the purposes of sub-section (1), if an offence is alleged to have been committed between two dates, one before and one after the commencement of a provision of the **Crimes (Sexual Offences) Act 2006**, the offence is alleged to have been committed before the commencement of that provision.
- (4) For the purposes of sub-section (2), a trial commences on arraignment of the accused in accordance with Subdivision (12) of Division 1 of Part III."

CC. New section 38A inserted

After section 38 of the **Crimes (Sexual Offences) Act 2006** insert—

'38A. New section 158A inserted

After section 158 of the **Evidence Act 1958** insert—

"158A. Transitional provision—Crimes (Sexual Offences) Act 2006

- (1) An amendment made to this Act by a provision of section 25, 29, 30, 33 or 37 of the **Crimes (Sexual Offences) Act 2006** applies to—

- (a) any legal proceeding commenced before the commencement of that provision if at the commencement of that provision—
 - (i) the hearing of the proceeding had not commenced; or
 - (ii) no evidence had been given on the hearing of the proceeding; and
 - (b) any legal proceeding that commences on or after the commencement of that provision.
- (2) An amendment made to this Act by a provision of section 27, 34 or 38 of the **Crimes (Sexual Offences) Act 2006** applies to any legal proceeding that commences on or after the commencement of that provision.".'.

DD. New section 41A inserted

After section 41 of the **Crimes (Sexual Offences) Act 2006** insert—

'41A. New clause 35A inserted in Schedule 8

After clause 35 of Schedule 8 to the **Magistrates' Court Act 1989** insert—

"35A. An amendment made to this Act by a provision of section 40 or 41 of the **Crimes (Sexual Offences) Act 2006** applies only to a criminal proceeding commenced on or after the commencement of that provision.".'.

EE. Amendment of Sentencing Act 1991

- (1) For section 43(1) of the **Crimes (Sexual Offences) Act 2006** substitute—

'(1) In section 3(1) of the **Sentencing Act 1991**, in the definition of "serious offence"—

(a) in paragraph (c)(viii), for "(sexual relationship with" **substitute** "(persistent sexual abuse of";

(b) after paragraph (d) **insert**—

"(da) an offence that, at the time it was committed, was a serious offence; or";

(c) in paragraph (f), for "paragraph (a), (b), (c), (d) or (e)" **substitute** "any of the preceding paragraphs".'.

- (2) In section 43(2) of the **Crimes (Sexual Offences) Act 2006**—

(a) in paragraph (e), for ' "a child".' **substitute** ' "a child";';

(b) after paragraph (e) **insert**—

'(f) after clause 1(df) **insert**—

"(dg) an offence that, at the time it was committed, was an offence to which this clause applied;".'.

FF. Amendment of Serious Sex Offenders Monitoring Act 2005

In section 44 of the **Crimes (Sexual Offences) Act 2006**—

(a) in paragraph (h), for "**repealed.**" substitute "**repealed;**";

(b) after paragraph (h) **insert**—

'(i) after item 39 **insert**—

"39A. An offence that, at the time it was committed, was an offence listed in this Schedule.".'.').

AMENDMENT OF LONG TITLE

7. Long title, omit "and the" and insert ", the".
8. Long title, after "List" insert "and the **Crimes (Sexual Offences) Act 2006** in relation to transitional arrangements".