

LEGISLATIVE ASSEMBLY

SEX OFFENDERS REGISTRATION (AMENDMENT) BILL

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

1. Clause 1, page 2, after line 15 insert—
"() to amend the **Serious Sex Offenders Monitoring Act 2005** consistently with amendments being made by this Act to the definitions of registrable offences and to clarify to which court an application may be made under that Act for an extended supervision order; and".
2. Clause 2, line 27, after "3" insert ", 24(3), 24(4), 26".
3. Clause 2, after line 29 insert—
"() Sections 24(1) and 24(2) are deemed to have come into operation on 1 October 2004."
4. Clause 2, line 30, omit "(3)" and insert "(4)".
5. Clause 2, page 3, line 1, omit "(2)" and insert "(3)".

NEW CLAUSES

6. Insert the following New Clause to follow clause 23—
'AA. Other registrable offences
 - (1) In Schedule 1 to the Principal Act—
 - (a) in item 1 for "of a child" **substitute** "where the person against whom the offence is committed is a child";
 - (b) at the foot of item 1 **insert**—
"Note: Item 1 covers any offence against the **Crimes Act 1958** that involves sexual penetration where the victim is a child including rape (section 38), incest (section 44), sexual penetration of child under 16 (section 45(1)), sexual penetration of 16 or 17 year old (section 48(1)), sexual penetration of person with impaired mental functioning (section 51(1)) and sexual penetration of resident of residential facility (section 52(1)).";
 - (c) items 4 and 5 are **repealed**;
 - (d) in item 6, for "5" **substitute** "3";
 - (e) after item 6 **insert**—
"6A. Without limiting item 6, an offence referred to in any of the following paragraphs of Schedule 1 to the **Sentencing Act 1991** where the person against whom the offence is committed is a child—
 - (a) paragraph (ab);

- (b) paragraph (ac);
- (c) paragraph (b)(i) and (ii);
- (d) paragraph (c)(iii), (iv), (vi), (vii), (ix), (x), (xii), (xiii), (xvi), (xvii) and (xix);
- (e) paragraph (d)(i), (ii), (iii), (v), (vi), (viii), (ix), (xi), (xii) and (xiii);
- (f) paragraph (e)(i) and (ii)."

(2) After item 26 of Schedule 2 to the Principal Act **insert—**

"26A. Without limiting item 26, an offence referred to in paragraph (ab), (ac), (b), (c), (d) or (e) of Schedule 1 to the **Sentencing Act 1991** where the person against whom the offence is committed is a child other than an offence that is a Class 1 offence for the purposes of this Act by force of item 6A of Schedule 1."

(3) In Schedule 3 to the Principal Act—

(a) at the foot of item 1 **insert—**

"Note: Item 1 covers any offence against the **Crimes Act 1958** that involves sexual penetration where the victim is an adult including rape (section 38), incest (section 44), sexual penetration of person with impaired mental functioning (section 51(1)) and sexual penetration of resident of residential facility (section 52(1)).";

(b) after item 2 **insert—**

"2A. Without limiting item 2, an offence referred to in any of the following paragraphs of Schedule 1 to the **Sentencing Act 1991—**

- (a) paragraph (b)(i) and (ii);
- (b) paragraph (c)(iii), (iv), (vi), (vii), (xvi), (xvii) and (xix);
- (c) paragraph (d)(i), (ii), (iii), (xi), (xii) and (xiii);
- (d) paragraph (e)(i) and (ii)."

(4) After item 10 of Schedule 4 to the Principal Act **insert—**

"10A. Without limiting item 10, an offence referred to in paragraph (ab), (ac), (b), (c), (d) or (e) of Schedule 1 to the **Sentencing Act 1991** other than an offence that is for the purposes of this Act—

- (a) a Class 1 offence by force of item 6A of Schedule 1; or
- (b) a Class 2 offence by force of item 26A of Schedule 2; or
- (c) a Class 3 offence by force of item 2A of Schedule 3."

7. Insert the following New Clause to follow clause 24—

"BB. Serious Sex Offenders Monitoring Act 2005

(1) After section 5(3) of the **Serious Sex Offenders Monitoring Act 2005** **insert—**

'(4) For the purpose of this section, a custodial sentence imposed on an offender on appeal in substitution for a sentence imposed by the court against the sentence of which the appeal was brought (the **"lower court"**) must be taken to have been imposed by the lower court.'

(2) In the Schedule to the **Serious Sex Offenders Monitoring Act 2005—**

(a) in item 1 for "of a child" **substitute** "where the person against whom the offence is committed is a child";

(b) at the foot of item 1 **insert**—

"Note: Item 1 covers any offence against the **Crimes Act 1958** that involves sexual penetration where the victim is a child including rape (section 38), incest (section 44), sexual penetration of child under 16 (section 45(1)), sexual penetration of 16 or 17 year old (section 48(1)), sexual penetration of person with impaired mental functioning (section 51(1)) and sexual penetration of resident of residential facility (section 52(1)).";

(c) items 4 and 5 are **repealed**;

(d) after item 34 **insert**—

"34A. Without limiting item 34, an offence referred to in paragraph (ab), (ac), (b), (c), (d) or (e) of Schedule 1 to the **Sentencing Act 1991** where the person against whom the offence is committed is a child.".

AMENDMENT OF LONG TITLE

8. Long title, after "**2004**," insert "**the Serious Sex Offenders Monitoring Act 2005**,".