

Community Protection (Dangerous Offenders) Bill 1999

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The objects of this Bill are as follows:

- (a) to provide for the classification of certain persons as dangerous offenders in order to provide protection both to individuals who have reasonable grounds to fear those offenders and to the community as a whole,
- (b) to restrict the grounds on which the Parole Board may make parole orders under the *Sentencing Act 1989* for prisoners who are serious offenders or dangerous offenders,
- (c) to specify certain matters that the Parole Board is required to take into consideration when making a parole order,
- (d) to require the Parole Board to publicly state its reasons when deciding whether or not to make a parole order,
- (e) to enable the Attorney General, and the Director of Public Prosecutions, to apply to the Court of Criminal Appeal for a merits review of a parole order for a prisoner who is a dangerous offender,
- (f) to allow victims to make submissions to the Parole Board as to the terms and conditions of parole orders,
- (g) to provide that any period of supervision that a person may be subject to under a parole order cannot be restricted by the regulations.

Outline of provisions

Part 1 Preliminary

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date that is 3 months after the date of assent (unless it is commenced sooner by proclamation).

Clause 3 defines certain words and expressions used in the proposed Act.

Part 2 Classification of persons as dangerous offenders

Clause 4 enables the Director of Public Prosecutions to apply to the Supreme Court to have a person, who has been convicted at any time in Australia of a serious violence offence, classified by the Court as a dangerous offender. The term **serious violence offence** means murder, attempted murder, manslaughter, an act of violence that causes serious injury or that involves sexual assault.

Clause 5 enables the Court to classify a person as a dangerous offender, so long as the Court is satisfied that it is appropriate to do so for the protection of a particular person or persons. Only persons 18 or older may be classified as dangerous offenders.

Clause 6 gives the Court the power to prohibit the publication or broadcasting of material that would tend to identify persons connected with proceedings under the proposed Act.

Clause 7 prohibits a person who has been classified as a dangerous offender from contacting or approaching a protected person. The proposed section also enables the Court to order that specified medical, psychiatric or psychological treatment is to be made available in respect of a person who is convicted of an offence under the proposed section.

Clause 8 provides for the Attorney General to maintain a register of protected persons. The register will include the names of persons who have reasonable grounds to fear being contacted or approached, or harmed, by a dangerous offender. The dangerous offender whom a protected person fears will be informed that the protected person is on the list.

Clause 9 provides that the names in the register will be kept secret, and it will be an offence to divulge or publish information contained in the register.

Clause 10 provides for the temporary revocation of a person's status as a protected person so as to allow the person to visit or contact a classified person without the classified person committing an offence under the proposed Act.

Clause 11 enables the Court to revoke a person's classification as a dangerous offender.

Part 3 Miscellaneous provisions

Clause 12 makes it clear that the proposed Act does not affect the operation of Part 15A of the *Crimes Act 1900* which deals with the making and enforcement of apprehended violence orders.

Clause 13 provides that the jurisdiction of the Supreme Court under the proposed Act is to be exercised by a single Judge, and provides for a right of appeal to the Court of Appeal.

Clause 14 specifies the manner in which proceedings for offences under the proposed Act are to be dealt with.

Clause 15 provides that the *Bail Act 1978* does not apply to defendants in proceedings for offences under the proposed Act.

Clause 16 provides for the making of rules for or with respect to applications and proceedings under the proposed Act.

Clause 17 gives effect to the Schedule of amendments to the *Sentencing Act 1989*.

Schedule 1 contains the amendments to the *Sentencing Act 1989* described in paragraphs (b)–(g) of the overview at the beginning of this explanatory note.