



New South Wales

Crimes (High Risk Offenders) Amendment Bill 2016

Explanatory note

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

Overview of Bill

The object of this Bill is to ensure that the class of violent offenders in relation to whom the State can apply to the Supreme Court for orders requiring their continuing detention or extended supervision following the expiry of an existing sentence of imprisonment or period of supervision extends to offenders convicted of any of the following serious indictable offences:

- (a) murder that occurs in the course of the commission of another serious crime (known as “constructive murder”),
- (b) manslaughter by unlawful and dangerous act,
- (c) wounding with intent to cause death or grievous bodily harm.

Outline of provisions

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 of assent to the proposed Act.

Schedule 1 Amendment of Crimes (High Risk Offenders) Act 2006 No 7

Schedule 1 [1] amends the definition of *serious violence offence* in the *Crimes (High Risk Offenders) Act 2006* to give effect to the object in the Overview above.

The Supreme Court may, on the application of the State, make an order for the extended supervision of an offender, for a period not exceeding 5 years, if:

- (a) the offender is serving a sentence of imprisonment for a “serious violence offence” or is already under extended supervision or continued detention for such an offence, and
- (b) the Court is satisfied to a high degree of probability that the offender poses an unacceptable risk of committing a serious violence offence if he or she is not kept under supervision.

The Supreme Court may, on the application of the State, make an order for the continuing detention of an offender, for a period not exceeding 5 years, if:

- (a) the offender is serving a sentence of imprisonment for a “serious violence offence” or is already under continued detention or extended supervision for such an offence, and
- (b) the Court is satisfied to a high degree of probability both that the offender poses an unacceptable risk of committing a serious violence offence if he or she is not kept under supervision and that adequate supervision will not be provided by an extended supervision order.

Similar orders for extended supervision or continued detention can be made in relation to high risk sex offenders.

Schedule 1 [2] provides that the proposed amendment to the definition of *serious violence offence* extends to offences committed before the date of commencement of the proposed Act and to persons serving a sentence of imprisonment immediately before that date of commencement.



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Crimes (High Risk Offenders) Amendment Bill 2016

No. , 2016

A Bill for

An Act to amend the *Crimes (High Risk Offenders) Act 2006* to make further provision with respect to persons convicted of serious violence offences.

The Legislature of New South Wales enacts:

1

1 Name of Act

2

This Act is the *Crimes (High Risk Offenders) Amendment Act 2016*.

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2 Commencement

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This Act commences on the date of assent to this Act.

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Schedule 1	Amendment of Crimes (High Risk Offenders) Act 2006 No 7	1
		2
[1]	Section 5A Definition of “serious violence offence”	3
	Insert after section 5A (2):	4
	(2A) A reference in subsection (1) (a) to:	5
	(a) conduct that causes the death of another person with the intention of causing the death of another person includes a reference to murder by an act done (by a person or an accomplice) in an attempt to commit, or during or immediately after the commission of, a serious crime, and	6 7 8 9
	(b) conduct that causes the death of another person while being reckless as to causing the death of another person includes a reference to manslaughter caused by an unlawful and dangerous act, and	10 11 12
	(c) conduct that causes grievous bodily harm to another person includes conduct that causes the wounding of another person, but only if the conduct was engaged in with the intention of causing the death of another person or grievous bodily harm to another person.	13 14 15 16
[2]	Schedule 2 Savings, transitional and other provisions	17
	Insert at the end of the Schedule, with appropriate Part and clause numbering:	18
Part	Provision consequent on enactment of Crimes (High Risk Offenders) Amendment Act 2016	19 20
	Application of amendment to definition of “serious violence offence”	21
	Section 5A (2A), as inserted by the <i>Crimes (High Risk Offenders) Amendment Act 2016</i> , extends:	22 23
	(a) to offences committed before the date of commencement of that Act, and	24 25
	(b) to persons serving a sentence of imprisonment that commenced before the date of commencement of that Act.	26 27