

DANGEROUS PRISONERS (SEXUAL OFFENDERS) BILL 2003

AMENDMENTS IN COMMITTEE

EXPLANATORY NOTES

General Outline

Objectives of the Amendments

The amendments in committee to the Dangerous Prisoners (Sexual Offenders) Bill 2003 clarify the drafting of certain provisions.

NOTES ON AMENDMENTS

Amendment 1 amends clause 3(a) and (b) by inserting the words ‘class of’ before ‘prisoners’ to clarify that the legislation is directed at serious sexual offenders generally.

Amendment 2 amends clause 13(5)(b) of the Bill to insert the words ‘from custody’ after ‘released’. This is to ensure that it is clear that the court has the power to order that the prisoner be released from custody subject to a supervision order.

Amendment 3 amends clause 30(3) by omitting the phrase ‘On affirming’ and inserting the phrase ‘If the court affirms’. The current drafting presumes that the court will affirm its earlier decision. The amendment confirms the court’s discretion.

Amendment 4 amends clause 30 (3)(b) to insert the words ‘from custody’ after ‘released’.

Amendments 5 and 6 amend clause 45 and the Schedule. Amendment 4 omits subsection (5) from clause 45, which provides for the definition of “certified transcription”. Amendment 5 inserts the definition into the Schedule. This amendment is necessary because the term “certified transcription” also appears in clause 44.

Amendment 7 amends the Title by inserting the words ‘class of’ after ‘particular’ to clarify that the legislation is directed at serious sexual offenders generally.