

CRIMINAL LAW REGULATION 2014

Explanatory notes for SL 2014 No. 156

made under the

Criminal Law Amendment Act 1945

General Outline

Short title

Criminal Law Regulation 2014

Authorising law

Section 18(12) of the *Criminal Law Amendment Act 1945*

Policy objectives and the reasons for them

The primary objective of the *Criminal Law Amendment Act 1945* (the Act) is to provide for the treatment and punishment of offenders convicted of sexual offences by allowing for the indefinite detention and conditional release of those sex offenders declared incapable of exercising proper control over their sexual instincts.

Section 18(12) and (14) of the Act provides for the prescription by regulation of an institution in which such declared offenders are detained. The *Criminal Law Regulation 2004* (the 2004 Regulation) currently prescribes an institution for the purposes of the definition in section 18(14) of the Act.

The 2004 Regulation will automatically expire on 1 September 2014 pursuant to section 54(1) of the *Statutory Instruments Act 1992* and must be remade before this date in substantially the same form to enable the Act to perform its function as intended.

Achievement of policy objectives

This regulation supports the Act to perform its function by providing the correct title of the facility, defined as an institution, for the purposes of the Act.

Consistency with policy objectives of authorising law

This regulation is consistent with the policy objectives of the Act.

Inconsistency with policy objectives of other legislation

The regulation is consistent with the policy objectives of other legislation.

Alternative ways of achieving policy objectives

There are no alternative ways in which the objectives could be achieved.

Benefits and costs of implementation

There are negligible costs associated with the implementation of the regulation.

Consistency with Fundamental Legislative Principles

The regulation is consistent with fundamental legislative principles.

Consultation

The Department of Health and the Office of Best Practice Regulation were consulted.

The regulation is supported.