

WESTERN AUSTRALIA
LEGISLATIVE COUNCIL
AMENDMENTS AND SCHEDULES
Supplementary Notice Paper No. 22
Issue No. 1
TUESDAY, 7 NOVEMBER 2017

DANGEROUS SEXUAL OFFENDERS LEGISLATION AMENDMENT BILL
2017 [22-1]

When in committee on the *Dangerous Sexual Offenders Legislation Amendment Bill 2017*:

Clause 9

Hon Michael Mischin: To move —

1/9 Page 5, line 4 to page 6, line 7 — To delete the lines and substitute:

jurisdiction is vested must refuse to grant bail.

Clause 16

Hon Michael Mischin: To move —

2/16 Page 9, lines 15 to 20 — To delete the lines and substitute:

- (3) A court cannot make an order under subsection (1)(b) unless it is satisfied that the offender will comply with the conditions of the order.
- (4) The offender has the onus of satisfying the court as described in subsection (3), and the court must be satisfied —
 - (a) by acceptable and cogent evidence; and
 - (b) to a high degree of probability.

Clause 17

Hon Michael Mischin: To move —

3/17 Page 10, lines 6 and 7 — To delete “substantially comply with the standard conditions” and substitute:

comply with the conditions

Clause 18

Hon Michael Mischin: To move —

4/18 Page 10, after line 27 — To insert:

(4) At the end of section 21 insert:

(6) Despite anything in the *Bail Act 1982*, a person who is arrested under a warrant issued under subsection (2) in respect of a suspected contravention must not be granted bail but must be detained in custody until brought before the Supreme Court.

Clause 19

Hon Michael Mischin: To move —

5/19 Page 11, lines 17 and 18 — To delete the lines.

Clause 20

Hon Michael Mischin:

6/20 Page 11, line 20 to page 13, line 4 — To oppose the clause.

New Clause 20

Hon Michael Mischin: To move —

7/NC20 Page 11, after line 18 — To insert:

20. Section 23 replaced

Delete section 23 and insert:

23. Court to make continuing detention order

If, on the hearing of an application under section 22, the court is satisfied, on the balance of probabilities, that the person to whom the application relates has contravened, is contravening or is likely to contravene a condition of a supervision order, the court must rescind the supervision order and make a continuing detention order in relation to the person.

Clause 23

Hon Michael Mischin: To move —

8/23 Page 15, line 14 — To delete “substantially comply with the standard conditions” and substitute:

comply with the conditions

