

WESTERN AUSTRALIA



LEGISLATIVE COUNCIL

AMENDMENTS AND SCHEDULES

Supplementary Notice Paper No. 137
Issue No. 3

THURSDAY, 5 SEPTEMBER 2019

HIGH RISK OFFENDERS BILL 2019 [137-1]

When in committee on the *High Risk Offenders Bill 2019*:

Clause 1

Hon Michael Mischin: To move —

11/1 Page 2, line 3 — To delete “*High Risk Offenders Act 2019*” and insert —

High Risk (Sexual and Violent) Offenders Act 2019

Hon Michael Mischin: To move —

12/1 Page 2, line 3 — To delete “*High Risk Offenders Act 2019*” and insert —

High Risk Dangerous Offenders Act 2019

Hon Michael Mischin: To move —

13/1 Page 2, line 3 — To delete “*High Risk Offenders Act 2019*” and insert

High Risk Violent Offenders Act 2019

Hon Michael Mischin: To move —

14/1 Page 2, line 3 — To delete “*High Risk Offenders Act 2019*” and insert

High Risk Serious Offenders Act 2019

Clause 2

Hon Aaron Stonehouse: To move —

1/2 Page 2, after line 7 — To insert —

(ab) Part 8 (but only section 90A) — on the day after that day;

Hon Michael Mischin: To move —

15/2 Page 2, after line 7 — to insert —

(ab) section 90A — on the day after that day;

Clause 3

Hon Michael Mischin: To move —

16/3 Page 2, line 26 — To delete “*high risk offender*” and insert

high risk dangerous offender

Hon Michael Mischin: To move —

17/3 Page 2, line 26 — To delete “*high risk offender*” and insert —

high risk violent offender

Hon Michael Mischin: To move —

18/3 Page 2, line 26 — To delete “*high risk offender*” and insert —

high risk serious offender

Clause 7

Hon Michael Mischin: To move —

19/7 Page 6, line 30 — To delete “*high risk offender*” and insert —

high risk dangerous offender

Hon Michael Mischin: To move —

20/7 Page 6, line 30 — To delete “*high risk offender*” and insert —

high risk violent offender

Hon Michael Mischin: To move —

21/7 Page 6, line 30 — To delete “*high risk offender*” and insert —

high risk serious offender

Hon Aaron Stonehouse: To move —

2/7 Page 7, line 1 — To delete “to a high degree of probability,” and insert —

beyond reasonable doubt,

Clause 29

Hon Michael Mischin: To move —

22/29 Page 20, line 28 — To delete “substantially”.

Hon Michael Mischin: To move —

23/29 Page 21, line 1 — To delete “standard”.

Clause 33

Leader of the House representing the Attorney General: To move —

5/33 Page 25, lines 18 to 20 — To delete the lines and insert —

- (3) A person must not without reasonable excuse remove, or interfere with, or interfere with the operation of, an electronic monitoring device required to be worn or installed under section 31(3) in such a way as to prevent or impede monitoring of the offender’s location.

Leader of the House representing the Attorney General: To move —

6/33 Page 25, line 22 — To delete “If” and insert —

Except as provided in subsection (4A), if

Leader of the House representing the Attorney General: To move —

7/33 Page 25, after line 28 — To insert —

- (4A) If a term of imprisonment of at least 12 months would be clearly unjust given the circumstances of the offence and the person, the court may decide —
- (a) to sentence the person to a term of imprisonment of less than 12 months; or

- (b) not to sentence the person to a term of imprisonment.

Clause 46

Hon Michael Mischin: To move —

- 24/46** Page 34, line 26 — To delete “high risk offender” and insert —

high risk dangerous offender

Hon Michael Mischin: To move —

- 25/46** Page 34, line 26 — To delete “high risk offender” and insert —

high risk violent offender

Hon Michael Mischin: To move —

- 26/46** Page 34, line 26 — To delete “high risk offender” and insert —

high risk serious offender

Clause 48

Hon Michael Mischin: To move —

- 27/48** Page 36, line 9 — To delete “high risk offender,” and insert —

high risk dangerous offender,

Hon Michael Mischin: To move —

- 28/48** Page 36, line 9 — To delete “high risk offender,” and insert —

high risk violent offender,

Hon Michael Mischin: To move —

- 29/48** Page 36, line 9 — To delete “high risk offender,” and insert —

high risk serious offender,

Clause 56

Hon Michael Mischin: To move —

- 30/56** Page 41, line 5 — To delete “substantially”.

Hon Michael Mischin: To move —

31/56 Page 41, line 5 — To delete “standard”.

Hon Michael Mischin: To move —

32/56 Page 41, line 7 — To delete “standard”.

Clause 62

Hon Michael Mischin: To move —

33/62 Page 44, line 21 — To delete “may” and insert —

must

Clause 68

Hon Michael Mischin: To move —

34/68 Page 46, line 28 — To delete “high risk offender” and insert —

high risk dangerous offender

Hon Michael Mischin: To move —

35/68 Page 46, line 28 — To delete “high risk offender” and insert —

high risk violent offender

Hon Michael Mischin: To move —

36/68 Page 46, line 28 — To delete “high risk offender” and insert —

high risk serious offender

Hon Michael Mischin: To move —

37/68 Page 47, lines 1 and 2 — To delete “high risk offender” and insert —

high risk dangerous offender

Hon Michael Mischin: To move —

38/68 Page 47, lines 1 and 2 — To delete “high risk offender” and insert —

high risk violent offender

Hon Michael Mischin: To move —

39/68 Page 47, lines 1 and 2 — To delete “high risk offender” and insert —

high risk serious offender

Clause 80

Leader of the House representing the Attorney General: To move —

8/80 Page 54, line 16 — To delete “If” and insert —

Except as provided in subsection (2A), if

Leader of the House representing the Attorney General: To move —

9/80 Page 54, after line 22 — To insert —

- (2A) If a term of imprisonment of at least 12 months would be clearly unjust given the circumstances of the offence and the person, the court may decide —
- (a) to sentence the person to a term of imprisonment of less than 12 months; or
 - (b) not to sentence the person to a term of imprisonment.

Clause 82

Hon Aaron Stonehouse: To move —

3/82 Page 57, lines 1 to 3 — To delete the lines and insert —

- (2) Except as provided by section 7(1), subsection (1) does not require anything that is to be evidenced for the purposes of this Act to be evidenced to a standard higher than a high degree of probability.

New Clause 90A

Hon Aaron Stonehouse: To move —

4/NC90A Page 60, after line 24 — To insert —

90A. Review of Act

- (1) The Minister must carry out a review of the operation and effectiveness of this Act as soon as practicable after every 5th anniversary of the date on which this section comes into operation.
- (2) The Minister must prepare a report based on each review and cause it to be laid before each House of Parliament —
 - (a) as soon as practicable after the review is completed; but
 - (b) not later than 1 year after each 5 year anniversary.

New Clause 90A.**Hon Michael Mischin:** To move —

40/NC90 Page 60, after line 24 — To insert —

90A. Review of this Act

- (1) The Minister must review the operation and effectiveness of this Act, and prepare a report based on the review —
 - (a) as soon as practicable after the 5th anniversary of the day on which section 48 comes into operation; and
 - (b) after that, at intervals of not more than 5 years.
- (2) The Minister must cause the report to be laid before each House of Parliament as soon as practicable after it is prepared, but not later than 12 months after the 5th anniversary or the expiry of the period of 5 years, as the case may be.

New Clause 102A**Leader of the House representing the Attorney General:** To move —

10/NC102 Page 65, after line 10 — To insert —

102A. Section 4 amended

- (1) In section 4(2) insert in alphabetical order:

community has a meaning affected by subsection (4);
- (2) After section 4(3) insert:
 - (4) A reference in this Act to the *community* includes any community and is not limited to the community of Western Australia or Australia.

Schedule 1, Division 1, Subdivision 3**Hon Michael Mischin:** To move —41/S1 Page 79, before line 1, the Table after the 12th row item 35 — To insert —

35A.	s. 401	Burglary
------	--------	----------

Schedule 1, Division 2, Subdivision 1**Hon Michael Mischin:** To move —42/S1 Page 80, after line 4, the Table after the 1st row before item 1 — To insert —

1A.	s. 401	Burglary	If within s. 401(1)(a), (ba) or (b), or (2)(a), (ba) or (b) (aggravated burglary or home burglary)
-----	--------	----------	--

