



New South Wales

High Risk Offenders Legislation Amendment Act 2024 No 6

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High Risk Offenders Legislation Amendment Act 2024 No 6

Act No 6, 2024

An Act to amend the *Crimes (High Risk Offenders) Act 2006* and the *Terrorism (High Risk Offenders) Act 2017* for particular purposes. [Assented to 19 February 2024]

The Legislature of New South Wales enacts—

1 Name of Act

This Act is the *High Risk Offenders Legislation Amendment Act 2024*.

2 Commencement

This Act commences on a day or days to be appointed by proclamation.

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

[1] Section 4 Definitions

Insert in alphabetical order in section 4(1)—

aggregate sentence of imprisonment has the same meaning as in the *Crimes (Sentencing Procedure) Act 1999*.

cumulative sentence of imprisonment means 2 or more sentences of imprisonment in which each sentence of imprisonment is served concurrently or consecutively, or partly concurrently and partly consecutively, with 1 or more of the other sentences of imprisonment.

[2] Section 5 Definitions of “serious sex offence” and “offence of a sexual nature”

Insert “37(2),” after “section” in section 5(1)(b).

[3] Section 5(2)(b)

Insert “37(2),” after “section”.

[4] Section 5A Definition of “serious violence offence”

Insert after section 5A(1)(a)—

(a1) an offence under the *Crimes Act 1900*, section 37(1) or (2), or

[5] Section 5A(1)(b)

Insert after “or (a1)” after “paragraph (a)”.

[6] Section 5I Application for extended supervision order

Omit section 5I(2)(a)(iv). Insert instead—

(iv) that is an aggregate sentence of imprisonment in relation to which at least 1 of the offences to which the aggregate sentence relates is an offence referred to in subparagraph (i), (ii) or (iii), or

(v) for an offence, whether under a law of this State or another Australian jurisdiction, that is part of a cumulative sentence of imprisonment in relation to which at least 1 of the sentences of imprisonment comprising the cumulative sentence of imprisonment is a sentence of imprisonment referred to in subparagraph (i), (ii), (iii) or (iv), or

[7] Section 5I(4) and (5)

Insert after section 5I(3)—

(4) For the purposes of this section, if a court makes a federal recognizance release order in relation to a person in respect of a federal sentence imposed on the person by the court—

(a) the order is taken to be part of the person’s federal sentence, and

(b) the person is taken to be serving a sentence of imprisonment for the period the order is in force.

(5) In this section—

Crimes Act 1914 means the *Crimes Act 1914* of the Commonwealth.

federal recognizance release order means an order under the *Crimes Act 1914*, section 20(1)(b).

federal sentence has the same meaning as in the Crimes Act 1914.

[8] Section 13B Application for continuing detention order

Omit section 13B(2)(a)(iv). Insert instead—

- (iv) that is an aggregate sentence of imprisonment in relation to which at least 1 of the offences to which the aggregate sentence relates is an offence referred to in subparagraph (i), (ii) or (iii), or
- (v) for an offence, whether under a law of this State or another Australian jurisdiction, that is part of a cumulative sentence of imprisonment in relation to which at least 1 of the sentences of imprisonment comprising the cumulative sentence of imprisonment is a sentence of imprisonment referred to in subparagraph (i), (ii), (iii) or (iv), or

Schedule 2 Amendment of Terrorism (High Risk Offenders) Act 2017 No 68

[1] Section 4 Definitions

Insert in alphabetical order in section 4(1)—

aggregate sentence of imprisonment has the same meaning as in the *Crimes (Sentencing Procedure) Act 1999*.

cumulative sentence of imprisonment means 2 or more sentences of imprisonment in which each sentence of imprisonment is served concurrently or consecutively, or partly concurrently and partly consecutively, with 1 or more of the other sentences of imprisonment.

[2] Section 7 Eligible offender

Omit section 7(b). Insert instead—

- (b) serving, or is continuing to be supervised or detained under this Act after serving, a sentence of imprisonment—
 - (i) for a NSW indictable offence, or
 - (ii) that is an aggregate sentence of imprisonment in relation to which at least 1 of the offences to which the aggregate sentence relates is a NSW indictable offence, or
 - (iii) for an offence, whether under a law of this State or another Australian jurisdiction, that is part of a cumulative sentence of imprisonment in relation to which at least 1 of the sentences of imprisonment comprising the cumulative sentence of imprisonment is a sentence of imprisonment referred to in subparagraph (i) or (ii).

[3] Section 20 Supreme Court may make extended supervision orders against eligible offenders if unacceptable risk

Omit section 20(a)(ii). Insert instead—

- (ii) while serving a sentence of imprisonment that is an aggregate sentence of imprisonment in relation to which at least 1 of the offences to which the aggregate sentence relates is a NSW indictable offence, or
- (iii) while serving a sentence of imprisonment for an offence, whether under a law of this State or another Australian jurisdiction, that is part of a cumulative sentence of imprisonment in relation to which at least 1 of the sentences of imprisonment comprising the cumulative sentence of imprisonment is a sentence of imprisonment referred to in subparagraph (i) or (ii), or
- (iv) under an existing interim supervision order, extended supervision order, interim detention order or continuing detention order, and

[4] Section 23 Requirements with respect to application

Omit section 23(1)(a). Insert instead—

- (a) while serving a sentence of imprisonment—
 - (i) for a NSW indictable offence, or
 - (ii) that is an aggregate sentence of imprisonment in relation to which at least 1 of the offences to which the aggregate sentence relates is a NSW indictable offence, or

- (iii) for an offence, whether under a law of this State or another Australian jurisdiction, that is part of a cumulative sentence of imprisonment in relation to which at least 1 of the sentences of imprisonment comprising the cumulative sentence of imprisonment is a sentence of imprisonment referred to in subparagraph (i) or (ii), or

[5] Section 33 Definitions

Omit definition of *detained offender*, paragraph (a). Insert instead—

- (a) while serving a sentence of imprisonment—
 - (i) for a NSW indictable offence, or
 - (ii) that is an aggregate sentence of imprisonment in relation to which at least 1 of the other offences to which the aggregate sentence relates is a NSW indictable offence, or
 - (iii) for an offence, whether under a law of this State or another Australian jurisdiction, that is part of a cumulative sentence of imprisonment in relation to which at least 1 of the sentences of imprisonment comprising the cumulative sentence of imprisonment is a sentence of imprisonment referred to in subparagraph (i) or (ii), or

[Second reading speech made in—

Legislative Assembly on 22 November 2023

Legislative Council on 6 February 2024]