

**House of Representatives**  
**Supplementary Order Paper**

**Tuesday, 18 May 2010**

**Sentencing and Parole Reform Bill**

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*Proposed amendments*

Hon Judith Collins, in Committee, to move the following amendments:

*Clause 2*

To add the following subclause as *subclause (2)* (after line 5 on page 2):

- (2) Despite **subsection (1)**, **section 13(2)** comes into force on the commencement of section 49 of the Parole Amendment Act 2007.

*Clause 5: new section 86A*

Definition of **record of final warning**: to omit “**86E(7)**” (line 23 on page 3) and substitute “**86E(8)**”.

*Clause 5: new section 86B*

*Subsection (1)*: to insert after “the court must” (line 17 on page 6) “at the same time”.

*Subsection (1)(b)*: to omit this paragraph (lines 23 to 25 on page 6).

*New subsection (4)*: to add the following subsection (after line 33 on page 6):

- “(4) The court must give the offender a written notice that sets out the consequences if the offender is convicted of any serious violent offence committed after the warning given under **subsection (1)(a)**.

*Clause 5: new section 86C*

*Subsection (1)*: to insert after “the court must” (line 20 on page 7) “at the same time”.

*Subsection (1)(b)*: to omit this paragraph (lines 26 to 28 on page 7).

*New subsection (7)*: to add the following subsection (after line 18 on page 8):

- “(7) The court must give the offender a written notice that sets out the consequences if the offender is convicted of any serious

violent offence committed after the warning given under **sub-section (1)(a)**.

*Clause 5: new section 86D(1)(a)*

To omit this paragraph (lines 6 and 7 on page 9) and substitute the following paragraph:

- “(a) a defendant who is committed for trial for a stage-3 offence must be committed to the High Court for that trial; and

*Clause 5: new section 86E*

*Subsection (6)(b):* to omit this paragraph (lines 12 to 14 on page 12).

*New subsection (9):* to add the following subsection (after line 20 on page 12):

- “(9) The court must give the offender a written notice that sets out the consequences if the offender is convicted of any serious violent offence committed after the warning given under **sub-section (6)(a)**.

*Clause 5: new section 86F*

To add the following subsection (after line 25 on page 13):

- “(6) **Subsection (3)** is subject to **subsection (4)**.

*Clause 5: new section 86FA*

*Subsection (1)(a):* to insert before “(the **previous record**)” (line 31 on page 13) “or both”.

*Subsection (3):* to omit this subsection (lines 3 to 13 on page 14) and substitute the following subsection:

- “(3) The appropriate court must take the following actions:
- “(a) if the later sentence would not have been imposed but for the previous record, the court must set aside the later sentence and replace it with a sentence that the court would have imposed had the offender not been subject to the previous record:
- “(b) if any order relating to the later sentence would not have been made but for the previous record, the court must cancel the order and, where appropriate, replace it with an order that the court would have made had the offender not been subject to the previous record:
- “(c) if the court considers it just to make any consequential orders, the court must make those orders.

*Subsection (6)(c):* to omit “**section 86B(2)**” (line 16 on page 15) and substitute “**section 86B(1)**”.

*Clause 5: new section 86G*

To omit “**(4)** is” (line 22 on page 15) and substitute “**(4)(a)**, is”.

*Clause 5A: new section 89(2A)*

To omit: “is imposed under this section” (line 1 on page 16) and substitute “of preventive detention is imposed”.

*Clause 13*

To insert, after “Section 86” (line 9 on page 19) “(as in force on the commencement of this Act)”.

To add the following subclauses as *subclauses (2) and (3)* (after line 14 on page 19):

- (2) Section 86 (as substituted by section 49 of the Parole Amendment Act 2007) is amended by inserting the following subsection after subsection (2):  
“(2A) Subsection (2) does not apply to a short-term sentence in respect of which an order has been made under **section 86C(4)(b)** of the Sentencing Act 2002.”
- (3) **Subsection (2)** comes into force on the commencement of section 49 of the Parole Amendment Act 2007.

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### Explanatory note

This Supplementary Order Paper makes a number of technical changes to the Sentencing and Parole Reform Bill. It—

- clarifies that Judges must warn offenders convicted of stage-1 and stage-2 offences at the time the offenders are convicted:
  - separates the written warning given to offenders from the oral warning administered by a Judge to permit forms for written warnings to be prescribed by regulations:
  - makes drafting clarifications and corrections.
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