



House of Representatives

Supplementary Order Paper

Tuesday, 24 February 2004

Criminal Records (Clean Slate) Bill

Proposed amendments

Hon Phil Goff, in the Committee, to move the following amendments:

Clause 4

To omit from the definition of **specified offence** (line 25 on page 10), the word “means”.

To insert in paragraph (a) of the definition of **specified offence** before the words “an offence” (line 26 on page 10), the word “means”.

To insert in paragraph (b) of the definition of **specified offence** (line 16 on page 11) before the words “an offence”, the word “means”.

To insert, after paragraph (b) of the definition of **specified offence** (after line 3 on page 12), the word “; and” and the following paragraph:

- (c) includes—
 - (i) an attempt to commit an offence against any of the provisions listed in **paragraph (a) or paragraph (b)**, if—
 - (A) the offence is not itself specified as an attempt; and
 - (B) the provision does not provide that the offence may be completed on an attempt; and
 - (ii) a conspiracy to commit an offence against any of the provisions listed in **paragraph (a) or paragraph (b)**; and
 - (iii) being an accessory after the fact in relation to an offence against any of the provisions listed in **paragraph (a) or paragraph (b)**

Clause 7(1)(ba)

To omit the words “section 118 of the Criminal Justice Act 1985” (line 26 on page 13), and substitute the words “section 34(1)(b) of the Criminal Procedure

(Mentally Impaired Persons) Act 2003, section 118 of the Criminal Justice Act 1985.”.

To omit the words “(being an order that due to the individual’s mental condition it is in his or her interests, or in the interests of the safety of the public, that he or she be detained in a hospital)” (lines 27 to 30 on page 13), and substitute the words “(being an order imposed, instead of passing sentence, that the offender be treated or cared for in a manner that the offender’s mental impairment requires, either in the offender’s interest, or for the safety of the public, or for the safety of a person or class of person)”.

Clause 16(2)

Omit the words “of the” from line 23 on page 29 the second time they appear.

Explanatory note

This Supplementary Order Paper (SOP) amends the definition of **specified offence** in the Criminal Records (Clean Slate) Bill by adding a *new paragraph (c)*. *New paragraph (c)* clarifies that attempting to commit, conspiring to commit, or being an accessory after the fact in relation to an offence against a provision listed in *paragraphs (a) and (b)* of the definition of **specified offence** is itself a specified offence.

This SOP also—

- updates *clause 7(1)(ba)* of the Criminal Records (Clean Slate) Bill so that it refers to the Criminal Procedure (Mentally Impaired Persons) Act 2003, which was assented to on 30 October 2003; and
 - makes a minor drafting change to *clause 16(2)* to ensure consistency with *clause 16(1)*.
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