

Community Protection (Amendment) Bill

EXPLANATORY MEMORANDUM

Clause 1 sets out the purpose of the Act.

Clause 2 provides that the Act comes into operation on the day it receives the Royal Assent.

Clause 3 identifies the **Community Protection Act 1990** as the Act being amended.

Clause 4 repeals section 4 of the **Community Protection Act 1990** and substitutes a clearly defined procedure for an application for a preventive detention order.

Clause 5 provides that the Court may make an interim order pending the determination of an application for an order to be extended or amended.

Clause 6 amends section 7 of the **Community Protection Act 1990** as follows:

7. (1) (a)—“order” is substituted for “arrange”, and the clause inserts a requirement that a person cannot be ordered to examine Garry David unless the person consents.

7. (1) (b)—“order” is substituted for “require”.

7. (1) (d) and (e) are amended to indicate that the Court must receive in evidence any of the specified documents which have been tendered.

Clause 6 (2) (c) makes a consequential amendment.

Clause 7 provides that for the purposes of an order under section 8 the Metropolitan Reception Prison and Pentridge Prison are regarded as one prison, so that a reference to one includes a reference to the other.

Clause 8 extends the period for which an order may be made from 6 to 12 months.

Clause 9 specifies certain procedures for applications under section 9. It also provides that Garry David may apply for an order to be varied or revoked.

Clause 10 inserts two new sections to specify powers of the Court in the conduct of proceedings and to confirm that a party may appeal to the Full Court against a decision of a single Supreme Court judge.

Clause 11 provides that Garry David may be temporarily absent from preventive detention for any necessity, not only for a medical reason.

Clause 12 extends the duration of the Act by 3 years.

