

Criminal Law Regulation 2024

Explanatory Notes for SL 2024 No. 180

made under the

Criminal Law Amendment Act 1945

General Outline

Short Title

Criminal Law Regulation 2024

Authorising law

Sections 18(12) and 18(14) of the *Criminal Law Amendment Act 1945*

Policy objectives and the reasons for them

The primary objective of the *Criminal Law Amendment Act 1945* (the Act) is to provide for the treatment and punishment of offenders convicted of sexual offences, by allowing for the indefinite detention and conditional release of those sex offenders declared incapable of exercising proper control over their sexual instincts.

Sections 18(12) and 18(14) of the Act provide for the prescription, by regulation of an institution in which such declared offenders are detained. The *Criminal Law Regulation 2014* (the 2014 regulation) currently prescribes 'The Park – Centre for Mental Health' as an institution for this purpose.

The 2014 regulation will automatically expire on 1 September 2024 pursuant to section 54(1) of the *Statutory Instruments Act 1992*. The 2014 Regulation requires remaking to ensure the ongoing support for the existing indefinite detention framework in the Act.

Currently there is one person being detained pursuant to section 18 of the Act.

The *Criminal Law Regulation 2024* (the Regulation) remakes the 2014 Regulation, retaining the Park – Centre for Mental Health as an institution for the purpose of section 18(14).

Achievement of policy objectives

The *Criminal Law Regulation 2024* (the Regulation) prescribes 'The Park – Centre for Mental Health' as an institution in which declared offender are detained under the Act.

Alternative ways of achieving policy objectives

There are no alternative ways to achieve the policy objectives.

Consistency with policy of authorising law

The Regulation is consistent with the policy objectives of the Act.

Inconsistency with policy objectives of other legislation

The Regulation is consistent with the policy objectives of other legislation.

Benefits and costs of implementation

There are negligible costs associated with the implementation of the Regulation.

Consistency with fundamental legislative principles

The Regulation is consistent with fundamental legislative principles.

Consultation

No consultation external to government was undertaken.