Crime and Misconduct and Other Legislation Amendment Bill 2006

Amendments agreed to during Consideration

1   Clause 2 (Commencement)—

At page 6, line 7, after 'on'—

omit, insert—

'the date of assent.'.

2   Clause 6 (Insertion of new ch 3, pt 1, div 2A)—

At page 8, lines 25 and 26, from 'believes' to 'investigation.'—

omit, insert—

'believes, on reasonable grounds, is—

(a)   in the witness's possession; and

(b)   relevant to the investigation.'.

3   Clause 10 (Amendment of s 178 (Who must conduct hearings))—

At page 12, line 19, 'the public'—

omit, insert—

'a public'.

4   Clause 10 (Amendment of s 178 (Who must conduct hearings))—

At page 12, line 21—

omit, insert—

'chairperson.

'(2A)   More than 1 public hearing may be conducted at the same time.'.'.

5   After clause 35—

At page 24, after line 22—

insert—

'Part 2A   Amendment of Corrective Services Act 2006

'35A   Act amended in pt 2A

'This part amends the *Corrective Services Act 2006*.

'35B   Amendment of s 497 (Insertion of new pt 9, div 3)

'(1)   Section 497, new section 160—

insert—

'***impose***, a term of imprisonment on an offender for an offence, includes make an order that the offender serve the whole or part of suspended imprisonment for the offence.'.

'(2)   Section 497, new section 160, definition *period of imprisonment*, as a note—

insert—

'*Note—*

Period of imprisonment therefore includes the term of imprisonment a court is imposing at the time of sentence.'.

'(3)   Section 497, new section 160A(2), as a note—

insert—

'*Note—*

Sections 160E to 160H further provide for the orders that may be made under sections 160B to 160D.'.

'(4)   Section 497, new section 160B(1), 'apply'—

omit, insert—

'applies'.

'(5)   Section 497, new section 160H(1)(b), 'under this part would'—

omit, insert—

'under this division would, because of section 160E,'.

'(6)   Section 497, new section 160H(2), 'under this part'—

omit, insert—

'under this division'.

'(7)   Section 497, new section 160H(2), example, after 'period of imprisonment'—

insert—

'which must not be a date earlier in time than a parole release date notionally fixed under any of the previous orders the court would, apart from this section, be required to make'.

'Part 2B   Amendment of Electoral Act 1992

'35C   Act amended in pt 2B

'This part amends the *Electoral Act 1992*.

'35D   Amendment of s 3 (Definitions)

'Section 3, definition *institution*, paragraph (f)—

omit.

'35E   Amendment of s 58 (Commission to keep electoral rolls)

'(1)   Section 58—

insert—

'(6A)   Also, to enable the commission to decide the persons who are not entitled to vote because of section 101(3), the commission may ask the chief executive (corrective services) to give the commission information about persons who are serving sentences of imprisonment for offences against the law of the Commonwealth or of a State or Territory.'.

'(2)   Section 58(7), after 'entity'—

insert—

'or chief executive (corrective services)'.

'35F   Amendment of s 64 (Entitlement to enrolment)

'Section 64(5)—

omit.

'35G   Amendment of s 101 (Who may vote)

'Section 101—

insert—

'(3)   Also, a person who is serving a sentence of imprisonment is not entitled to vote at an election for an electoral district.

'(4)   For subsection (3), a person is serving a sentence of imprisonment only if—

(a)   the person is in detention on a full-time basis for an offence against a law of the Commonwealth or a State or Territory; and

(b)   the detention is attributable to the sentence of imprisonment concerned.'.

'35H   Amendment of s 105 (Who may make a declaration vote)

'(1)   Section 105(2)(f)—

omit.

'(2)   Section 105(2)(g)—

renumber as section 105(2)(f).

'Part 2C   Amendment of Local Government Act 1993

'35I   Act amended in pt 2C

'This part amends the *Local Government Act 1993*.

'35J   Amendment of s 336 (Procedure for voting at a polling booth)

'Section 336(7)(a), '344(a), (b) or (c)'—

omit, insert—

'344(1)(a), (b), (c) or (d)'.

'35K   Amendment of s 343 (Who may cast a declaration vote)

'Section 343(f)—

omit.

'35L   Amendment of s 344 (Who must cast a declaration vote in ordinary elections)

'(1)   Section 344(d)—

renumber as section 344(1)(e).

'(2)   Section 344—

    insert—

'(d)   an elector who is serving a sentence of imprisonment on the cut off day for the election, but who is not serving a sentence of imprisonment on the polling day for the election;'.

'(3)   Section 344—

    insert—

'(2)   For subsection (1)(d), a person is serving a sentence of imprisonment only if—

    (a)   the person is in detention on a full-time basis for an offence against a law of the Commonwealth or a State or Territory; and

    (b)   the detention is attributable to the sentence of imprisonment concerned.'.

'35M   Amendment of s 347 (Distribution of ballot papers to other electors who may or must cast declaration vote)

'Section 347(1), 'section 343(a) to (f)'—

omit, insert—

'section 343(a) to (e)'.

'35N   Amendment of s 349 (Distribution of ballot papers to electors for postal ballot election)

'Section 349(2)(a), '344(a), (b) or (c)'—

omit, insert—

'344(1)(a), (b), (c) or (d)'.

'35O Amendment of s 352 (Declaration voting before polling day)

'Section 352(1), 'section 343(a) to (f)'—

omit, insert—

'section 343(a) to (e)'.

'35P Amendment of s 357 (Effect of ballot papers—optional-preferential voting)

'Section 357(2)(d)(ii), 'section 343(a) to (f)'—

omit, insert—

'section 343(a) to (e)'.

'35Q Amendment of s 358 (Effect of ballot papers—first-past-the-post voting)

'Section 358(2)(d)(ii), 'section 343(a) to (f)'—

omit, insert—

'section 343(a) to (e)'.

'35R Amendment of s 381 (Notice to electors whose ballot papers are not accepted)

'Section 381(1)(a), '344(a)'—

omit, insert—

'344(1)(a)'.

'35S Amendment of sch 2 (Dictionary)

'(1) Schedule 2, definition *institution*, paragraph (f)—
omit.

'(2) Schedule 2, definition *institution*, paragraph (g)—
renumber as paragraph (f).'.

6   After clause 49—

At page 32, after line 10—

insert—

'49A   Amendment of s 408 (Who may inspect CMC's register)

'Section 408(a), as numbered before the commencement of section 459A of the *Police Powers and Responsibilities Act 2000*—

omit, insert—

'(a)   the CMC chairperson; or'.'.

7   After clause 50—

At page 32, after line 12—

insert—

'Part 4A   Amendment of Referendums Act 1997

'50A   Act amended in pt 4A

'This part amends the *Referendums Act 1997*.

'50B   Amendment of s 21 (Who may vote)

'Section 21—

insert—

'(3)   Also, a person who is serving a sentence of imprisonment is not entitled to vote at a referendum.

'(4)   For subsection (3), a person is serving a sentence of imprisonment only if—

　(a)   the person is in detention on a full-time basis for an offence against a law of the Commonwealth or a State or Territory; and

　(b)   the detention is attributable to the sentence of imprisonment concerned.

'(5)   To enable the commission to decide the persons who are not entitled to vote because of subsection (3), the commission may ask the chief executive (corrective services) to give the commission information about persons who are serving sentences of imprisonment for offences against the law of the Commonwealth or of a State or Territory.

'(6)   The chief executive (corrective services) must give the commission the information as soon as practicable after receiving the request.

'(7)   Subsection (6) has effect despite the provisions of any other Act that would otherwise permit or require the chief executive (corrective services) to refuse the commission's request.'.

'50C   Amendment of s 25 (Who may make a declaration vote)

'(1)   Section 25(2)(f)—

omit.

'(2)   Section 25(2)(g)—

renumber as section 25(2)(f).'.

'50D   Amendment of sch 3 (Dictionary)

'Schedule 3, definition *institution*, 'section 3.' and footnote—

omit, insert—

'section 3.'.'.