

House of Representatives

Supplementary Order Paper

Wednesday, 14 March 2007

Crimes (Substituted Section 59) Amendment Bill

Proposed amendments

Judy Turner, in Committee, to move the following amendments:

Clause 2

To insert after “Act” (line 6 on page 1) “(except **sections 2A to 5**)”.

To add the following subclauses as *subclauses (2) to (6)*:

- (2) **Sections 2A to 5** come into force on a date to be appointed by the Governor-General by Order in Council made on the recommendation of the Minister of Justice.
- (3) The Minister of Justice must recommend the making of an order under **subsection (2)** if, and only if,—
 - (a) this Act is passed by at least 60% of the members of Parliament; or
 - (b) he or she has received a declaration from the Chief Electoral Officer (within the meaning of the Electoral Act 1993) that, in the Chief Electoral Officer’s opinion,—
 - (i) at least 60% of the people enrolled to vote at the general election in conjunction with which a referendum held under **subsection (4)** was conducted cast a valid vote for one or other of the 2 answers to the question stated in **subsection (5)**; and
 - (ii) at least 60% of the valid votes cast in the referendum were for the answer “Yes”.
- (4) If this Act is passed by less than 60% of the members of Parliament, a referendum must be held in conjunction with the next general election following the date on which this Act receives the Royal assent.
- (5) The question to be put to the voters in the referendum held under **subsection (4)** must be “**Sections 3 to 5** of the Crimes

(Substituted Section 59) Amendment Act **2007** should be brought into force”, and the answers must be “Yes” and “No”; and—

- (a) the referendum must be conducted as if it were a referendum under the Citizens Initiated Referenda Act 1993; and
- (b) that Act, with any necessary modifications, applies accordingly.

Explanatory note

This Supplementary Order Paper sets out amendments to the *clause 2* commencement provision of the Crimes (Substituted Section 59) Amendment Bill.

The effect of the amendments is that only *sections 1 and 2* (the Title and Commencement sections) of the Act will come into force on the day after the date on which it receives the Royal assent.

The rest of the Act does not come into force until a date appointed by the Governor-General by Order in Council.

No order may be made until one of the following occurs:

- the Act is passed by at least a 60% majority of members of Parliament;
 - a referendum is held at the next general election with at least 60% of voters participating and at least 60% of them voting in favour of the Act's coming into force.
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