



New South Wales

# Parliamentary Electorates and Elections Amendment (Prohibition on Voting by Criminals) Bill 2004

## Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

## Overview of Bill

The object of this Bill is to disqualify anyone who has been convicted of an offence and is serving a sentence from voting in a New South Wales election. The disqualification applies to any person who is serving a sentence by way of full-time detention, periodic detention or home detention, or who is on remand pending sentencing or is subject to a parole order or community service order. At present, a person is only disqualified from voting if the person has been sentenced to imprisonment for 12 months or more and is in prison serving that sentence.

## Outline of provisions

**Clause 1** sets out the name (also called the short title) of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act on the date of assent.

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**Clause 3** gives effect to the amendment to the *Parliamentary Electorates and Elections Act 1912* set out in Schedule 1.

## **Schedule 1 Amendment**

Schedule 1 amends the *Parliamentary Electorates and Elections Act 1912* as described in the Overview.

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# Parliamentary Electorates and Elections Amendment (Prohibition on Voting by Criminals) Bill 2004

No. , 2004

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## **A Bill for**

An Act to amend the *Parliamentary Electorates and Elections Act 1912* to disqualify anyone who has been convicted of an offence and is serving a sentence from voting in a New South Wales election.

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<b>The Legislature of New South Wales enacts:</b>	1
<b>1 Name of Act</b>	2
This Act is the <i>Parliamentary Electorates and Elections Amendment (Prohibition on Voting by Criminals) Act 2004</i> .	3 4
<b>2 Commencement</b>	5
This Act commences on the date of assent.	6
<b>3 Amendment of Parliamentary Electorates and Elections Act 1912 No 41</b>	7 8
The <i>Parliamentary Electorates and Elections Act 1912</i> is amended as set out in Schedule 1.	9 10

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## Schedule 1 Amendment

(Section 3)

### Section 21 Disqualifications from voting

Omit section 21 (b). Insert instead:

- (b) has been convicted of an offence, whether in New South Wales or elsewhere, and is:
  - (i) serving a sentence of imprisonment for that offence, whether by way of full-time detention, periodic detention or home detention, or
  - (ii) on remand pending sentencing for that offence, or
  - (iii) subject to a parole order or community service order in relation to that offence, or

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