

Legislative Council—No 43

As received from the House of Assembly and read a first time, 4 September 2018

South Australia

Electoral (Prisoner Voting) Amendment Bill 2018

A BILL FOR

An Act to amend the *Electoral Act 1985*.

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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Electoral (Prisoner Voting) Amendment Act 2018*.

2—Commencement

This Act will come into operation on a day to be fixed by proclamation.

3—Amendment provisions

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

Part 2—Amendment of *Electoral Act 1985*

4—Insertion of section 27B

After section 27A insert:

27B—Provision of information to Commonwealth Electoral Commissioner

- 15 The Electoral Commissioner may provide to the Electoral Commissioner under the Commonwealth Act any information in the Electoral Commissioner's possession related to the preparation, alteration or revision of the electoral roll.

5—Amendment of section 68—Certified list of electors

- 20 (1) Section 68(1)—delete "the electors enrolled for" and substitute:
electors in relation to

(2) Section 68—after subsection (1) insert:

- (1a) A list of electors under subsection (1) must include the names of all electors enrolled in relation to the district but must not include the names of persons who are not entitled to vote at the election under section 69(3).

6—Amendment of section 69—Entitlement to vote

(1) Section 69(2)—after subsection (2) insert:

- (3) A person who is, as at the close of the rolls for an election, a designated person is not entitled to vote at the election.

(2) Section 69—after subsection (4) insert:

(5) For the purposes of this section—

(a) a person is a *designated person* if—

(i) —

(A) the person is in custody serving 1 or more sentences of imprisonment or detention for 1 or more offences against a law of this State, the Commonwealth or another State or Territory; and

(B) the total period of imprisonment or detention liable to be served is 3 years or more; or

(ii) the person is subject to an order for detention under section 57 of the *Sentencing Act 2017* or section 23 of the *Criminal Law (Sentencing) Act 1988* (other than a person released on licence under section 59 of the *Sentencing Act 2017* or section 24 of the *Criminal Law (Sentencing) Act 1988*); or

(iii) the person is subject to a continuing detention order under section 18 of the *Criminal Law (High Risk Offenders) Act 2015*; and

(b) a reference to a person *in custody serving 1 or more sentences of imprisonment or detention* includes—

(i) a person on home detention under the *Correctional Services Act 1982* or Part 3, Division 7, Subdivision 1 of the *Sentencing Act 2017* or Part 3 Division 3A of the *Criminal Law (Sentencing) Act 1988*; and

(ii) a person who is detained in a training centre within the meaning of the *Young Offenders Act 1993*,

but does not include a person detained under an order under Part 8A of the *Criminal Law Consolidation Act 1935*.