

## SUMMARY OF CONCLUSIONS

### 1. Children (Criminal Proceedings) Amendment (Naming of Children) Bill 2009

**Issue: Clause 2 - Commencement by proclamation - Provides the executive with unfettered control over the commencement of an Act.**

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| 23. | The Committee notes the advice received above and has not identified any further issues under s 8(1)(b)(iv) <i>LRA</i> |
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### 2. Courts and Crimes Legislation Amendment Bill 2009

#### Self Incrimination and Right to Silence

**Issue: Section 16 (6), Section 16 (7) and Section 26 (7A)**

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| 22. | While the Committee has significant concerns about the trespass upon rights of association implemented by the <i>Crimes (Criminal Organisations Control) Act 2009</i> , the Committee does not consider that the requirement for a person to disclose their identity to a police officer in circumstances where the officer has reasonable cause to suspect the person is either subject to service of an interim control order or is a controlled member of a declared organisation associating with another controlled member of a declared organisation is unreasonable in the context of the legislation. |
| 23. | Further, the requirement for a person to remain in one place for two hours in order to be served a notice does not seem particularly unreasonable considering the administrative time and cost associated with service.   |

#### Excessive Punishment; Rights of the Child

**Issue: Section 26 (7A) and Section 35A**

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| 27. | The Committee has concerns about the effects of Section 26 (7A) on persons under the age of 18 and other vulnerable and disadvantaged people. The Committee has previously observed that the <i>Crimes (Criminal Organisations Control) Act 2009</i> is silent as to how persons or members of declared organisations under the age of 18 will be dealt with. It is considered that the penalty of 20 penalty units for non-compliance may disproportionately impact on children and young people and may constitute excessive punishment. Accordingly, the Committee refers these sections to Parliament for its consideration. |
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## **Rights of Association**

**Issue: Section 19 (1)(a)(ii), Section 19(8) and Section 26 (1A)**

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| 32. | The Committee is concerned that Section 19 (1)(a)(ii), Section 19(8) and Section 26(1A) extend the restrictions to rights of association with others which were introduced by the <i>Crimes (Criminal Organisations Control) Act 2009</i> . |
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**Issue: Clause 2 - Commencement by proclamation - Provides the executive with unfettered control over the commencement of an Act.**

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| 34. | The Committee accepts the advice received above and has not identified any further issues under s 8(1)(b)(iv) <i>LRA</i> |
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### **3. Judicial Officers Amendment Bill 2009**

The Committee has not identified any issues under section 8A(1)(b) of the <i>Legislation Review Act 1987</i> .
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### **4. Road Transport (Vehicle Registration) Amendment (Heavy Vehicle Registration Charges) Bill 2009**

**Issue: Clause 2 - Commencement by proclamation - Provides the executive with unfettered control over the commencement of an Act.**

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| 11. | The Committee accepts the advice receive above and has not identified any further issues under s 8(1)(b)(iv) <i>LRA</i> |
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### **5. State Revenue Legislation Amendment (Defence Force Concessions) Bill 2009**

The Committee has not identified any issues under s 8A(1)(b) of the <i>Legislation Review Act 1987</i>
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### **6. Surveying Amendment Bill 2009**

The Committee has not identified any issues under section 8A(1)(b) of the <i>Legislation Review Act 1987</i> .
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