

House of Representatives
Supplementary Order Paper

Tuesday, 4 December 2012

**Cultural Property (Protection in Armed Conflict)
Bill**

Proposed amendments

Hon Christopher Finlayson, in Committee, to move the following amendments:

Clause 14

In *clause 14*, insert in their appropriate alphabetical order (after line 15 on page 13):

issuing officer means—

- (a) a Judge;
- (b) a Justice of the Peace, Community Magistrate, or Registrar

Judge means a District Court Judge or a Judge of the High Court

Registrar—

- (a) means a Registrar of a District Court or the High Court; and
- (b) includes a Deputy Registrar of either court

Clause 20

Replace *clause 20(2)(b)* (line 3 on page 18) with:

- (b) sections 231(3)(b), 233(1)(c), 234, 235, and 235C(b)(ii) (which relate to the grant of relief):

In *clause 20(4)(c)*, replace “231(1)(a) has effect as if for ‘this Act’ ” (line 23 on page 18) with “231(1) has effect as if for ‘section 226’ ”.

Delete *clause 20(6)* (line 36 on page 18).

Clause 21

In *clause 21(1)*, after “exercisable if” (line 2 on page 19), replace “a District Court Judge, Justice of the Peace, Community Magistrate, or Registrar or

Deputy Registrar of a District Court (an **issuing officer**)” with “an issuing officer”.

Clause 23

In *clause 23(2)(a)*, after “name” (line 17 on page 21) insert “or other individual designation”.

Clause 24

Replace *clause 24(4)* (lines 1 to 5 on page 23) with:

- (4) Section 130 of the Search and Surveillance Act 2012 (which relates to the duty of persons with knowledge of a computer system, other data storage devices, or an Internet site to assist access) applies to the execution of a warrant issued under this Part as it applies to the execution of a warrant under subpart 3 of Part 4 of that Act.

Clause 28

In *clause 28(1), (2), (4), (5), and (6)*, delete “District Court” (lines 8, 11, 25, and 29 on page 25 and line 1 on page 26).

Clause 29

Delete *clause 29(3) and (4)* (lines 21 to 32 on page 26).

Clause 31

In *clause 31(2)*, delete “(including section 199 of the Summary Proceedings Act 1957)” (lines 11 and 12 on page 27).

Clause 44AA

Replace *clause 44AA* (lines 5 to 17 on page 33) with:

44AA Consequential amendments to sections 12, 18, and 38

- (1) The purpose of this section is to make consequential amendments to **sections 12, 18, and 38** on the date when the Criminal Procedure Act 2011 comes fully into force.
 - (2) In **section 12(1), (3), and (5)**, delete “on indictment”.
 - (3) In **section 18(1), (3), and (5)**, delete “on indictment”.
 - (4) In **section 38**, delete “summary”.
 - (5) This section expires and is repealed on the close of the day when the Criminal Procedure Act 2011 comes fully into force.
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Explanatory note

This Supplementary Order Paper updates provisions of the Bill with technical amendments that take into account—

- the commencement of the relevant provisions of the Customs and Excise Act (No 3) 2008 (the **2008 Amendment Act**) by Order in Council made on 24 August 2009; and
- the enactment of the Criminal Procedure Act 2011 (the **2011 Act**); and
- the enactment of the Search and Surveillance Act 2012 (the **2012 Act**).

The amendments—

- add new definitions to *clause 14*;
- modify *clause 20(2)(b) and (4)(c)* to ensure consistency with the relevant new provisions of the 2008 Amendment Act;
- omit *clauses 20(6) and 29(4)*, which were transitional provisions pending all parts of the 2008 Amendment Act coming into force;
- modify *clauses 21 and 28* to align the definition of issuing officer with that in the 2012 Act;
- modify *clauses 23 and 24* to align them with the 2012 Act;
- omit *clause 29(3)*, which relates to a provision repealed by the 2008 Amendment Act;
- modify *clause 31(2)* to remove the reference to a provision repealed by the 2011 Act;
- replace *clause 44AA* (which was included as a transitional clause pending all parts of the 2008 Amendment Act coming into force) with a transitional clause pending the 2011 Act coming fully into force.

This Supplementary Order Paper replaces Supplementary Order Paper No 38 dated Tuesday, 8 September 2009.