



Appendix D – Example of Repeal

This appendix provides an example of an agency specific provision that will be repealed and the general application offence in the Bill that will replace it, together with comment on the differences between these two offences.

Offence to be repealed	Bill offence replacing this	Substantive differences
<p><i>Commonwealth Electoral Act 1918</i></p> <p>Section 184(6) An elector shall not make a false statement</p> <p>(a) in an application for a postal vote; or</p> <p>(b) in any declaration relating to such an application.</p> <p>Penalty: \$1000 or 6 months imprisonment, or both.</p>	<p>137.1 False or misleading information</p> <p>(1) A person is guilty of an offence if:</p> <p>(a) the person gives information to another person; and</p> <p>(b) the person does so knowing that the information:</p> <p>(i) is false or misleading; or</p> <p>(ii) omits any matter or thing without which the information is misleading...</p> <p>Penalty: Imprisonment for 12 months.</p> <p>NB: The defendants conduct must also cause the information to be false or misleading in a 'material particular' for this offence to be satisfied – see 137.1(2) and (3).</p>	<p>The offence in 137.1: '...covers not only false information, but also misleading information. Under the proposed offence, a person must have knowledge that the information is false or misleading and there is a defence if the information is not false or misleading in a material particular. The penalty is 12 months imprisonment.'</p>

Source: AG's, Submissions, p. S43