

1991  
THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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(As presented)

(Mr Collaery)

**Crimes (Amendment) Bill (No. 6) 1991**

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**A BILL  
FOR**

**An Act to amend the Crimes Act, 1900 of the State of  
New South Wales in its application in the Territory**

The Legislative Assembly for the Australian Capital Territory enacts as follows:

**Short title**

- 5 1. This Act may be cited as the *Crimes (Amendment) Act (No. 6) 1991*.

**Crimes Act**

2. In this Act, "Crimes Act" means the Crimes Act, 1900 of the State of New South Wales in its application in the Territory.

**Insertion**

- 10 3. After Part VII of the Crimes Act the following Part is inserted:

**"PART VIIA—OFFENCES BY GOVERNMENT OFFICIALS**

**Interpretation**

"344A. In this Part—

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'government official' means—

- (a) a member of the Executive;
- (b) a person who holds, or performs the duties of, an office under a law of the Territory; or
- 5 (c) a public servant.

#### Abuse of office

"344B. (1) A government official shall not exercise dishonestly or for an improper motive a power vested in him or her by a law of the Territory or by virtue of his or her office, position or employment.

- 10 "(2) A government official shall not—

- (a) dishonestly; or
- (b) for an improper motive;

fail to perform a duty imposed on him or her by a law of the Territory or by virtue of his or her office, position or employment.

- 15 **Penalty:**

- (a) if a person (other than the Territory or a Territory agency) suffers prejudice—imprisonment for 10 years;
- (b) in any other case—imprisonment for 5 years.

#### Defence

- 20 "344C. It is a defence to a prosecution for an offence against paragraph 344B (2) (b) that the failure was motivated by—

- (a) the official's desire to participate in an industrial dispute; or
- (b) the official's conscientious belief that did not allow him or her to perform the duty.

- 25 **Fraud**

"344D. A government official shall not defraud any person in the course of—

- (a) the exercise or purported exercise of a power vested in him or her; or
- 30 (b) the performance or purported performance of a duty imposed on him or her;

by a law of the Territory or by virtue of his or her office, position or employment.

Penalty: \$100,000 or imprisonment for 10 years."