



AUSTRALIAN CAPITAL TERRITORY

Crimes (Offences against the Government) (Amendment) Act 1991

No. 54 of 1991

An Act to amend the *Crimes (Offences against the Government) Act 1989*

[Notified in ACT Gazette S98: 2 October 1991]

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

Short title

1. This Act may be cited as the *Crimes (Offences against the Government) (Amendment) Act 1991*.

Principal Act

2. In this Act, “Principal Act” means the *Crimes (Offences against the Government) Act 1989*.¹

Insertion

3. After section 3 of the Principal Act the following sections are inserted:

Presumption regarding ownership of Territory property

“3A. For the purposes of this Act, property that is or was in the possession, custody or control of the Territory or of a Territory authority shall be presumed to belong, or to have then belonged, to the Territory or to that authority, as the case requires, but that presumption is rebuttable.

Minister’s certificate as evidence of possession or occupancy

“3B. In proceedings for an offence under this Act in which the question whether, at a particular time or during a particular period—

- (a) any property was in the possession, custody or control of the Territory or of a Territory authority; or
- (b) any land, building or part of a building was occupied by the Territory or by a Territory authority;

is in issue, a certificate purporting to be signed by the Minister to the effect that, at that time or during that period—

- (c) the property was in the possession, custody or control of the Territory or of the Territory authority; or
- (d) the land, building or part of a building was occupied by the Territory or by the Territory authority;

as the case requires, is evidence of that fact.”

Destroying or damaging property

4. Section 4 of the Principal Act is amended by omitting from subsection (1) “, whether real or personal,”.

Unlawfully removing property

5. Section 9 of the Principal Act is amended by omitting “goods or” (wherever occurring).

Theft, misappropriation or conversion

6. Section 11 of the Principal Act is amended by omitting subsection (4).

NOTE

- 1. Ordinance No. 34, 1989 as amended by No. 21, 1989.

[Presentation speech made in Assembly on 12 September 1991]