



Australian Capital Territory

# Crimes Legislation Amendment Act 2025

A2025-9

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Australian Capital Territory

# Crimes Legislation Amendment Act 2025

**A2025-9**

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An Act to amend legislation about crime, and for other purposes

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

## Part 1 Preliminary

### 1 Name of Act

This Act is the *Crimes Legislation Amendment Act 2025*.

### 2 Commencement

This Act commences on the commencement of the *Justice (Age of Criminal Responsibility) Legislation Amendment Act 2023*, section 127.

*Note* The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](#), s 75 (1)).

### 3 Legislation amended

This Act amends the *Crimes Act 1900* and the *Spent Convictions Act 2000*.

## Part 2 Crimes Act 1900

### 4 Definitions for pt 10 Section 185, new definitions

*insert*

***Aboriginal and Torres Strait Islander children and young people commissioner*** means the person appointed as the Aboriginal and Torres Strait Islander Children and Young People Commissioner under the [Aboriginal and Torres Strait Islander Children and Young People Commissioner Act 2022](#), section 10 (1).

***Aboriginal or Torres Strait Islander child or young person*** means a child or young person who is an Aboriginal or Torres Strait Islander person.

### 5 New section 185 (2)

*insert*

(2) In this section:

***Aboriginal or Torres Strait Islander person***—see the [Aboriginal and Torres Strait Islander Children and Young People Commissioner Act 2022](#), dictionary.

### 6 Application of pt 10 Section 186 (1)

*after*

This part

*insert*

, except to the extent a contrary intention appears,

**7 Issue of warrant  
Section 189 (1) (d)***omit*

offence or of

*substitute*

offence, physical injury to a person, or

**8 Entry in emergencies  
Section 190 (b)***omit*

offence or

*substitute*

offence, physical injury to a person, or

**9 When search warrants can be issued  
Section 194 (2)***substitute*

- (2) An issuing officer may issue a warrant authorising an ordinary search or a frisk search of a person, including a person under 14 years old, if the officer is satisfied by information on oath that there are reasonable grounds for suspecting that the person possesses, or will within the next 72 hours possess, any evidential material.
- (2A) An issuing officer who receives an application to issue a warrant under which a person under 14 years old may be searched, or may be present at premises that may be searched—
- (a) must take into account the best interests of the person under 14 years old when deciding whether to issue the warrant; and

- (b) if the officer decides to issue the warrant—may direct the person applying for the warrant to give notice before the warrant is executed to—
  - (i) if the person under 14 years old is known to be an Aboriginal or Torres Strait Islander child or young person—the Aboriginal and Torres Strait Islander children and young people commissioner; or
  - (ii) in any other case—the public advocate.

#### **10 New section 194 (3A)**

*insert*

- (3A) If the person applying for the warrant knows or suspects that, in executing the warrant, a person under 14 years old may be searched or may be present at premises that may be searched, the person must state that knowledge or suspicion, and the grounds for the knowledge or suspicion, in the information.

#### **11 New subdivision 10.7.1A**

*before subdivision 10.7.1, insert*

### **Subdivision 10.7.1A Stopping, searching or detaining person under 14 years old without warrant**

#### **252AA Application of sdiv 10.7.1A**

- (1) This subdivision applies, despite any territory law to the contrary, to the exercise of a power to stop, search or detain a person under this Act or any other territory law.
- (2) However, this subdivision does not apply to the exercise of a power to stop, search or detain a person if the power is exercised under a warrant, or an order made by a court or the ACAT.

**252AB Police officer must not stop, search or detain person under 14 years old generally**

A police officer must not exercise a power to stop, search or detain a person under 14 years old, except in accordance with this subdivision.

**252AC Stopping, searching or detaining person under 14 years old for prevention of harm etc**

- (1) A police officer may exercise a power to stop, search or detain a person under 14 years old if the officer believes on reasonable grounds that—
  - (a) the power is being exercised in relation to a person who is at least 14 years old; or
  - (b) the person is at risk of engaging in, or has engaged in, any of the following conduct:
    - (i) harm to themselves or someone else;
    - (ii) serious damage to property or the environment or cruelty to an animal;
    - (iii) any other serious or destructive behaviour; or
  - (c) the exercise of the power is required to ensure the safety of the person.
- (2) In exercising the power, the police officer must not detain the person for longer than is necessary and reasonable to—
  - (a) for subsection (1) (a)—determine that the person is under 14 years old; or
  - (b) for subsection (1) (b)—prevent or stop the conduct; or
  - (c) for subsection (1) (c)—ensure the safety of the person.



- (3) In this section:

*serious or destructive behaviour* includes conduct that is an offence punishable, on conviction, by imprisonment.

**252AD Stopping, searching or detaining person under 14 years old when relevant to other investigation**

A police officer may exercise a power to stop, search or detain a person if the person is under 14 years old if the officer—

- (a) is conducting an investigation into an offence or possible offence committed by another person; and
- (b) believes on reasonable grounds that the person under 14 years old possesses evidence relevant to the investigation.

*Note* A police officer must not detain a person for longer than is necessary and reasonable to conduct a search (see s 208).

**252AE Police action after stopping, searching or detaining person under 14 years old**

- (1) If a police officer stops, searches or detains a person under 14 years old in accordance with this subdivision, the officer may continue the detention of the person for as long as reasonably necessary to take the person to—
  - (a) a parent of the person; or
  - (b) someone else who has daily care responsibility, or long-term care responsibility, for the person; or
  - (c) if it is not practicable or appropriate to take the person to someone mentioned in paragraph (a) or (b)—another appropriate person or agency.

- (2) If a police officer takes a person under 14 years old to an appropriate person or agency under subsection (1) (c), the police officer must as soon as practicable give written notice about the matter to—
  - (a) if the person under 14 years old is known to be an Aboriginal or Torres Strait Islander child or young person—the Aboriginal and Torres Strait Islander children and young people commissioner; or
  - (b) in any other case—the public advocate.
- (3) Written notice under subsection (2) must, as far as practicable, include the following:
  - (a) a description of the person under 14 years old and any known information about the person’s identity;
  - (b) a brief description of the circumstances in which the person was stopped, searched or detained;
  - (c) the address of the place where the person was taken and the contact details of a person at the place with responsibility for the care of the person under 14 years old;
  - (d) the date and time the person was taken to the place.
- (4) A failure to comply with subsection (2) or (3) does not affect the validity of anything done under subsection (1) (c).

**12      Record of youth offence particulars not to be disclosed in court proceedings**  
**Section 442A (2), definition of *youth offence***

*after*

territory law

*insert*

or a law of the Commonwealth, a State or another Territory

**13 Dictionary, note***insert*

- public advocate

**14 Dictionary, new definitions***insert*

*Aboriginal and Torres Strait Islander children and young people commissioner*, for part 10 (Criminal investigation)—see section 185.

*Aboriginal or Torres Strait Islander child or young person*, for part 10 (Criminal investigation)—see section 185.

## Part 3                      Spent Convictions Act 2000

### **15            Meaning of *youth sexual offence conviction*—pt 2 Section 14A, definition of *youth sexual offence conviction*, paragraph (a)**

*substitute*

- (a) committed by a person who was not dealt with as an adult when convicted for the offence; and

### **16            Consequences of conviction becoming extinguished Section 19H (4)**

*substitute*

- (4) However, subsections (1) and (2) do not apply in relation to an application by a person for registration under—
  - (a) the *Working with Vulnerable People (Background Checking) Act 2011*; or
  - (b) a corresponding law within the meaning of that *Act*, dictionary.

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## Endnotes

**1 Presentation speech**

Presentation speech made in the Legislative Assembly on 4 March 2025.

**2 Notification**

Notified under the [Legislation Act](#) on 17 April 2025.

**3 Republications of amended laws**

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

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I certify that the above is a true copy of the Crimes Legislation Amendment Bill 2025, which was passed by the Legislative Assembly on 9 April 2025.

Clerk of the Legislative Assembly

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