

1991
THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Mr Collaery)

Crimes (Amendment) Bill/1991^(No. 2)

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

1. This Act may be cited as the *Crimes (Amendment) Act*/1991^(No. 2).

Commencement

2. (1) Sections 1, 2 and 3 commence on the day on which this Act is notified in the *Gazette*.

(2) The remaining provisions commence on a day fixed by the Minister by notice in the *Gazette*.

(3) If a provision referred to in subsection (2) has not commenced before the end of the period of 6 months commencing on the day on which this Act is notified in the *Gazette*, that provision, by force of this subsection, commences on the first day after the end of that period.

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Crimes Act

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

Insertion

- 5 4. After section 151 of the Crimes Act the following heading is inserted:

"PART V—ESCAPE PROVISIONS".**Relocation**

- 10 5. Sections 358AA to 358AI (inclusive) of the Crimes Act are relocated after section 151 of that Act (after the heading inserted by section 4) and renumbered sections 152 to 160 respectively.

Substitution

6. The heading to Part X of the Crimes Act and the heading to Division 1 of that Part are omitted and the following headings substituted:

- 15 **"PART X—CRIMINAL INVESTIGATION**

"Division 1—Criminal investigation (generally)".**Insertion**

7. After section 353A of the Crimes Act the following section is inserted:

- 20 **Interpreter**

- 25 "354. (1) If a police officer has reasonable grounds to believe that a person in custody does not have a knowledge of the English language that is sufficient to enable the person to understand questions put to him or her by the officer, the officer shall ensure that at all times while questioning is in progress an interpreter is present to assist the person.

"(2) Subsection (1) does not apply to questioning in connection with an offence against Part III of the *Motor Traffic (Alcohol and Drugs) Act 1977*.

"(3) In subsection (1)—

'interpreter' means—

- 30 (a) an interpreter accredited with the National Accreditation Authority for Translators and Interpreters Limited; or
- (b) any other competent interpreter."

Omission

8. The heading to Division 1A of Part X of the Crimes Act is omitted.