

1991

THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY

CRIMES (AMENDMENT) BILL / (No. 2)
1991

EXPLANATORY MEMORANDUM

(Circulated by authority
of Mr Bernard Collaery)

EXPLANATORY MEMORANDUM

AUSTRALIAN CAPITAL TERRITORY

CRIMES (AMENDMENT) BILL 1991

ACT NO. OF 1991

The purpose of the Crimes (Amendment) Bill 1991 is to provide a clear obligation upon a police officer questioning a person in custody to consider whether the person being questioned has a sufficient knowledge of the English language so as to enable that person to understand questions put to him or her.

Clause 1 provides that the Amendment Act may be cited as the Crimes (Amendment) Act 1991.

Clause 2 provides what is commonly known as the Macklin provision, namely, that if the Government of the day does not set a date of commencement for the Bill, it shall commence before the end of the period of six months commencing on the day on which the Act is notified in the Gazette.

Clause 3 provides that the Principal Act is the Crimes Act, 1900 of the State of New South Wales in its application in the Territory.

Clauses 4, 5, 6 and 8 rearrange the subject matter of Part X of the Crimes Act so that its heading may be redesignated 'Criminal Investigations'. These clauses are, therefore, of a formal or drafting nature and will also improve the arrangement of provisions currently contained in Part X.

Clause 7 gives effect to the purpose of the Bill. However, an exception is made in relation to questioning in connection with an offence under Part III of the Motor Traffic (Alcohol and Drugs) Act 1977. The reason for this exclusion relates to the fact that the offences in Part III are either a strict liability or are largely made out by conduct with practical difficulties of determining what any incapacity may relate to.