

**CRIMES (IDENTITY OF OFFENDERS) AMENDMENT
ACT 1992 No. 19**

NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of Crimes Act 1900 No. 40
4. Transitional provision

SCHEDULE 1—AMENDMENTS

**CRIMES (IDENTITY OF OFFENDERS) AMENDMENT
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NEW SOUTH WALES



Act No. 19, 1992

An Act to amend the Crimes Act 1900 to provide for particulars of identification of offenders to be taken in certain cases. [Assented to 14 May 1992]

Crimes (Identity of Offenders) Amendment Act 1992 No. 19

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Crimes (Identity of Offenders) Amendment Act 1992.

Commencement

2. This Act commences on a day to be appointed by proclamation.

Amendment of Crimes Act 1900 No. 40

3. The Crimes Act 1900 is amended as set out in Schedule 1.

Transitional provision

4. Section 353A (4) of the Crimes Act 1900 does not apply in relation to an offence found proved before the commencement of this Act.

SCHEDULE 1—AMENDMENTS

(Sec. 3)

(1) Section 353A (Power to search person, make medical examination, take photograph, finger-prints etc.):

After section 353A (3), insert:

(4) A court that finds an offence prescribed by or under subsection (7) to be proved against a person may order that the person present himself or herself in accordance with the terms of the order and submit to the taking, by the officer in charge of a police station specified in the order, of all such particulars as may be thought necessary for the identification of the person, including the person's photograph, finger-prints and palm-prints. When making the order, the court is to warn the person that a failure to comply with the order may result in the person's apprehension in accordance with subsection (6).

SCHEDULE 1—AMENDMENTS—*continued*

(5) An order under subsection (4) may be made on the application of the prosecutor or on the court's own motion, and may be made:

- (a) immediately after the person is sentenced; or
- (b) before the person is sentenced, if the court is satisfied that the making of such an order would assist in resolving doubt about the defendant's identity.

(6) At the direction of the officer in charge of the police station specified in an order under subsection (4), a person who does not present himself or herself in accordance with the terms of the order may be apprehended without warrant and taken into custody for such time as may be reasonably necessary for the taking of particulars in accordance with the order.

(7) An order under subsection (4) may be made in respect of any of the following offences:

- (a) any indictable offence;
- (b) the offence under section 4 of the Traffic Act 1909 of driving a motor vehicle upon a public street furiously or recklessly or at a speed or in a manner which is dangerous to the public;
- (c) an offence under section 4AA, section 4E (1D), (1E) (a) or (b), (1F) (a) or (b), (1G) (a) or (b) or (7), section 4F (7), section 5 (2) (a) or (b), section 5AC (2) or section 8 (2) of the Traffic Act 1909;
- (d) an offence prescribed, or of a kind or description prescribed, by the regulations.

(8) The Governor may make regulations, not inconsistent with this Act, prescribing any matter required or permitted to be prescribed under this section.

Crimes (Identity of Offenders) Amendment Act 1992 No. 19

SCHEDULE 1—AMENDMENTS—*continued*

(2) Section 353AA (**Photographing, finger-printing etc. children under 14 years of age**):

In section 353AA (2), after “with this section.”, insert “Nothing in this section, however, prevents the taking of any child’s photograph, finger-prints or palm-prints in accordance with the order of a court under section 353A (4).”.

*[Minister’s second reading speech made in—
Legislative Assembly on 26 March 1992
Legislative Council on 5 May 1992]*