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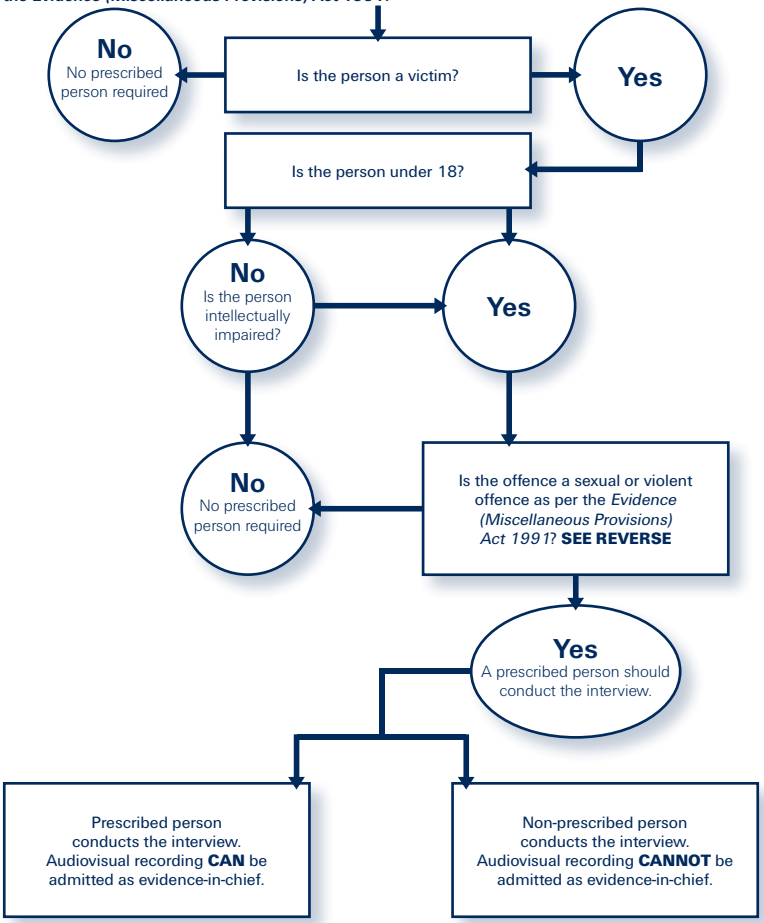
AUSTRALIAN FEDERAL POLICE

Interviewing vulnerable witnesses

When should evidence-in-chief interviews be conducted by a prescribed person in accordance with the *Evidence (Miscellaneous Provisions) Act 1991*?



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Evidence (Miscellaneous Provisions) Act 1991

***37 Definitions - Part 4*:**

A violent offence means a less serious or a serious violent offence.

Less serious violent offence means an offence against any of the following provisions of the *Crimes Act 1900*:

- *section 21 (1) (Wounding)*
- *section 22 (Assault with intent to commit certain indictable offences)*
- *section 23 (1) (Inflicting actual bodily harm)*
- *section 24 (1) (Assault occasioning actual bodily harm)*
- *section 25 (Causing grievous bodily harm)*
- *section 26 (Common assault)*
- *section 28 (Acts endangering health etc)*
- *section 29 (4) and (5) (Culpable driving of motor vehicle)*
- *section 31 (Threat to inflict grievous bodily harm)*
- *section 35 (Stalking)*
- *section 37 (Abduction of young person)*
- *section 41 (Exposing or abandoning child)*

Serious violent offence means:
(a) An offence against any of the following provisions of the *Crimes Act 1900*:

- *section 12 (Murder)*
- *section 15 (Manslaughter)*
- *section 19 (Intentionally inflicting grievous bodily harm)*
- *section 20 (Recklessly inflicting grievous bodily harm)*
- *section 21 (2) (Wounding)*
- *section 23 (2) (Inflicting actual bodily harm)*
- *section 24 (2) (Assault occasioning actual bodily harm)*
- *section 27 (Acts endangering life etc)*
- *section 29 (2) and (3) (Culpable driving of motor vehicle)*
- *section 30 (Threat to kill)*
- *section 32 (Demands accompanied by threats)*
- *section 34 (Forcible confinement)*
- *section 36 (Torture)*
- *section 38 (Kidnapping)*
- *section 40 (Unlawfully taking child etc)*
- *section 42 (Child destruction)*
- *section 43 (Childbirth—grievous bodily harm)*

(b) An offence against any of the following provisions of the Criminal Code 2002:

- section 309 (Robbery)
- section 310 (Aggravated robbery)

Sexual offence means an offence against the *Crimes Act 1900, part 3 (Sexual offences), part 4 (Female genital mutilation)* or *part 5 (Sexual servitude).*

Note: A reference to an offence against a territory law includes a reference to a related ancillary offence, e.g. attempt (see *Legislation Act 189*).