

1991

LEGISLATIVE ASSEMBLY OF THE AUSTRALIAN CAPITAL TERRITORY

CRIMES LEGISLATION (STATUS AND CITATION) BILL 1991

EXPLANATORY MEMORANDUM

(Circulated by the Authority of

Mr Terence Connolly MLA

Attorney General)

CRIMES LEGISLATION (STATUS AND CITATION) BILL 1991

OUTLINE

The Crimes Act in operation within the ACT has its origins in the New South Wales Crimes Act. The Crimes Act, 1900 (NSW) was in force immediately before the establishment of the ACT, and was, therefore, continued in force by the *Seat of Government Acceptance Act 1909* (Cth).

Section 1 of the Act makes provision for a short title: the *Crimes Act 1900*. However, the use of the qualifying words "in its application in the Territory" and the reference to New South Wales has become a convention.

The Bill's key feature is to overcome this convention by enabling the citation of the Crimes Act without the usual qualifying words or the reference to New South Wales. In addition, the Bill asserts the status of the Crimes Act as a law of the ACT by providing that the Crimes Act is to be treated as an Act passed by the Legislative Assembly.

FINANCIAL IMPLICATIONS.

The Bill has no financial implications.

CLAUZE NOTES

Clause 1: Short Title

Clause 1 contains the short title.

Clause 2: Interpretation

Clause 2 defines the "applied State Act" as the Crimes Act, 1900 (NSW) in its application in the Territory.

Clause 3: Status

Subclause 3(1) allows the applied State Act to be treated as if passed by the Legislative Assembly.

Subclause 3(2) provides that the applied State Act is not to be taken to be a continued State law within the meaning of the Interpretation Act 1967. Section 5 of that Act defines "continued State law" as a law of New South Wales in its application in the Territory by virtue of section 6 of the Seat of Government Acceptance Act 1909 (Cth) and section 3 of the Seat of Government (Administration) Act 1910 (Cth) as amended, and the provisions of a law of New South Wales that by virtue of an Act apply in the Territory, as amended.

Clause 4: Citation

Clause 4 provides for the citation of the applied State Act as the Crimes Act 1900.

Clause 5: References in Other Laws

Subclause 5(1) allows a reference in a law of the Territory to the "Crimes Act 1900 (NSW) in its application in the Territory" to be read as a reference to the Crimes Act 1900.

Subclause 5(2) provides that section 41 of the Interpretation Act 1967 is to apply with regard to the adopted provisions as if the short title was originally the short title of those provisions. Section 41 provides that a reference to an Act by its short title is to be construed as a reference to the Act as amended, except so far as the contrary intention appears.