

# CRIMES

## No. 4 of 1968

### An Ordinance relating to Crimes.

1. This Ordinance may be cited as the *Crimes Ordinance 1968*.\* Short title.
2. This Ordinance shall come into operation on the fifteenth day of March, One thousand nine hundred and sixty-eight. Commencement.
3. In this Ordinance, "the Crimes Act" means the Crimes Act, 1900 of the State of New South Wales in its application to the Territory. Definition.
4. Section 1 of the Crimes Act is amended— Short title and contents of Act.
  - (a) by omitting the words and figures—  
"PART II.—OFFENCES AGAINST THE SOVEREIGN—  
*Treason—Felony.—ss. 11-16.*";
  - (b) by omitting the words and figures—  
"(2) *Injuries to buildings, &c., by fire.—ss. 196-202.*"  
and inserting in their stead the words and figures—  
"(2) *Injuries to buildings, &c., by fire.—ss. 197-202.*";
  - (c) by omitting the words and figures—  
"(13) *Injuries to vessels.—ss. 235-243.*"  
and inserting in their stead the words and figures—  
"(13) *Injuries to vessels.—ss. 236-243.*"; and
  - (d) by omitting the words and figures—  
"(2) *Sentences of death.—ss. 430, 431.*"  
and inserting in their stead the words and figures—  
"(2) *Sentences of death.—s. 430.*".
5. Section 9 of the Crimes Act is amended by inserting after the word "death," the words "of imprisonment for life". What offences felonies.
6. Section 10 of the Crimes Act is amended by omitting the word "Whenever" and inserting in its stead the words "Subject to the last preceding section, where". What offences misdemeanours.
7. Part II. of the Crimes Act is repealed. Repeal of Part II. of Act.
8. Section 27 of the Crimes Act is amended by omitting the words "suffer death" and inserting in their stead the words "imprisonment for life". Acts done to the person with intent to murder.

\* Made on 8 March 1968; notified in the *Commonwealth Gazette* on 14 March 1968.

Acts done to property with the like intent.

9. Section 28 of the Crimes Act is amended by omitting the words "suffer death" and inserting in their stead the words "imprisonment for life".

Rape.

10. Section 63 of the Crimes Act is amended by omitting the words "suffer death" and inserting in their stead the words "imprisonment for life".

Carnally knowing girl under 10.

11. Section 67 of the Crimes Act is amended by omitting the words "suffer death" and inserting in their stead the words "imprisonment for life".

Breaking, entering, and assaulting with intent to murder, &c.

12. Section 110 of the Crimes Act is amended by omitting the words "suffer death" and inserting in their stead the words "imprisonment for life".

Setting fire to dwelling, &c., knowing person therein.

13. Section 196 of the Crimes Act is repealed.

Setting fire to vessels, any person being therein.

14. Section 235 of the Crimes Act is repealed.

Exhibiting false signals, &c.

15. Section 240 of the Crimes Act is amended by omitting the words "suffer death" and inserting in their stead the words "imprisonment for life".

Sentence of death, when to be pronounced.

16. Section 430 of the Crimes Act is amended by omitting sub-section (1.) and inserting in its stead the following sub-sections:—

"(1.) Where a person is convicted of the crime of murder, the Judge may pronounce sentence of death or may direct that that sentence be recorded.

"(1A.) Where the Judge directs that the sentence of death be recorded, the sentence has the same effect in law as if it had been pronounced in open Court."

Only certain felonies capital.

17. Section 431 of the Crimes Act is repealed.

Cases of rape, &c.

18. Section 459 of the Crimes Act is amended by omitting all the words from and including the words "In addition thereto," to the end of the section.

Amendments of Piracy Punishment Act of N.S.W.

19.—(1.) In this section, "the Piracy Punishment Act" means the Piracy Punishment Act, 1902 of the State of New South Wales in its application to the Territory.

(2.) Section 4 of the Piracy Punishment Act is amended by omitting the words "suffer death" and inserting in their stead the words "imprisonment for life".

(3.) Section 6 of the Piracy Punishment Act is amended by omitting the words "with death or otherwise".

**20.** Where a person is convicted, on or after the date of commencement of this Ordinance, of an offence provided for in section 27, 28, 63, 67, 110 or 240 of the Crimes Act, the person is liable to the penalty provided for that offence by the Crimes Act as amended by this Ordinance whether the offence was committed before, or is committed on or after, that date. **Application.**

(2.) Where a person is convicted, on or after the date of commencement of this Ordinance, of an offence for which a penalty is provided by the Piracy Punishment Act, 1902 of the State of New South Wales in its application to the Territory, the person is liable to the penalty provided for that offence by that Act as amended by this Ordinance whether the offence was committed before, or is committed on or after, that date.

---