

AUSTRALIAN CAPITAL TERRITORY

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No. 45 of 1978

AN ORDINANCE

For the removal of doubts that have arisen in determining whether certain offences are felonies for the purposes of the Crimes Act, and for other purposes

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Ordinance under the *Seat of Government (Administration) Act* 1910.

Dated this fourteenth day of December 1978.

ZELMAN COWEN
Governor-General

By His Excellency's Command,

P. DURACK
Attorney-General

CRIMES (AMENDMENT) ORDINANCE 1978

1. This Ordinance may be cited as the *Crimes (Amendment) Ordinance* 1978.* Short title

2. In this Ordinance, "the Crimes Act" means the Crimes Act, 1900 of the State of New South Wales in its application to the Territory. Interpretation

3. Section 9 of the Crimes Act is repealed and the following section substituted:

"9. (1) Where the punishment for an offence against this Act is expressed by this Act as a punishment of death, imprisonment for life or penal servitude, the offence is a felony for the purposes of this Act. Certain offences to be felonies

"(2) Sub-section (1) has effect notwithstanding that, by virtue of any other law in force in the Territory, the only penalty that may be imposed in respect of an offence against this Act is a penalty of imprisonment."

* Notified in the *Commonwealth of Australia Gazette* on 21 December 1978.

Certain offences to be misdemeanours

4. Section 10 of the Crimes Act is amended by omitting “or whipping”.

Breaking and entering house, &c., and committing felony

5. Section 112 of the Crimes Act is amended by omitting “imprisonment” and substituting “penal servitude”.

Breaking and entering house, &c., with intent to commit felony

6. Section 113 of the Crimes Act is amended by omitting “imprisonment” and substituting “penal servitude”.