



AUSTRALIAN CAPITAL TERRITORY

Crimes (Amendment) Ordinance 1990

No. 1 of 1990

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 16 May 1990.

BILL HAYDEN
Governor-General

By His Excellency's Command,

MICHAEL DUFFY
Attorney-General

An Ordinance to amend the Crimes Act, 1900 of the State of New South Wales in its application to the Territory, and for related purposes

Short title

1. This Ordinance may be cited as the *Crimes (Amendment) Ordinance 1990*.¹

(Ord. 2/90)—Cat. No.

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Crimes Act

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

Reparation orders

3. Section 437 of the Crimes Act is amended—

(a) by omitting subsection (5) and substituting the following subsections:

“(5) Where an offender contravenes an order under this section (not being an order for the payment of money), the person in whose favour the order was made may apply to the court for an order under subsection (5A) to be made against the offender.

“(5A) On application under subsection (5), the court may make an order for the payment of money against the offender in substitution for the contravened order.

“(5B) Where the court makes an order under this section for the payment of money, the court may order that—

- (a) the amount be paid by specified instalments; and
- (b) the offender give security, with or without sureties, to the satisfaction of a specified officer of the court for the payment of the amount or of each instalment of the amount.

“(5C) Sections 249 to 253 (inclusive) of the *Magistrates Court Ordinance 1930* apply in relation to a security referred to in paragraph (5B) (b) ordered by the Magistrates Court as if it were a security given under that Ordinance.

“(5D) Where—

- (a) the court has ordered under paragraph (5B) (a) that an amount be paid by instalments; and
- (b) default is made in the payment of any one instalment;

subsection (5E) applies in relation to that order as if it were for the payment of the whole amount then remaining unpaid.

“(5E) An order under this section may be enforced as if it were a final judgment of the court.

“(5F) Notwithstanding any other law of the Territory, a person is not liable to imprisonment for contravening an order under this section unless compliance with the order was a condition of the discharge under section 556A, or release under section 556B, of the offender.”;

- (b) by inserting in subsection (8) “for the recovery of goods or property or” before “to recover”; and
- (c) by omitting from subsection (8) “that cause of action” and substituting “any such loss or expense”.

Repeal

- 4. Section 457 of the Crimes Act is repealed.

Amendment of Magistrates Court Ordinance 1930

5. After section 146 of the *Magistrates Court Ordinance 1930* the following section is inserted:

No imprisonment for breach of reparation order

“146A. A reference in subsection 147 (2) or 150 (1) or in paragraph 151 (1) (b) to an order shall not be read as including a reference to an order under section 437 of the Crimes Act, 1900 of the State of New South Wales in its application to the Territory.”.

Application

6. The amendments effected by this Ordinance apply in relation to orders under section 437 of the Crimes Act made before the commencement of this Ordinance.

NOTE

- 1. Notified in the *Commonwealth of Australia Gazette* on 23 May 1990.