

EXPLANATORY STATEMENT
AUSTRALIAN CAPITAL TERRITORY
CRIMES (AMENDMENT) ORDINANCE (NO. 2) OF 1986
No. 27, 1986

This Ordinance amends The Crimes Act 1900, NSW in its application to the ACT (Crimes Act 1900) by;

- . removing the requirement that the prior consent of the Director of Public Prosecutions be obtained to commence prosecutions of persons for incest and related offences, except where the person with whom the offence is committed is over the age of 16 years. This will facilitate the prosecution of these offences;
- . creating the offence of having possession, in the ACT of property stolen outside the ACT. The Crimes Act, 1900 does not have such an offence and this has been a problem with respect to motor vehicles in the ACT which are stolen elsewhere; and
- . amending the definition of stolen property in its application to property stolen outside the ACT to remove the requirement to apply and take evidence on the law of the place where the property is alleged to have been stolen.

Sections 1 and 2 are the short title and formal provisions.

Section 3 amends the provisions relating to incest (section 92L). The amendment will remove the requirement that the consent of the Director of Public Prosecution be obtained prior to the commencement of a prosecution for incest or related offences except where the person with whom the offence was committed was over the age of 16 years.

Section 4 amends the definition of property in section 8 of the Crimes Act, 1900. The amendment relates to property stolen outside the ACT. Previously, where an ACT Court was required to determine if property obtained outside the ACT was stolen it determined whether the obtaining constituted a breach of the law of the place where the obtaining took place. The amendment makes ACT law the standard by which it will determine whether the property is stolen property. If it is found that the obtaining, if it had happened in the ACT would have been in breach of ACT law, then the property will be considered to be stolen property.

Section 5 amends the provisions relating to the handling of stolen property (section 113) by creating an offence of possession of property stolen outside the ACT.

Authorized by the
Attorney-General.

Ord 32/86