

EXPLANATORY STATEMENT

AUSTRALIAN CAPITAL TERRITORY

CRIMES (AMENDMENT) ORDINANCE (No. 2) 1985

No. 16 of 1985

The purposes of this Ordinance are:-

- . to amend the Crimes Act, 1900 (N.S.W.) in its application to the Australian Capital Territory (Crimes Act 1900) by omitting references to the Deputy Crown Solicitor and substituting references to the Director of Public Prosecutions or a person authorized by the Director. This amendment reflects the fact that the Director of Public Prosecutions is responsible for prosecutions of offences against laws in force in the Australian Capital Territory.
- . to amend section 448 of the Crimes Act 1900 by removing the requirement that a person must be formally charged with other offences before he can request that they be taken into account on sentence.
- . to amend the Crimes (Amendment) Ordinance 1983 so that heading to Schedules and forms of the Crimes Act 1900 are not deleted.

Details of the Ordinance are as follows:-

Sections 1 and 2 are the short title and formal provisions. Section 3 amends paragraph 448(1)(a) of the Crimes Act 1900 firstly, by deleting the reference to the 'Deputy Crown Solicitor, Australian Capital Territory' and substituting 'Director of Public Prosecutions'. Additionally the paragraph is amended so as to remove any possible argument that a person must be formally charged with other offences before he can request that they be taken into account on sentence pursuant to section 448. An acceptance by the Court of such an argument would frustrate the intended purpose of the section. Section 4 amends sub-section 556D(6) of the Crimes Act 1900 by deleting the reference to the 'Deputy Crown Solicitor,



Australian Capital Territory' and substituting 'Director of Public Prosecutions or on a person authorized by the Director of Public Prosecutions'.

Section 5 amends the Sixth Schedule of the Crimes Act 1900 in accordance with the amendment made to paragraph 448(1) (a) by Clause 3.

Section 6 sub-clause (1) amends section 3 of the Crimes (Amendment) Ordinance 1983 by providing for the retention of headings to Schedules and forms in addition to Part headings contained in the Crimes Act 1900. This amendment will correct the previously unidentified error in the abovementioned section that provided for the omission of all headings in the Crimes Act 1900 other than Part headings. Sub-section (2) provides that sub-section (1) is deemed to have come into operation on the day that the Crimes (Amendment) Ordinance 1983 came into operation. Authority for this is contained in sub-paragraph 12(2) (b) (ii) of the Seat of Government (Administration) Act 1910 which provides that every Ordinance shall take effect, where a date (whether before or after the date of notification) is specified in the Ordinance, from the date specified.



Authorized by the  
Attorney-General

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