


EXPLANATORY STATEMENT
AUSTRALIAN CAPITAL TERRITORY
CRIMES (AMENDMENT) ORDINANCE (NO 6) OF 1985
No. 75, 1985

This Ordinance amends those provisions of section 477 of the Crimes Act 1900 (NSW) in its application to the Australian Capital Territory (Crimes Act 1900) which permits the Court of Petty Sessions to deal with an indictable offence relating to property where the value of the property does not exceed \$2,500.

Section 477 was inserted into the Crimes Act 1900 by section 4 of The Crimes (Amendment) Ordinance (No. 3) of 1985, which came into operation on 5 September 1985. This new section reflects, in substance, the repealed sections 476, 477 and 477A of the Crimes Act 1900. Under the previous section 476 the Court of Petty Sessions had jurisdiction to deal with certain specified property offences in a summary manner, without the consent of the accused, where the value of the property involved did not exceed \$500. This monetary limit had not been adjusted since April 1974. Under the new provision the monetary limit of that jurisdiction was increased from \$500 to \$2,500, in respect of offences relating to property or money that are punishable by a term of imprisonment not exceeding 14 years.

The Senate Standing Committee on Regulations and Ordinances expressed concern about the failure to provide for the consent of an accused person to the summary disposition in such cases, and gave notice of a motion of disallowance in respect of the Crimes (Amendment) Ordinance (No.3) of 1985. Following discussions with the Committee, the Attorney-General agreed that the new provision should be amended in order to provide that the consent of accused persons must be obtained before relevant offences relating to property of a value not exceeding \$2,500 may be disposed of summarily. This Ordinance will give effect to that undertaking.



Section 1 - is the short title

Section 2 - amends section 477 of the Crimes Act 1900 by:

- . deleting reference to 'a prescribed charge' in paragraphs 477(6)(c), (7)(c) and 9(b);
 - the effect of this will be that the consent of the accused will always be required before an offence to which this section applies can be dealt with summarily.
- . inserting a new sub-section 477(10);
 - as this sub-section need no longer provide a penalty in the case of 'a prescribed charge'.
- . deleting the definition of 'a prescribed charge' in sub-section 477(13).

Authorized by the
Attorney-General

Ord. 68/85