

EXPLANATORY STATEMENT

AUSTRALIAN CAPITAL TERRITORY

CRIMES (AMENDMENT) ORDINANCE (NO.2) 1983

No.45,1983

The purpose of the Ordinance is to amend the Crimes (Amendment) Ordinance 1983 which came into force on 22 September 1983. The effect of the amendment is to redefine the offence of burglary consequent upon the abolition of felonies.

Section 1 is the Short Title provision.

Section 2 provides that this Ordinance shall be 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. In relation to offences committed prior to 22 September 1983 it is a saving provision.

Section 3 is the substantive section which redefines the offence of burglary. Burglary was an undefined common law offence, one of the elements of which was the intent to commit a felony. Accordingly upon the abolition of felonies an essential element of the offence of burglary was removed rendering section 108 of the Crimes Act, 1900 of New South Wales in its application to the Australian Capital Territory nugatory.

Authorised by the Attorney-General

AUSTRALIAN CAPITAL TERRITORY  
MACHINERY (AMENDMENT) ORDINANCE 1983  
FLAMMABLE LIQUIDS (AMENDMENT) ORDINANCE 1983  
LAKES (AMENDMENT) ORDINANCE 1983  
BUILDING AND SERVICES (AMENDMENT) ORDINANCE 1983  
ARCHITECTS (AMENDMENT) ORDINANCE 1983  
SCAFFOLDING AND LIFTS (AMENDMENT) ORDINANCE 1983  
POUNDS (AMENDMENT) ORDINANCE 1983  
WATER RATES (AMENDMENT) ORDINANCE 1983  
RACE COURSES (AMENDMENT) ORDINANCE 1983  
SALE OF MOTOR VEHICLES (AMENDMENT) ORDINANCE (NO.2) 1983  
REAL PROPERTY (AMENDMENT) ORDINANCE 1983  
REGISTRATION OF DEEDS (AMENDMENT) ORDINANCE 1983  
REGISTRATION OF BIRTHS, DEATHS AND MARRIAGES  
(AMENDMENT) ORDINANCE 1983  
ADOPTION OF CHILDREN (AMENDMENT) ORDINANCE 1983  
NATURE CONSERVATION (AMENDMENT) ORDINANCE 1983  
LOTTERIES (AMENDMENT) ORDINANCE 1983

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Section 12(10) of the Seat of Government (Administration) Act 1910 ("the Act") defines "determination" to mean a determination made by a Minister pursuant to a provision of an Ordinance empowering him to determine by notice in writing published in the Gazette, fees or charges for the purposes of the Ordinance.

Section 12(9A) of the Act provides that every determination shall be laid before each House of Parliament within fifteen sitting days of that House after the day on which the determination is made and if not so laid before each House of the Parliament, shall be void and of no effect.

Section 12(9B) of the Act provides that sections 12(4) to 12(7) inclusive of the Act, which deal with the disallowance of Ordinances, shall apply to a determination laid before a House of the Parliament as if the references in these sub-sections to an Ordinance were references to a determination.

The amending Ordinances set out in Column 1 of the Table will amend the principal Ordinances set out in Column 2 of the Table opposite to those amending Ordinances to empower the Minister to determine fees for the purposes of the existing Ordinance by notice in writing published in the Gazette.

TABLE

<u>COLUMN 1</u>	<u>COLUMN 2</u>
<u>AMENDING ORDINANCE</u>	<u>PRINCIPAL ORDINANCE</u>
Machinery (Amendment) Ordinance 1983	Machinery Ordinance 1949
Flammable Liquids (Amendment) Ordinance 1983	Flammable Liquids Ordinance 1976

COLUMN 1

COLUMN 2

AMENDING ORDINANCE

PRINCIPAL ORDINANCE

Lakes (Amendment) Ordinance  
1983

Lakes Ordinance 1976

Building and Services (Amendment)  
Ordinance 1983

Building and Services Ordinance 1924

Architects (Amendment)  
Ordinance 1983

Architects Ordinance 1959

Scaffolding and Lifts  
(Amendment) Ordinance 1983

Scaffolding and Lifts  
Ordinance 1957

Pounds (Amendment) Ordinance  
1983

Pounds Ordinance 1928

Water Rates (Amendment)  
Ordinance 1983

Water Rates Ordinance 1959

Race Courses (Amendment)  
Ordinance 1983

Race Courses Ordinance 1935

Sale of Motor Vehicles  
(Amendment) Ordinance 1983

Sale of Motor Vehicles  
Ordinance 1977

Real Property (Amendment)  
Ordinance 1983

Real Property Ordinance 1925

Registration of Deeds  
(Amendment) Ordinance 1983

Registration of Deeds  
Ordinance 1957

Registration of Births, Deaths  
and Marriages (Amendment)  
Ordinance 1983

Registration of Births, Deaths  
and Marriages Ordinance 1963

Adoption of Children (Amendment)  
Ordinance 1983

Adoption of Children Ordinance 1965

Nature Conservation (Amendment)  
Ordinance 1983

Nature Conservation  
Ordinance 1980

Lotteries (Amendment)  
Ordinance 1983

Lotteries Ordinance 1964

Details of the amending Ordinances are set out  
in Attachments A to P.

Ord. No. 48/83

Ord. No. 45/83

Ord. No. 34/83

Ord. No. 47/83

Ord. No. 44/83

Ord. No. 49/83  
Ord. No. 35/83  
Ord. No. 40/83  
Ord. No. 37/83  
Ord. No. 38/83  
Ord. No. 39/83  
Ord. No. 41/83  
Ord. No. 36/83  
Ord. No. 42/83  
Ord. No. 43/83  
Ord. No. 56/83