

EXPLANATORY STATEMENT

AUSTRALIAN CAPITAL TERRITORY

CRIMES (AMENDMENT) ORDINANCE OF 1988

No. 44, 1988

Subsection 12(1) of the Seat of Government (Administration) Act 1910 provides that the Governor-General may make Ordinances for the peace, order and good government of the Territory.

The proposed Ordinance will amend the Crimes Act 1900 (NSW) in its application to the Australian Capital Territory (Crimes Act 1900) by –

- repealing section 44 (not providing wife, child, or servant with food etc) and section 45 (wife or child desertion), of the Crimes Act 1900, as the matters dealt with in those sections are covered in other ways in other legislation (for example, in section 72 and 73 of the Family Law Act 1975); and
- amending section 547 of the Crimes Act 1900 (apprehended violence or injury – recognizance to keep the peace) to make it gender neutral.

The proposed amendments are necessary to ensure that the Crimes Act does not infringe against the provisions of the Sex Discrimination Act 1984. The provisions have been exempted from the operation of that Act by virtue of the Sex Discrimination (Operation of Legislation) (No 2) Regulations. This exemption will cease on 31 July 1988.

Details of the proposed Ordinance are as follows:

Clause 1 and 2 – Are the short title and formal provisions.

Clause 3 – Repeals sections 44 and 45 of the Crimes Act 1900.

Clause 4 – Amends subsection 547(1) of the Crimes Act 1900 by substituting the reference to ‘wife’ with ‘spouse’, thus expanding the ambit of the provision. The effect will be to ensure that the provision will extend to apprehended violence to a ‘spouse’ of a person, irrespective of whether the spouse is male or female, or to

This clause also amends subsections 547 (1) and 547 (2) of the Crimes Act 1900 to effect the above purpose by amending the references to the personal pronouns ‘he’ or ‘his’ to include ‘she’ or ‘her’.

Minister of State for Justice for and on  
behalf of the Attorney-General