

EXPLANATORY MEMORANDUM

AUSTRALIAN CAPITAL TERRITORY

CRIMES ORDINANCE 1971

No. 2 of 1971

The purpose of this Ordinance is to amend the Crimes Act 1900 (New South Wales) in its application to the Australian Capital Territory; the most important amendments make comprehensive provisions for the conditional release of offenders.

First, there is inserted a new Part XV – Conditional Release of Offenders. This Part gives to the courts of the Territory a full range of powers to deal with offenders. It enables a court to release an offender without passing sentence, to release him on recognizance subject to such conditions as the court considers appropriate, to order an offender to pay a penalty by instalments and to order that execution of a sentence of imprisonment be suspended on condition imposed by the court.

The lack of some of these powers in courts of the Territory, particularly the Court of Petty Sessions, has been the subject of criticism.

Secondly, the Ordinance effects the repeal of two groups of sections of the Crimes Act that will no longer apply. The first group comprises sections that are superseded by the Evidence Ordinance 1971; the second group, consisting of sections 92, 93 and 419 of the Crimes Act, has been superseded by the Marriage Act, 1961-1966. The repeal will operate from the day that the Evidence Ordinance comes into operation.