



AUSTRALIAN ANTARCTIC TERRITORY

Ordinances Amendment (Application of Criminal Code) Ordinance 2002 (No. 1)¹

No. 1 of 2002²

I, PETER JOHN HOLLINGWORTH, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Ordinance under the *Australian Antarctic Territory Act 1954*.

Dated 14 February 2002

PETER HOLLINGWORTH
Governor-General

By His Excellency's Command

DAVID KEMP
Minister for the Environment and Heritage

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An Ordinance to amend various Ordinances to enable the application of the *Criminal Code*

1 **Name of Ordinance**

This Ordinance is the *Ordinances Amendment (Application of Criminal Code) Ordinance 2002 (No. 1)*.

2 **Commencement**

This Ordinance commences on gazettal.

3 **Amendment of *Criminal Procedure Ordinance 1993***

Schedule 1 amends the *Criminal Procedure Ordinance 1993*.

4 **Amendment of *Weapons Ordinance 2001***

Schedule 2 amends the *Weapons Ordinance 2001*

Schedule 1 **Amendments of *Criminal Procedure Ordinance 1993***

(section 3)

[1] After section 4

insert

4A Application of the Criminal Code

Chapter 2 of the *Criminal Code* applies to offences against this Ordinance.

Note Chapter 2 of the *Criminal Code* sets out the general principles of criminal responsibility.

[2] Subsection 5 (2)

omit

without reasonable excuse,

insert

unless he or she has a reasonable excuse,

[3] After subsection 5 (2), including the penalty

insert

- (3) An offence under subsection (2) is an offence of strict liability.

Note 1 For *strict liability*, see section 6.1 of the *Criminal Code*.

Note 2 A defendant bears an evidential burden in relation to whether or not he or she had a reasonable excuse (see section 13.3 of the *Criminal Code*).

[4] Subsection 21 (5)

substitute

- (5) A person must not fail to give effect to a requirement of a special constable under subsection (2), unless he or she has a reasonable excuse.

Penalty: 10 penalty units.

- (6) An offence under subsection (5) is an offence of strict liability.

Note 1 For *strict liability*, see section 6.1 of the *Criminal Code*.

Note 2 A defendant bears an evidential burden in relation to whether or not he or she had a reasonable excuse (see section 13.3 of the *Criminal Code*).

[5] Paragraph 50 (2) (a)

omit

refuse or

[6] After subsection 50 (2), including the penalty

insert

- (3) An offence under subsection (2) is an offence of strict liability.

Note For *strict liability*, see section 6.1 of the *Criminal Code*.

[7] Section 51

omit

Schedule 2 **Amendment of Weapons Ordinance 2001**

(section 4)

[1] **After section 5**

insert

5A Application of the Criminal Code

Chapter 2 of the *Criminal Code* applies to offences against this Ordinance.

Note Chapter 2 of the *Criminal Code* sets out the general principles of criminal responsibility.

Notes

1. This Ordinance amends (in Schedule 1) Ordinance No. 2, 1993.
 This Ordinance also amends (in Schedule 2) Ordinance No. 1, 2001.
2. Notified in the *Commonwealth of Australia Gazette* on 21 February 2002.