

(c) by inserting in subsection (7) thereof, after the definition of "dependants", the following definition:—

“‘fire-prevention operations’ means any operations carried on, or any work or other acts done, for the purpose of preventing the outbreak of fire or abating the danger of fire;”.

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## CRIMINAL CODE.

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### No. 77 of 1968.

AN ACT to abolish capital punishment and to make certain amendments to the *Criminal Code* and certain other enactments consequential or incidental to the abolition of capital punishment.  
[24 December 1968.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

**1** This Act may be cited as the *Criminal Code Act 1968*. Short title.

**2** After the commencement of this Act, the sentence of punishment by death shall no longer be pronounced or recorded, and the punishment of death shall no longer be inflicted, in respect of crimes committed against the laws of the State. Abolition of capital punishment.

**3** Section fifty-six of the *Criminal Code* is amended by omitting the words “, except as provided in section three hundred and eighty-nine, shall be sentenced to death” and substituting therefor the words “shall be sentenced to imprisonment for the term of his natural life”. Treason.

**4** Section one hundred and fifty-eight of the *Criminal Code* is amended by omitting the words “, except as provided in section three hundred and eighty-nine, shall be sentenced to death” and substituting therefor the words “shall be sentenced to imprisonment for the term of his natural life”. Murder.

Sentences.

**5** Section three hundred and eighty-nine of the *Criminal Code* is amended—

- (a) by omitting subsections (1) and (2); and
- (b) by omitting from subsection (6) the words “not punishable with death”.

Pregnant women.

**6** Section three hundred and ninety of the *Criminal Code* is repealed.

Execution of sentence of death.

**7** Section three hundred and ninety-seven of the *Criminal Code* is repealed.

Prerogative of mercy.

**8** Section four hundred and nineteen of the *Criminal Code* is amended by omitting the words “other than the sentence of death”.

Certificates, &amp;c., on execution of sentence of death.

**9** Appendix E to the *Criminal Code* is repealed.

Consequential amendments.

**10**—(1) The Acts that are specified in the schedule are amended as respectively specified in that schedule.

(2) Except as is otherwise expressly provided references in any enactment to a sentence of imprisonment passed on any person for a term not less than or exceeding a specified term shall be construed as including references to a sentence of imprisonment passed on that person for the term of his natural life.

Existing sentences of death.

**11** Nothing in this Act applies to a sentence of death passed before the commencement of the Act or to any proceedings or other action taken in respect thereto and such a sentence has the like effect and the like proceedings and other action may be taken in respect thereof as if this Act had not been passed.

## THE SCHEDULE.

(Section 10 (1).)

### ACTS AMENDED.

*Indeterminate Sentences Act 1921*

(12 Geo. V No. 44).

Section twelve is repealed and the following section substituted therefor:—

“12 The provisions of this Act with respect to the transfer of persons from a gaol to a reformatory prison do not apply to a person serving a sentence of imprisonment imposed for the term of his natural life.”.

*Jury Act 1899*

(63 Vict. No. 32).

Section forty-eight is amended—

- (a) by inserting in subsection (3), after the words “guilty of”, the words “treason, murder, or”; and
- (b) by inserting in paragraph (a) of subsection (5), after the words “indictment for”, the words “treason, murder, or”.

Exclusion of persons serving life sentences.

*Justices Act 1959*  
(No. 77 of 1959).

1. Section sixty is amended by inserting, after the words "other than", the words "murder, treason, or".
2. Section sixty-two is amended by inserting in paragraph (a), after the words "in the case of", the words "treason, murder, or".
3. Section sixty-three is amended—
  - (a) by omitting from paragraph (a) of subsection (1) the words "not punishable by death" and substituting therefor the words ", not being treason, murder, or an indictable offence punishable by death"; and
  - (b) by omitting from paragraph (b) of that subsection the words "not punishable by death" and substituting therefor the words ", not being treason, murder, or an indictable offence punishable by death".
4. Section sixty-seven is amended by inserting, after the words "charged with", the words "treason, murder, or".

*Mental Health Act 1963*  
(No. 63 of 1963).

Section sixty-three is repealed.

*Prison Act 1868*  
(32 Vict. No. 11).

1. Section thirty-six is amended by omitting from subsection (1) the word "death" and substituting therefor the words "imprisonment for the term of his natural life".
2. Section fifty is repealed.

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## WREST POINT CASINO LICENCE AND DEVELOPMENT.

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### No. 78 of 1968.

AN ACT to provide for the development of Wrest Point with a tourist hotel of international standard (including the issue of a casino licence), to ratify an agreement for that purpose, and to provide for the carrying out of that agreement.

[24 December 1968.]

**BE** it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

**1**—(1) This Act may be cited as the *Wrest Point Casino Licence and Development Act 1968*.

Short title  
and com-  
mencement.