Death Penalty Abolition Act 1973

Act No. 100 of 1973 as amended

This compilation was prepared on 19 April 2010
taking into account amendments up to Act No. 37 of 2010

The text of any of those amendments not in force
on that date is appended in the Notes section

The operation of amendments that have been incorporated may be affected by application provisions that are set out in the Notes section

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An Act to abolish Capital Punishment under the Laws of the Commonwealth, of the States and of the Territories, and under certain other Laws in relation to which the Powers of the Parliament extend

1 Short title [*see* Note 1]

This Act may be cited as the *Death Penalty Abolition Act 1973*.

2 Commencement [*see* Note 1]

This Act shall come into operation on the day on which it receives the Royal Assent.

3 Application of Act

(1) This Act applies within and outside Australia and extends to all the Territories.

(2) This Act applies in relation to, and in relation to offences under, the laws of the Commonwealth and of the Territories, and, to the extent to which the powers of the Parliament permit, in relation to, and in relation to offences under, Imperial Acts.

(3) Section 6 also applies in relation to, and in relation to offences under, the laws of the States.

(4) This Act applies in relation to offences referred to in subsections (2) and (3) committed before, on or after the commencement of this Act.

4 Abolition of death penalty

A person is not liable to the punishment of death for any offence referred to in subsection 3(2).

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5 Substitution of imprisonment for life

Where by any law referred to in subsection 3(2) (including a provision that would, but for this Act, have effect by virtue of such a law) it is provided that a person is liable to the punishment of death, the reference to the punishment of death shall be read, construed and applied as if the penalty of imprisonment for life were substituted for that punishment.

6 Death penalty must not be imposed

The punishment of death must not be imposed as the penalty for any offence referred to in subsection 3(2) or (3).

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Notes to the *Death Penalty Abolition Act 1973*

Note 1

The *Death Penalty Abolition Act 1973* as shown in this compilation comprises Act No. 100, 1973 amended as indicated in the Tables below.

Table of Acts

Act	Number and year	Date of Assent	Date of commencement	Application, saving or transitional provisions
Death Penalty Abolition Act 1973	100, 1973	18 Sept 1973	18 Sept 1973	
Law and Justice Legislation Amendment Act 1997	34, 1997	17 Apr 1997	Schedule 5: Royal Assent	—
Crimes Legislation Amendment (Torture Prohibition and Death Penalty Abolition) Act 2010	37, 2010	13 Apr 2010	Schedule 2: 14 Apr 2010	—

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
Title	am. No. 37, 2010
S. 3	am. No. 34, 1997; No. 37, 2010
Ss. 4, 5	am. No. 37, 2010
S. 6	ad. No. 37, 2010

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