

EXPLANATORY MEMORANDUM

CRIMINAL CODE REGULATIONS 2012

The proposed *Criminal Code Regulations 2012* seek to extend the default application date of the *Criminal Code 2007* to 1 July 2013.

The extension by regulation of the default application date is permitted under the definition of “**default application date**” found in section 10(1) of the *Criminal Code 2007* [the Code] which subsection definition states “means 1 July 2012 or, if another date is prescribed by regulation for this definition, that date.”

The purpose of the regulation is to extend the default application date by a further period of 1 year to allow for action to be taken to harmonise the application of the Code to all offences in Norfolk Island legislation other than the Code itself.

It is clear that harmonisation of offences across the entire statute book for Norfolk Island is a large undertaking which (like the codification process for the criminal law in the Australian Capital Territory) will take some time to complete.

Harmonisation is the name given to the process of reviewing and revisiting existing offences across the whole statute book to ensure they are in a form that is consistent with the Code’s principles of criminal responsibility and in accordance with burdens and standards of proof set out under the Code.

18 June 2012