

EXPLANATORY MEMORANDUM

CRIMINAL CODE REGULATIONS 2013

The *Criminal Code 2007* introduced significant reform and codification of the criminal law of Norfolk Island. Section 10 of the *Criminal Code 2007* specifies a “default application date” from which the Code will apply to all offences against Norfolk Island laws. The date is 1 July 2012 or, if another date is prescribed by regulation, that date.

As from the default application date all common law offences and defences and common law concepts regarding the mental element necessary for criminal responsibility will cease to apply. For any offence to operate effectively under the Code it will be necessary for the offence to be structured in a way that conforms to the general principles of criminal responsibility set out in Chapter 2 of the Code.

A review is underway to ensure that existing Norfolk Island offence provisions are in a form that can operate under the Code. It is essential that all Norfolk Island offences be harmonised before the application date. The review is not completed and it is necessary to delay the application of the Code to allow time to harmonise offences.

This regulation repeals the *Criminal Code Regulations 2012* whilst extending the Code application date to 1 July 2015.

27 June 2013