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2017

LEGISLATIVE ASSEMBLY OF THE
NORTHERN TERRITORY

ATTORNEY-GENERAL AND MINISTER FOR JUSTICE

CRIMINAL CODE AMENDMENT (DANGEROUS
NAVIGATION OF VESSELS) BILL 2017

SERIAL NO. 28

EXPLANATORY STATEMENT

GENERAL OUTLINE

The purpose of this Bill is to make changes to Part VI of the Criminal Code to create an offence of navigating a vessel in a dangerous way so as to cause death or serious harm to another person.

NOTES ON CLAUSES

Clause 1. Short Title

This is a formal clause which provides for the citation of the Bill. The Bill, when passed, may be cited as the *Criminal Code Amendment (Dangerous Navigation of Vessels) Act 2017*.

Clause 2. Commencement

This is a formal clause which provides when the Act will commence. The Act will commence on a day fixed by the Administrator by Gazette notice.

Clause 3. Act amended

This is a formal clause which provides that the following amendments are made to the Criminal Code.

Clause 4. Part VI, Division 3A heading amended

This clause inserts 'and vessels' in the Part VI, Division 3A heading after 'vehicles' to identify that this Division also applies to vessels as well as vehicles.

Clause 5. Section 174FC inserted

This clause inserts a new section 174FC into the Criminal Code to create an offence of navigating a vessel causing death or serious harm. A person commits the offence if they navigate a vessel dangerously and cause the death of or serious harm to another person. The offence mirrors the offence of driving a motor vehicle dangerously causing death or serious harm in section 174F of the Criminal Code.

The offence is one of strict liability and attracts a penalty of 10 or 7 years imprisonment.

Further, the Bill incorporates a definition of 'navigate' because it is recognised that navigating can include a wide range of activities. 'Navigate' includes activities such as steering a vessel, or directing or managing the course of the vessel.

The definition is not intended to be exhaustive and should enable the court to consider the individual facts of the case.

Clause 6. Section 316 amended

This clause inserts 'or 174FC(1)' after '174F(1)' in section 316 to identify that section 174FC(1) may also be an alternative verdict to 'manslaughter'.

Clause 7. Schedule 1 amended

This clause inserts 'and vessels' after 'involving vehicles' in the Schedule 1 entry to reflect the change in heading created by clause 4.

Clause 8. Repeal of Act

This is a standard clause which provides that the *Criminal Code Amendment (Dangerous Navigation of Vessels) Act 2017* is repealed on the day after it commences.