



CRIMINAL LAW ACT 1960

[Consolidated as at 1 January 2008 on the
authority of the Administrator and in
accordance with the *Enactments Reprinting
Act 1980*]

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Criminal Law Act 1960

An Act relating to criminal law

Short title

1. This Act may be cited as the *Criminal Law Act 1960*.

Definition

2. In this Act, unless the contrary intention appears —
“the Crimes Act” means the *Crimes Act, 1900*, of the State of New South Wales, as amended before 16 December 1936, being the date of commencement of the *Judiciary Act 1936*.

Application of Crimes Act

3. The provisions of the Crimes Act apply, by force of this Act, in Norfolk Island as a law of Norfolk Island, subject to section 4 and to the modifications prescribed by this Act.

Interpretation

4. In the application in Norfolk Island of the Crimes Act —
 - (a) reference in that Act to the Governor or to the Colonial Secretary shall be read as a reference to the Administrator;
 - (b) a reference in that Act to the Attorney-General or to Her Majesty’s Attorney-General shall be read as a reference to the Administrator;
 - (c) a reference in that Act to the Supreme Court, to the Court of Quarter-Sessions or to a Court of Quarter-Sessions shall be read as a reference to the Supreme Court of Norfolk Island;
 - (d) a reference in that Act to a court of summary jurisdiction shall be read as a reference to the Court of Petty Sessions;
 - (e) a reference in that Act to a Judge, to any Judge or to the Judge shall be read as a reference to the Judge of the Supreme Court;
 - (f) a reference in that Act to a justice, to the justice, to any justice, to justice or justices, to one, or more than one, justice, to one or more justice or justices, to all justices, to two justices, to a justice of the peace, to a Stipendiary or Police Magistrate, to a Police or Stipendiary Magistrate, to a Police Magistrate or to the Magistrate shall be read as a reference to the Chief Magistrate, or to 3 Magistrates other than the Chief Magistrate, holding office under the *Court of Petty Sessions Act 1960*;
 - (g) a reference in that Act to the Master in Equity or to the Prothonotary shall be read as a reference to the Registrar of the Supreme Court holding office under the *Supreme Court Act 1960*;

- (h) a reference in that Act to the clerk of the peace shall be read as a reference to the Registrar of the Supreme Court holding office under the *Supreme Court Act 1960* or to the Clerk of the Court of Petty Sessions holding office under the *Court of Petty Sessions Act 1960*, as the case requires;
- (i) a reference in that Act to the Sheriff shall be read as a reference to the Sheriff of Norfolk Island holding office under the *Supreme Court Ordinance 1960* or to a bailiff holding office under the *Court of Petty Sessions Act 1960*, as the case requires;
- (j) a reference in that Act to a Coroner or to the Coroner shall be read as a reference to the Coroner for Norfolk Island, or the Deputy Coroner for Norfolk Island, holding office under the *Coroners Act 1993*;
- (k) a reference in that Act to the Comptroller-General of Prisons or to the Comptroller-General shall be read as a reference to the Administrator;
- (l) a reference in that Act to a constable, to an officer of police, to a police officer, to the principal officer of police, to the Commissioner of Police or to a member of the police force shall be read as a reference to a member of the Police Force of Norfolk Island;
- (m) a reference in that Act to New South Wales, the State of New South Wales, the State or this State shall be read as a reference to Norfolk Island;
- (n) a reference in that Act to the Gazette shall be read as a reference to the Norfolk Island Government Gazette;
- (o) a reference in that Act to penal servitude shall be read as a reference to imprisonment;
- (p) the expression “this Act” or “this or any former Act” in that Act shall be read as referring to the Crimes Act in its application to Norfolk Island;
- (q) a reference in that Act to a particular Act of the State of New South Wales shall be read as a reference to that particular Act in its application to Norfolk Island;
- (r) the expression “any Act” or “any other Act” in that Act shall be read as referring to any law in force in Norfolk Island;
- (s) a reference in that Act to the commencement of that Act, or to the passing of the *Crimes (Amendment) Act, 1924*, shall be read as a reference to the commencement of this Act;
- (t) a reference in that Act to an amount of money expressed in pounds shall be read as a reference to an amount of money equal to the amount that would be referred to if one pound were 0.5 penalty unit; and

- (u) a reference in that Act to an amount of money expressed in shillings shall be read as a reference to an amount of money equal to the amount that would be referred to if one shilling were 0.025 penalty unit.

....

Institution of proceedings in respect of offences

5A. Any person may —

- (a) institute proceedings for the commitment for trial of a person in respect of an indictable offence against an enactment; or
- (b) institute proceedings for the summary conviction of a person in respect of an offence against an enactment punishable on summary conviction.

....

Time for commencing prosecutions

11. (1) A prosecution in respect of an offence may be commenced as follows:

- (a) where the maximum term of imprisonment in respect of the offence in the case of a first conviction exceeds 6 months - at any time after the commission of the offence;
- (b) where the maximum term of imprisonment in respect of the offence in the case of a first conviction does not exceed 6 months - at any time within 12 months after the commission of the offence; or
- (c) where the punishment provided in respect of the offence is a pecuniary penalty and no term of imprisonment is mentioned - at any time within 12 months after the commission of the offence.

(2) Notwithstanding any provision of an enactment that came into force before the commencement of this section and provides a shorter time for the commencement of the prosecution, a prosecution for an offence against the enactment may be commenced at any time within 12 months after the commission of the offence.

(3) Where any longer time than the time provided by this section is provided for the commencement of a prosecution in respect of an offence, a prosecution in respect of the offence may be commenced at any time within that longer time.

....

Proof of exceptions, etc

13. (1) Where a person is charged before the Court of Petty Sessions with an offence, any exception may be proved by the person charged.

(2) The exception need not be specified or negatived in the information but, if it is so specified or negatived, proof in relation to the matter so specified or negatived is not required on the part of the informant.

(3) This section has effect whether or not the exception is specified in the enactment creating the offence.

(4) In this section, “exception” includes exemption, proviso, excuse or qualification.

NOTES

The *Criminal Law Act 1960* as shown in this table comprises Act. No 10 of 1960 and amendments as indicated in the Tables below.

Enactment	Number and year	Date of commencement	Application saving or transitional provision
<i>Criminal Law Act 1960</i>	10, 1960	14.4.60	
<i>Criminal Law Act 1969</i>	4, 1969	1.5.1969	
<i>Ordinances Citation Act 1976</i>	11, 1976	25.11.1976	
<i>Interpretation Act 1979</i>	10, 1979	7.8.1979	5
<i>Criminal Law (Amendment) Act 1979</i>	11, 1979	7.8.1979	
<i>Ordinances Revision Act 1980</i>	6, 1980	10.8.1980	
<i>Criminal Law (Amendment) Act 1980</i>	32, 1980	15.1.1981	
<i>Criminal Law (Amendment) Act 1981</i>	19, 1983	15.12.1983	
<i>[Previously reprinted as at 20 May 1985 incorporating above amendments]</i>			
<i>Criminal Law (Amendment) Act 1985</i>	17, 1986	29.5.1986	
<i>Criminal Law Amendment Act 1988</i>	9, 1988	15.7.1986	8
<i>Criminal Law Amendment No. 2 Act 1988</i>	12, 1988	15.7.1988	6

[Previously reprinted as at 15 July 1988 incorporating above amendments]

<i>Criminal Law Amendment Act 1993</i>	19, 1993	30.9.1993	5
<i>Criminal Law Amendment Act 1994</i>	12, 1994	23.6.1994	
<i>Criminal Law Amendment Act 1996</i>	29, 1996	31.10.1996	
<i>Criminal Law Amendment Act 1998</i>	21, 1998	15.10.1998	
<i>Criminal Law (Amendment) Act 2004</i>	12, 2004	12.8.2004	6
<i>Death Penalty Abolition Act 1973 (Cwth)</i>	100, 1973	18.7.1973	4 and 5
<i>Interpretation Amendment Act 2004</i>	15, 2004	20.8.2004	7
<i>[Previously consolidated as at 9 February 2006 incorporating above amendments]</i>			
<i>Criminal Code Act 2007</i>	11, 2007	1.1.2008	
<i>Criminal Procedure Act 2007</i>	12, 200	1.1.2008	

Note: The whole of the *Crimes Act 1900* (NSW) as applied to Norfolk Island by this Act, was repealed by the *Criminal Code Act 2007* and the *Criminal Procedure Act 2007*.

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