

Serial 28

Criminal Code Amendment (Dangerous Navigation of Vessels) Bill 2017

Ms Fyles

A Bill for an Act to amend the Criminal Code

NORTHERN TERRITORY OF AUSTRALIA

**CRIMINAL CODE AMENDMENT (DANGEROUS NAVIGATION OF
VESSELS) ACT 2017**

Act No. [] of 2017

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NORTHERN TERRITORY OF AUSTRALIA

Act No. [] of 2017

An Act to amend the Criminal Code

[Assented to [] 2017]
[Second reading [] 2017]

The Legislative Assembly of the Northern Territory enacts as follows:

1 Short title

This Act may be cited as the *Criminal Code Amendment (Dangerous Navigation of Vessels) Act 2017*.

2 Commencement

This Act commences on the day fixed by the Administrator by *Gazette* notice.

3 Act amended

This Act amends the Criminal Code.

4 Part VI, Division 3A heading amended

Part VI, Division 3A heading, after "**vehicles**"

insert

and vessels

5 Section 174FC inserted

After section 174FB, in Part VI, Division 3A, Subdivision 2

insert

174FC Navigating vessel causing death or serious harm

(1) A person commits an offence if:

- (a) the person navigates a vessel dangerously; and
- (b) that conduct causes the death of another person.

Maximum penalty: Imprisonment for 10 years.

(2) A person commits an offence if:

- (a) the person navigates a vessel dangerously; and
- (b) that conduct causes serious harm to another person.

Maximum penalty: Imprisonment for 7 years.

(3) For subsections (1)(a) and (2)(a), a person navigates a vessel dangerously if the person navigates the vessel:

- (a) while under the influence of alcohol or a drug to such an extent as to be incapable of having proper control of the vessel; or
- (b) at a speed that is dangerous to another person; or
- (c) in a manner that is dangerous to another person.

(4) An offence against subsection (1) or (2) is an offence of strict liability.

(5) A person who is convicted or acquitted of an offence against subsection (1) or (2) is not liable to be convicted of another offence against this Code on the same facts or substantially the same facts.

(6) In this section:

navigate, in relation to a vessel, includes any of the following:

- (a) steer, direct or manage the vessel;
- (b) direct or manage the course of the vessel;
- (c) change the movement or direction of the vessel.

6 Section 316 amended

Section 316(2), after "174F(1)"

insert

or 174FC(1)

7 Schedule 1 amended

Schedule 1, after "involving vehicles"

insert

and vessels

8 Repeal of Act

This Act is repealed on the day after it commences.