

NORTHERN TERRITORY OF AUSTRALIA

CRIMINAL CODE AMENDMENT (VIOLENT ACT CAUSING DEATH)
ACT 2012

Act No. 25 of 2012

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NORTHERN TERRITORY OF AUSTRALIA

Act No. 25 of 2012

An Act to amend the Criminal Code to include an offence of a violent act causing death, and for related purposes

[Assented to 6 December 2012]
[Second reading 31 October 2012]

The Legislative Assembly of the Northern Territory enacts as follows:

Part 1 Preliminary matters

1 Short title

This Act may be cited as the *Criminal Code Amendment (Violent Act Causing Death) Act 2012*.

2 Commencement

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

Part 2 Amendment of Criminal Code

3 Criminal Code amended

This Part amends the Criminal Code.

4 Section 161A inserted

After section 161

insert

161A Violent act causing death

- (1) A person (the ***defendant***) is guilty of the crime of a violent act causing death if:
- (a) the defendant engages in conduct involving a violent act to another person (the ***other person***); and
 - (b) that conduct causes the death of:
 - (i) the other person; or
 - (ii) any other person.

Maximum penalty: Imprisonment for 16 years.

- (2) Strict liability applies to subsection (1)(b).
- (3) The defendant is criminally responsible for the crime even if the other person consented to the conduct mentioned in subsection (1)(a).
- (4) However, the defendant is not criminally responsible for the crime if:
- (a) the conduct involving the violent act is engaged in by the defendant:
 - (i) for the purpose of benefiting the other person; or
 - (ii) as part of a socially acceptable function or activity; and
 - (b) having regard to the purpose, function or activity mentioned in paragraph (a), the conduct was reasonable.
- (5) In this section:

conduct involving a violent act means conduct involving the direct application of force of a violent nature to a person, whether or not an offensive weapon is used in the application of the force.

Examples of the application of force of a violent nature

A blow, hit, kick, punch or strike.

Part 3 Amendment of Sentencing Act

5 Act amended

This Part amends the *Sentencing Act*.

6 Schedule 2 amended

Schedule 2, item 1, after "160,"

insert

161A,