

NORTHERN TERRITORY OF AUSTRALIA

**CRIMINAL CODE AMENDMENT (MENTAL IMPAIRMENT AND
UNFITNESS TO BE TRIED) ACT 2017**

Act No. 8 of 2017

Table of provisions

1	Short title	1
2	Commencement	1
3	Act amended	1
4	Section 43E amended	1
5	Section 43R amended	2
6	Sections 43XA and 43XB inserted.....	2
	43XA Dispensing with special hearing	
	43XB Effect of finding under section 43XA	
7	Section 43Y amended	2
8	Section 43Z amended	3
9	Expiry of Act	3



NORTHERN TERRITORY OF AUSTRALIA

Act No. 8 of 2017

An Act to amend the Criminal Code

[Assented to 31 May 2017]
[Second reading 30 November 2016]

The Legislative Assembly of the Northern Territory enacts as follows:

1 Short title

This Act may be cited as the *Criminal Code Amendment (Mental Impairment and Unfitness to be Tried) 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 Section 43E amended

Section 43E

omit

all words after "(b)"

insert

or (c):

(a) is a question of fact; and

-
- (b) subject to sections 43H and 43XA, is to be determined by a jury on the balance of probabilities.

5 Section 43R amended

- (1) Section 43R(3), after "12 months,"

insert

subject to section 43XA,

- (2) Section 43R(9)(b), before "hold"

insert

subject to section 43XA,

6 Sections 43XA and 43XB inserted

After section 43X

insert

43XA Dispensing with special hearing

If, at any time before or during a special hearing, the parties to the prosecution of the offence agree that the evidence establishes the defence of mental impairment, the court may accept a plea and record a finding of not guilty of the offence because of mental impairment.

43XB Effect of finding under section 43XA

If the court records a finding under section 43XA, the court must:

- (a) declare that the accused person is liable to supervision under Division 5; or
- (b) order that the accused person be released unconditionally.

7 Section 43Y amended

Section 43Y(1), after "or (3)"

insert

or 43XB(a)

8 Section 43Z amended

Section 43Z(a)

omit

or 43X(2)(a) or (3)

insert

, 43X(2)(a) or (3) or 43XB(a)

9 Expiry of Act

This Act expires on the day after it commences.