

NORTHERN TERRITORY OF AUSTRALIA

CRIMINAL CODE AMENDMENT ACT 2019

Act No. 9 of 2019

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NORTHERN TERRITORY OF AUSTRALIA

Act No. 9 of 2019

An Act to amend the Criminal Code

[Assented to 28 March 2019]
[Introduced 31 October 2018]

The Legislative Assembly of the Northern Territory enacts as follows:

1 Short title

This Act may be cited as the *Criminal Code Amendment Act 2019*.

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 1 amended (Definitions)

Section 1

insert (in alphabetical order)

emergency worker, for Part VI, Division 5, see section 187(2).

5 Section 187 amended (Definition)

- (1) Section 187, heading

omit

Definition

insert

Definitions

- (2) Section 187, before "In"

insert

(1)

- (3) After section 187(1)

insert

- (2) In this Division:

emergency worker means any of the following:

- (a) a member of the Northern Territory Fire and Rescue Service established under section 5(1) of the *Fire and Emergency Act*;
- (b) a member of the Northern Territory Emergency Service as defined in section 8 of the *Emergency Management Act*;
- (c) an ambulance officer or paramedic employed or engaged in providing ambulance services;
- (d) a medical practitioner or a health practitioner, as defined in the Health Practitioner Regulation National Law:
 - (i) accompanying or assisting a person mentioned in paragraph (c); or
 - (ii) attending a situation in the absence or unavailability of a person mentioned in paragraph (c).

*Note for definition **emergency worker**, paragraph (c)*

Ambulance services are not limited to road services, and may (for example) include helicopter or fixed-wing aero-medical services.

6 Section 188A amended (Assaults on workers)

Section 188A(4)

omit, insert

(4) However, the following are not workers for this section:

- (a) a police officer;
- (b) an emergency worker.

Note for subsection (4)

Section 189A applies in relation to assaults on police officers and emergency workers.

7 Section 189A amended (Assaults on police)

(1) Section 189A, heading, at the end

insert

or emergency workers

(2) Section 189A(1)

omit

in the execution of the officer's

insert

or emergency worker in the execution of the officer's or worker's

(3) Section 189A(2), after "officer"

insert

or emergency worker

8 Section 316 amended (Indictment containing count of murder or manslaughter)

(1) Section 316(1)

omit, insert

(1) On an indictment charging a person with murder, the person may alternatively be found guilty of manslaughter or an offence against section 161A, but not of any other offence unless as otherwise expressly provided.

(2) Section 316(2), after "section"

insert

161A,

9 Part XI, Division 13 inserted

After section 457

insert

Division 13 Criminal Code Amendment Act 2019

458 Definitions

In this Division:

amending Act means the *Criminal Code Amendment Act 2019*.

commencement means the commencement of the amending Act.

459 Application of section 189A

- (1) Section 189A, as amended by the amending Act, applies only in relation to offences committed after the commencement.
- (2) Section 189A, as in force before the commencement, continues to apply in relation to offences committed before the commencement.
- (3) For this section:
 - (a) an offence is taken to have been committed after the commencement only if all of the conduct constituting the offence occurred after the commencement; and
 - (b) any other offence is taken to have been committed before the commencement.

460 Application of section 316

- (1) Section 316, as amended by the amending Act, applies only in relation to offences committed after the commencement.
- (2) Section 316, as in force before the commencement, continues to apply in relation to offences committed before the commencement.

(3) For this section:

- (a) an offence is taken to have been committed after the commencement only if all of the conduct constituting the offence occurred after the commencement; and
- (b) any other offence is taken to have been committed before the commencement.

10 Repeal of Act

This Act is repealed on the day after it commences.