

Serial 123
Criminal Code
Amendment
(No. 5)
Mr Hatton

NORTHERN TERRITORY OF AUSTRALIA
CRIMINAL CODE AMENDMENT BILL (No. 5) 1995

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NORTHERN TERRITORY OF AUSTRALIA

A BILL for AN ACT

to amend the Criminal Code

BE it enacted by the Legislative Assembly of the Northern Territory of Australia, with the assent as provided by the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, as follows:

1. SHORT TITLE

This Act may be cited as the *Criminal Code Amendment Act (No. 5) 1995*.

2. COMMENCEMENT

This Act shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.

3. CIRCUMSTANCES IN WHICH FORCE CAUSING DEATH OR GRIEVOUS HARM IS JUSTIFIED

Section 28 of the Criminal Code is amended -

(a) by omitting paragraph (a) and substituting the following:

"(a) in the case of a police officer when lawfully attempting to arrest or to assist with the arrest of a person whom he reasonably believes to be a person who -

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- (i) unless arrested, may commit an offence punishable with imprisonment for life;
 - (ii) has taken flight to avoid arrest;
 - (iii) in a case where the police officer intends to use a firearm, he has if practicable first fired a warning shot or has reasonable grounds for believing that another police officer has fired a warning shot; and
 - (iv) in any case, the person has been called upon by the police officer or another police officer to surrender and has been allowed a reasonable opportunity to do so;"; and
- (b) by inserting in paragraph (d), after "first causes", the words ", or has reasonable grounds for believing that another police officer has caused,".

4. ORDERS FOR RESTITUTION AND COMPENSATION

Section 393 of the Criminal Code is amended by omitting from subsections (1) and (11) "on the ground of voluntary intoxication" and substitution "by reason of voluntary intoxication."

5. AMENDMENT OF SCHEDULE 4

Schedule 4 to the Criminal Code is amended -

- (a) by adding at the end of item I the following:
"(6) Counsel for the prosecution may sum up his case (if he thinks proper)."; and
- (b) by inserting at the end of paragraph (7) of item II "(if he thinks proper)".

6. FURTHER AMENDMENTS

The Criminal Code is further amended by omitting from sections 31(2), 40(1)(c) and (d), 41(1) and 43 "a reasonable person" and substituting "an ordinary person".
