

Serial 3  
Criminal Code Amendment (Violent Act Causing Death) Bill 2012  
Mr Elferink

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

NORTHERN TERRITORY OF AUSTRALIA

CRIMINAL CODE AMENDMENT (VIOLENT ACT CAUSING DEATH) ACT  
2012

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Act No. [ ] of 2012

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# NORTHERN TERRITORY OF AUSTRALIA

Act No. [ ] 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 [ ] 2012]  
[Second reading [ ] 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.

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**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,