
Introductory remarks from the NT's new Attorney-General

By the Hon Syd Stirling MLA, Attorney-General and Minister for Justice.



CRIMINAL CODE REFORMS PASSED BY LEGISLATIVE ASSEMBLY

The second stage of reforms of the Criminal Code passed through the Legislative Assembly at its most recent Sittings. The Criminal Code Amendment Bill (No2) and the Medical Services Amendment Bill continue the Government's efforts to reform the Criminal Code in line with national discussions on model Criminal Code as well as ensuring that it takes into account the particular operations of the Territory's law as it has developed in the years since Self Government.

Under the new Legislation, intoxication is no longer a partial defence to murder, and a person's cultural or ethnic background can't be taken into account in assessing an 'ordinary person's behaviour' under the defence of provocation. The "homosexual advance" partial defence is removed.

The defence of diminished responsibility will be clarified to prevent complex and contradictory 'expert' information from being presented to the jury. The new defence will enable jurors to focus on the ability of the accused to understand events, judge actions as right or wrong and control him or herself. The mental state of an offender can therefore be assessed more easily.

Significantly, the overly broad charge of Dangerous Act has been abolished to ensure that offenders are appropriately charged.

While these changes have caused some controversy the Government has been concerned to ensure that acts causing death do result in charges that reflect the seriousness of those acts.

The Medical Services Amendment moves the laws relating to the legal termination of pregnancy from the Criminal Code to the appropriate legislation. It also allows appropriately qualified medical practitioners in a hospital to perform the procedures in the first 14 weeks of pregnancy. It is currently limited to a gynaecologist or obstetrician.

LEGAL PROFESSION BILL

In what is the largest piece of legislation in Territory

history the 400 page, 800 clause Legal Profession Bill was introduced into the Legislative Assembly in October with passage due in November.

Part of the national push to have a more uniform system across Australia the Bill includes such provisions as uniform definitions of misconduct preventing lawyers struck off or penalised in one jurisdiction from simply moving to practice law in another jurisdiction.

It also sets out a uniform standard for law degrees and practical legal training, and Australia wide recognition of those qualifications.

I thank the Law Society and the personnel in the Department of Justice for their hard work in developing the national Model Bill, around which the Territory Legislation has been based.

It expands the Law Society's powers to investigate and regulate the legal profession, and aligns the Territory legal profession with national standards.

Since I have taken up the new portfolio I have had the chance to meet many members of the Northern Territory's legal fraternity, with many more to meet. I look forward to meeting more of you – and working towards common goals into the future.