

**Estimates Committee 2013**  
**Questions Taken On Notice**

( 18/06/2013 to 27/06/2013 )

Date: 20/06/2013

Output:

Sub Output:

Subject: Bills referred to Law Reform Committee

**From:** Ms Lynne Walker to Hon John Elferink  
Department of Attorney-General and Justice

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**4-2**

**Question:** Since coming to government, how many bill or matters have you referred to the Law Reform Committee seeking advice?

**Answer:**

Answered On: 27/06/2013

## ESTIMATES COMMITTEE – QUESTION TAKEN ON NOTICE

**FROM:** Lynne Walker MLA  
**TO:** Hon John Elferink MLA  
**DATE:** 20/6/2013  
**SUBJECT:** Bills referred to Law Reform Committee  
**DEPARTMENT:** Attorney-General and Justice

### QUESTION

4.2

Since coming to government, how many bill or matters have you referred to the Law Reform Committee seeking advice?

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### ANSWER

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Since the Northern Territory General Election, I have referred one Term of Reference to the Northern Territory Law Reform Committee on 3 December 2012. The Term of Reference concerns 'Self-Induced Intoxication'. No Bills have been referred to the Northern Territory Law Reform Committee for their consideration.

The Terms of Reference ask the Northern Territory Law Reform Committee to investigate, examine and report on law reform in relation to the effect of intoxication on criminal liability.

The Northern Territory Law Reform Committee has been asked to consider the following matters:

1. Is there a public policy benefit in holding persons criminally responsible for their actions whilst intoxicated, irrespective of whether they acted voluntarily or intentionally?
2. Should this apply only to certain offences, say, to driving offences and not to offences of violence?
3. Will removing the admissibility of evidence of self-induced intoxication in relation to the commission of an offence achieve the purported public policy benefit, by limiting the use a tribunal of fact may make of such evidence?
4. If admissibility of evidence of self-induced intoxication is to be limited, for which fault elements should this rule apply?
5. Should the onus of proof of fault elements be reversed when self-induced intoxication is sought to be admitted so as to deny criminal responsibility?
6. Should a specific offence of committing a dangerous or criminal act, similar to the provision previously found in the now repealed section 154 of the Criminal Code, be reintroduced into the Northern Territory?
7. To what extent should evidence of self-induced intoxication be disregarded in relation to sexual offences?
8. To what extent should evidence of self-induced intoxication be disregarded for the purposes of determining the particular defences of provocation and/or diminished responsibility?
9. Are there any other offences where evidence of self-induced intoxication should be inadmissible or disregarded by virtue of the charge?

The Northern Territory Law Reform Committee had been asked to present a draft Bill, prepared with the assistance of Parliamentary Counsel, together with the Report, by 30 June 2013.

The Northern Territory Law Reform Committee has since been granted an extension to present its Report by December 2013.