



# Criminal Lawyers Association of the Northern Territory (CLANT)

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## ONE PUNCH HOMICIDE LAW = ONE PUNCH POLICY

The Criminal Lawyers Association of the Northern Territory opposes the Country Liberals' pledge to enact the *Criminal Code (One Punch Homicide) Amendment Bill* if elected, according to Association President Russell Goldflam. Mr Goldflam said, "This law was first proposed by the Country Liberals in November 2011, and then again with only the name changed, in March of this year. The Bill is seriously flawed, as it is drafted in the terms of statutory principles of criminal responsibility for homicide which were superseded some 7 years ago."

"The Bill was proposed following community concern arising from the tragic and violent death of Sgt Brett Meredith in Katherine. However, it must be emphasised that the trial of Michael Martyn, the man who caused Sgt Meredith's death, resulted in a conviction for manslaughter. As a result, Mr Martyn is now serving a lengthy prison sentence. If that case illustrates anything, it is that the current law works. If Mr Martyn had been sentenced under the law now proposed by the Country Liberals, he would have been convicted of a much less serious offence, and in all likelihood would have received a lesser sentence."

"In 2005, the Legislative Assembly passed some very important amendments to the *Criminal Code* which saw the progressive adoption of principles for criminal responsibility based on the Uniform Model Criminal Code, a painstaking process by which the most eminent and experienced criminal lawyers in Australia, drawn from the bench, the bar and our universities, put their heads together to formulate a comprehensive, rigorous and effective set of laws to regulate these very difficult and complex issues. The Model Criminal Code is framed so as to cover the field of criminal responsibility for homicide.

"One of the key elements of these reforms was the abolition of the offence of "dangerous act causing death", which had been widely criticised for allowing many defendants to escape manslaughter and get an unfairly lenient sentence. One obvious danger of the proposed new one punch homicide law would be that this problem would be re-created.

"More importantly though, it would be irresponsible and premature to rush to enact such a law. The Government was right to refer the matter to the Northern Territory Law Reform Committee, presided over by former Chief Justice Austin Asche. Before we "fix" this purported problem, we need to be make sure the system is "broke". Given the fact that what we now have is the product of such a careful and considered process of law reform, I'm not convinced it is in fact "broke", but if there is a gap in the law that needs to be fixed, the fix needs to be very carefully designed.

"The Country Liberals have promised to reduce crime by 10 per cent a year. None of their law and order policies announced to date, however, will achieve that heroic aim. The one punch homicide law is no exception. It is very disappointing that an important, sensitive

and technical issue such as the law relating to criminal responsibility for homicide has been used as a political football to score a few desperate points in the dying minutes of the last quarter of this election campaign”, said Mr Goldflam.

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