



ANNO QUADRAGESIMO

ELIZABETHAE II REGINAE

A.D. 1991

No. 68 of 1991

An Act to amend the Criminal Law Consolidation Act 1935.

[Assented to 12 December 1991]

The Parliament of South Australia enacts as follows:

Short title

1. (1) This Act may be cited as the *Criminal Law Consolidation (Self-Defence) Amendment Act 1991*.

(2) The *Criminal Law Consolidation Act 1935* is referred to in this Act as “the principal Act”.

Substitution of s. 15

2. Section 15 of the principal Act is repealed and the following section is substituted:

Self-defence

15. (1) Subject to subsection (2)—

(a) a person does not commit an offence by using force against another if that person genuinely believes that the force is necessary and reasonable—

(i) to defend himself, herself or another;

or

(ii) to prevent or terminate the unlawful imprisonment of himself, herself or another;

and

(b) a person does not commit an offence if that person, without intending to cause death or being reckless as to whether death is caused, uses force against another genuinely believing that the force is necessary and reasonable—

(i) to protect property from unlawful appropriation, destruction, damage or interference;

(ii) to prevent criminal trespass to any land or premises, or to remove from any land or premises a person who is committing a criminal trespass;

or

(iii) to effect or assist in the lawful arrest of an offender or alleged offender or a person unlawfully at large.

(2) Where—

(a) a person causes death by using force against another genuinely believing that the force is necessary and reasonable for a purpose stated in subsection (1);

(b) that person's belief as to the nature or extent of the necessary force is grossly unreasonable (judged by reference to the circumstances as he or she genuinely believed them to be);

and

(c) that person, if acting for a purpose stated in subsection (1) (b), does not intend to cause death and is not reckless as to whether death is caused,

that person may not be convicted of murder but may if he or she acted with criminal negligence be convicted of manslaughter.

(3) For the purposes of this section—

(a) a person who resists another whom he or she knows to be acting in pursuance of a lawful authority will not be taken to be acting in defence of himself, herself or another;

and

(b) a person commits a criminal trespass if that person trespasses on land or premises—

(i) with the intention of committing an offence against the person or an offence against property (or both);

or

(ii) in circumstances where the trespass itself constitutes an offence.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

ROMA MITCHELL Governor