Laws Passed To Make Supreme Court Jury Trials Fairer

The Henderson Government today passed laws that will make Supreme Court trials fairer and more efficient by ensuring defence lawyers give prior notice before calling expert witnesses.

Attorney-General Delia Lawrie today said the Criminal Code Amendment (Expert Evidence) Bill would prevent a repeat of last year’s so-called “sexsomnia” case.

“The Henderson Government wants Supreme Court jury trials to be as fair as possible to all parties concerned and that’s why we have introduced this legislation,” Ms Lawrie said.

“The Criminal Code Amendment (Expert Evidence) Bill will no longer allow defence lawyers to call expert witnesses without prior notice and brings the Territory into line with Victoria, South Australian, Western Australia and Queensland.

“While most defence lawyers do provide adequate notice, public prosecutors have certainly had experiences where they are told at the 11th hour the defence expert’s name but have had no real opportunity of challenging their expertise due to time or cost constraints.


“Most legal stakeholders are supportive of this legislation because failure to give notice of expert evidence can create procedural difficulties in the trial process and unfairness to the prosecution due to lack of opportunity to properly prepare to meet the defence evidence.

“During the so-called “sexsomnia” case the defence called on an expert witness late in the trial and it can be argued that the prosecution was unable to prove its case as it didn’t have enough time to adequately challenge the expert’s testimony.

“The Criminal Code Amendment (Expert Evidence) Bill amends the Criminal Code to make the trial process fairer, reduce trauma to witnesses and reduce court time and costs.

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