

2001

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Mr Bill Stefaniak)

Supreme Court Amendment Bill 2001 (No 2)

A Bill for

An Act to amend the *Supreme Court Act 1933*, and for other purposes

The Legislative Assembly for the Australian Capital Territory enacts as follows:

1 Name of Act

This Act is the *Supreme Court Amendment Act 2001 (No 2)*.

2 Commencement

This Act commences on the commencement of the *Crimes Legislation Amendment Act 2001*, Part 11.

3 New section 37R

insert

37R Order to review acquittal

- (1) This section applies if a person (the *defendant*) has been acquitted of an offence following a trial by judge alone, or a jury trial.
- (2) The Court of Appeal may, on application by the director of public prosecutions, make an order (an *order to review* the acquittal) to set aside the acquittal and to hold a new trial of the defendant for the offence.
- (3) The Court of Appeal may make an order to review an acquittal only if the court considers that—
 - (a) the trial judge made an error of law in the course of the trial; or
 - (b) for a jury trial—the trial judge misdirected the jury to acquit the defendant.

Example (paragraph (a))

George is acquitted of an offence in a jury trial in the Supreme Court. During the trial, the judge decided to exclude certain evidence sought to be admitted by the prosecution. The director of public prosecutions applies for an order to review the acquittal. The Court of Appeal decides that the judge made an error of law in excluding the evidence. The Court of Appeal may accordingly make an order to review George's acquittal.

Endnote

Republications of amended laws

- 1 For the latest republication of amended laws, see www.legislation.act.gov.au.

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