
Thursday, 1st March 2007

STOPPING TRIAL BY AMBUSH

Attorney-General Michael Atkinson announced today that new laws designed to speed up criminal trials have come into force.

The Governor at Executive Council this morning proclaimed a series of new laws and regulations that would give judges the power to require alleged offenders to reveal elements of their defence they are relying to defend their charges.

The new laws are contained within the *Statutes Amendment (Criminal Procedure) Act 2005*, the *Criminal Law Consolidation (Section 32A Prescribed Objects) Variation Regulations 2007* and the *Summary Procedure (Section 107 Statements) Regulations 2007*.

Mr Atkinson says the changes will bring into law the recommendations of the Duggan Committee into criminal trial procedures, recommendations that were also endorsed by the Kapunda Road Royal Commissioner.

The laws are a response to the controversial introduction of expert evidence late in the Eugene McGee trial.

“It has taken until now to proclaim the new laws because those that will be affected by it requested a long lead time to prepare for the changes,” Mr Atkinson says.

“Those agencies; the police, the judiciary and the office of the Director of Public Prosecution, are now ready to start working with the new laws and I am pleased that this can now be done in a seamless fashion.”

Under the changes, defendants may be compelled by a judge to provide written notice to the court of their intention to:

- Introduce evidence of some defences.
- Call expert evidence.

The new laws caution accused persons and defendants against not disclosing early in the process defences and lines of argument to be used at trial. These new laws try to punish defence by ambush.

“It’s these sorts of courtroom manoeuvres which can unnecessarily prolong a trial and that’s something we are determined to crack down on,” Mr Atkinson says.

“If a defendant introduces such tactics in the court then we are telling the defendants through these new laws that an unreasonable failure to make an admission into account when fixing a sentence.

“In short, using such tactics could mean a defendant risks a longer stretch in prison if he is found guilty.”

Mr Atkinson says that under the new laws, defendants will be provided with a written statement before the trial begins, warning them of their obligations and the potential consequences of their failure to meet those obligations.

“I am confident that these tools will allow the courts to deliver swifter, fairer justice and that something that everyone wants.”