

## Legal Policy

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Via email: [russell.goldflam@ntlac.nt.gov.au](mailto:russell.goldflam@ntlac.nt.gov.au)

Dear Mr Goldflam

### **RE: COMMENCEMENT OF THE *CRIMINAL CODE AMENDMENT (PRESUMPTION FOR JOINT TRIALS) ACT 2014***

I write to advise that it is anticipated the *Criminal Code Amendment (Presumption for Joint Trials) Act 2014* will commence by Notice in the Gazette on 1 July 2014.

The key purpose of the *Criminal Code Amendment (Presumption for Joint Trials Act) 2014* is to introduce a presumption that where an accused is charged with multiple sexual offences against multiple complainants, the charges are to be heard together rather than severed and separate trials ordered. As you may know, case law provides for the opposite presumption in certain circumstances, and so the Act is intended to reverse the effect of the case law.

The main amendments made by the Act are to the procedural provisions in the Criminal Code relating to joinder and severance of charges on an indictment by inserting new section 341A of the Criminal Code. This new section will provide for a statutory presumption for joint trials based on a similar provision in Victoria, namely section 194 of the *Criminal Procedure Act (Victoria)*. New section 341A will also state that the presumption is not rebutted only because the evidence of one complainant is not admissible in relation to a charge for an offence alleged to have been committed against another complainant. It is also not to be rebutted only because there is a possibility that the evidence is the result of collusion or suggestion.

The *Criminal Code Amendment (Presumption for Joint Trials) Act 2014* as passed, the Explanatory Statement and the Second Reading Speech can be found on the Department of the Chief Minister's website at [www.dcm.nt.gov.au](http://www.dcm.nt.gov.au) under Register of Legislation/Bills by Session. If you have any queries in relation to the Act, please do not hesitate to contact Ms Leonique Swart, Senior Policy Lawyer, on ph (08) 8935 7666 or by email [leonique.swart@nt.gov.au](mailto:leonique.swart@nt.gov.au).

**Yours sincerely**



**Jenni Daniel-Yee**  
Acting Director

30 June 2014