



LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON JUSTICE AND COMMUNITY SAFETY

Mr Jeremy Hanson MLA (Chair), Dr Marisa Paterson (Deputy Chair), Ms Jo Clay MLA

Submission Cover Sheet

Inquiry into Supreme Court Amendment Bill 2023

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Standing Committee on Justice and Community Safety
ACT Legislative Assembly
GPO Box 1020
Canberra ACT 2601

Dear Committee,

Inquiry into Supreme Court Amendment Bill 2023

The ACT Law Society (the Society) appreciates the opportunity to comment on the Supreme Court Amendment Bill 2023, which will introduce a new right to appeal a conviction or finding of guilt, on the ground of fresh and compelling evidence.

We refer to our submission to the Justice and Community Safety Directorate (JACS) in response to the public consultation in 2022 and also note that the Society provided comment to JACS, during the development of the detail of the Bill. The Society appreciated the opportunity to be consulted on the draft Bill, but notes that elements of the Bill as presented are different to the consultation draft. As such, we provide the following comments which have been informed by the expertise of the Society's Criminal Law Committee.

The Society supports in-principle, the introduction of a statutory right to appeal on the ground of fresh and compelling evidence, noting that it may ameliorate the risk of wrongful convictions.

We note however, that the Bill extends the right of appeal to all convictions and findings of guilt in the Supreme Court and Magistrates Court. We consider that it would be more appropriate for this right of appeal to be limited to offences which carry imprisonment as a maximum penalty.

The Society maintains that a robust threshold is necessary to prevent the misuse of this right by vexatious applicants and additionally notes that the Bill currently carries the potential to create backlog issues for the court, given that it extends this avenue of appeal to less-serious and fine-only offences. By limiting the right of appeal to offences which carry imprisonment as a maximum penalty, the legislation will capture serious indictable offences, while also being sufficiently expansive to also capture related summary offences that could result in imprisonment. We encourage the Standing Committee to consider recommending that the Bill be amended to address this concern.

The Society appreciates the opportunity for consultation and welcomes the opportunity for further comment, if that would be of assistance.

Yours sincerely,



Simone Carton
Chief Executive Officer