

Serial 49
Criminal Code Amendment (Expert Psychiatric or Medical Evidence) Bill 2013
Mr Elferink

A Bill for an Act to amend the Criminal Code

NORTHERN TERRITORY OF AUSTRALIA

CRIMINAL CODE AMENDMENT (EXPERT PSYCHIATRIC OR MEDICAL
EVIDENCE) ACT 2013

Act No. [] of 2013

Table of provisions

1	Short title	1
2	Commencement	1
3	Criminal Code amended	1
4	Section 331B inserted	2
	331B Examination if expert psychiatric or medical evidence to be adduced	
5	Part XI, Division 5 inserted	3
	Division 5 Criminal Code Amendment (Psychiatric or Medical Evidence) Act 2013	
	448 Application of section 331B	
6	Expiry of Act	3



NORTHERN TERRITORY OF AUSTRALIA

Act No. [] of 2013

An Act to amend the Criminal Code

[Assented to [] 2013]
[Second reading [] 2013]

The Legislative Assembly of the Northern Territory enacts as follows:

1 Short title

This Act may be cited as the *Criminal Code Amendment (Expert Psychiatric or Medical Evidence) Act 2013*.

2 Commencement

This Act commences on the day fixed by the Administrator by *Gazette* notice.

3 Criminal Code amended

This Act amends the Criminal Code.

4 Section 331B inserted

After section 331A

insert

331B Examination if expert psychiatric or medical evidence to be adduced

- (1) This section applies:
 - (a) if a person (the *accused*):
 - (i) is to be tried for an offence in a court on indictment; and
 - (ii) intends to adduce expert psychiatric or medical evidence relating to the state of mind, or a medical condition, of the accused at the time the alleged offence was committed; and
 - (b) whether or not notice of the accused's intention has been given under section 331A.
- (2) The court may, on application by the prosecution, require the accused to be examined by a psychiatrist, or other appropriate expert, (the *independent expert*) nominated by the prosecution and approved by the court.
- (3) The prosecution must pay the costs of the examination.
- (4) The court may, on application, allow the independent expert to be called to give evidence in chief for the prosecution or defence in relation to the results of the examination.
- (5) If the accused refuses to be examined, at the trial:
 - (a) the prosecution may cross-examine the accused and any expert witness called by the accused, as to the possible reasons for the accused's refusal to be examined; and
 - (b) the court or prosecution may make comment to the jury in relation to the refusal (but must not suggest that, because of the refusal, the accused is guilty of the offence to which the trial relates).
- (6) This section does not affect the operation of Part IIA.

5 Part XI, Division 5 inserted

After section 447

insert

Division 5 Criminal Code Amendment (Psychiatric or Medical Evidence) Act 2013

448 Application of section 331B

Section 331B applies only in relation to an offence for which an accused is committed for trial after the commencement of the *Criminal Code Amendment (Psychiatric or Medical Evidence) Act 2013*.

6 Expiry of Act

This Act expires on the day after it commences.