

BQ
v
THE KING
[2023] HCASL 214
S92/2023

1 An extension of time is required for this application for special leave to appeal from the whole of the judgment of the Court of Criminal Appeal of the Supreme Court of New South Wales (Davies J, McNaughton J and R A Hulme AJ), on the grounds that the Court of Criminal Appeal erred: in holding that the evidence of Associate Professor Shackel was admissible as expert opinion evidence (ground one); in holding that the trial judge's directions to the jury in respect of Associate Professor Shackel's evidence were adequate (ground two); in its consideration of the unreasonable verdict ground (ground three); and in substituting a verdict in relation to Count 8 pursuant to s 7(2) of the *Criminal Appeal Act 1912* (NSW) (ground four). Grounds one and two of the proposed appeal raise questions of law of public importance sufficient to warrant a grant of special leave to appeal. Special leave should be refused in relation to grounds three and four.

2 The application for an extension of time is granted. Special leave to appeal is granted in relation to grounds one and two.

Gageler CJ
Gordon J
Edelman J
Steward J
Gleeson J
Jagot J
Beech-Jones J

7 December 2023