

STANDING COMMITTEE ON LEGISLATION

Forty-second Report — “Criminal Procedure Amendment (Trial by Judge Alone) Bill 2017” — Tabling

HON DR SALLY TALBOT (South West) [2.14 pm]: I am directed to present for tabling the forty-second report of the Standing Committee on Legislation titled “Criminal Procedure Amendment (Trial by Judge Alone) Bill 2017”.

[See paper [3846](#).]

Hon Dr SALLY TALBOT: The report I have just tabled advises the house of the committee’s findings and recommendations regarding the Criminal Procedure Amendment (Trial by Judge Alone) Bill 2017. The main change proposed by the bill is to amend section 118 of the Criminal Procedure Act 2004 so that the court would be required to allow an application for a trial by judge alone unless it is not in the interests of justice to do so.

The policy of the bill, which the committee considered, consists of four stated objectives. These are to increase individual liberty by allowing the accused the option of trial by judge alone; increase transparency, given that judges are required to set down their reasoning, whereas juries are not; reduce average trial times by removing the need to empanel and instruct juries; and reduce the impost on the public purse, given that shorter trials are generally less expensive. In summary, the committee has found the following in relation to these policy goals. An accused would have increased liberty to be tried by judge alone, but the drafting of the bill could be improved to make this new statutory right of election clearer. Allowing an accused to be tried by judge alone would increase transparency as a result of the requirement for judges to prepare written reasons, but this would need to be balanced against the risk of reducing transparency as a result of the way in which judge-alone trials are conducted. Average trial times could be reduced if the prevalence of trials by judge alone increases; however, this should be weighed against other considerations, such as the increased time resulting from the requirement for judges to prepare written reasons for their decision. Although the committee found that the bill would be likely to result in an increased number of trials by judge alone and require additional judicial resources, a specialist assessment would need to be undertaken into the financial implications of the bill to determine whether it would reduce or increase the impost on the public purse.

The committee made nine findings. I commend the report to the house.