1. A number of Australian states and territories, as well as some overseas jurisdictions (including New Zealand), have introduced judge alone criminal trials in higher courts.
2. No Australian jurisdiction allows a trial by judge alone without consent of the accused.
3. Western Australia is currently the only Australian jurisdiction that gives the judge an overriding discretion to decide whether to order a trial by judge alone, taking into account the community interest, meaning that a trial by judge alone should be available as an alternative to trial by jury in appropriate cases on indictment but not as of right for either the defence or prosecution.
4. All other Australian jurisdictions (except the Commonwealth and the Australian Capital Territory) also allow majority verdicts in criminal trials.
5. On 18 August 2008, the Premier and the Attorney-General and Minister for Justice and Minister Assisting the Premier in Western Queensland announced that the Government would introduce judge alone trials and majority verdicts.
6. This announcement indicated that the system being considered for judge alone trials in similar to the Western Australia model and that majority verdicts would only be considered if a jury cannot reach a unanimous decision after at least eight hours and where only one juror dissents. The announcement also indicated that unanimous verdicts would be retained for trials for offences which carry a mandatory life sentence.
7. In addition to the above, it is proposed in this Bill to amend section 192 of the *Crime and Misconduct Act 2001*, following the recent decision in *Witness “D” v Crime and Misconduct Commission* [2008] QSC 155*.* The amendment would clarify with retrospective effect that a witness at a Crime and Misconduct Commission misconduct investigation hearing is not entitled to remain silent or to refuse to answer a question on a ground of privilege against self-incrimination.
8. Cabinet approved that the Criminal Code and Jury and Another Act Amendment Bill 2008 be introduced into the Legislative Assembly.
9. *Attachments*
* [Criminal Code and Jury and Another Act Amendment Bill 2008](attachments/Criminal%20Code%20and%20Jury%20and%20Another%20Act%20Amendment%20Bill.pdf)
* [Explanatory Notes](attachments/CrimCodeJAAAB08Exp.pdf)