



## Standing Committee on Justice and Community Safety

### Inquiry into Annual and Financial Reports 2021-2022 ANSWER TO QUESTION TAKEN ON NOTICE

Asked by Dr Marissa Paterson MLA on 9 November 2022: Mr Shane Drumgold, SC Director of Public Prosecutions took on notice the following question(s):

Reference: Hansard [uncorrected] proof transcript 9 November 2022 [PAGE 168]

In relation to:

**DR PATERSON:** Thank you. I asked the solicitor-general about the current High Court challenge appeal regarding the judge alone trials, and in the annual report it says due to the ongoing pandemic, sexual offence trials continue to be conducted by judge alone. How many of the trials that were conducted, all eight of the trials that were conducted in the last annual reporting period, judge alone?

**Mr Drumgold:** No, I do not have the precise number. So need to be cautious, conflating the issue with Vunilagi with judge alone trials. The issue in Vunilagi was a provision of the Supreme Court Act that prevented people from having access to juries, so even if you wanted to have a jury trial, you could not have a jury trial.

The judge alone issue is sex matters are generally excluded from an election for judge alone, that piece of legislation has also been addressed, it is no longer in place, it was a second COVID amendment. Now you cannot elect for judge alone in a sex matter or in a murder. Now that model, the model of having a schedule of offences you cannot elect for judge alone, that you have to have a jury, some that you can, we are always looking at that, and I can foreshadow a need in certain matters for a judge alone of an excluded offence, but this will be an ongoing conversation about how we deal with that, but the last financial year will capture some circumstances where there have been an election for judge alone. I do not know of any. My feeling is possibly all eight were jury, but I could take that on notice.

[Statutory office]: The answer to the Member's question is as follows:—

Table B.2.6.1 of the annual report shows 8 sexual offence trials, of which 4 resulted in a verdict of guilty, 2 resulted in a verdict of not guilty, and 2 were listed as other.

The "other" were both hung juries, with the matter going to retrial next year.

All trials except 1 were jury trials. The single judge alone trial, was one of the 4 verdicts of guilty.

Approved for circulation to the Standing Committee on Justice and Community Safety

Signature:

A handwritten signature in black ink, appearing to be 'S. Drumgold', written over a horizontal line.

Date: 11/11/22

By the Director of Public Prosecutions, Mr Shane Drumgold, SC