

FACT SHEET

Criminal Code Amendment (Judge Alone Trials) Bill 2021

The *Criminal Code Amendment (Judge Alone Trials) Bill 2021* (the Bill) proposes a framework for the introduction of trial by judge alone without a jury in the Supreme Court of Tasmania.

The Bill provides:

- for any party to the proceedings to apply for an order for trial by judge alone within 3 months of the date the accused was committed to stand trial. An application may be considered outside of this period if the applicant satisfies the Court that they have a reasonable explanation for the delay in making the application;
- in circumstances where the prosecution are seeking a trial by judge alone order, the Bill requires that this is only available with the consent of the accused. The prosecution may, as part of an application, request the Court make the proposed order without the consent of the accused person on the basis that they consider that the Court will be satisfied that there is a significant risk that an offence under s 63 “Influencing or threatening jurors” of the *Juries Act 2003* may occur if the accused person is tried by a jury;
- that an order for trial by judge alone cannot be made unless the Court is satisfied of the following factors, subject to the exception above:
 - the accused person has given informed consent. The Court needs to be satisfied that the accused understands the nature of the proposed order and the implications of an order, if made;
 - that the making of an order is in the interests of justice; and
 - where an accused is charged with two or more charges that are to be tried together, the order is to be made for all of the charges, and if there is more than one accused, each accused must have made an application for trial by judge alone and given their consent to a proposed order;
- that the accused give informed consent to an application for a judge alone trial, subject to exceptions;
- for the law and procedure to be applied in a trial by judge alone sitting without a jury; and
- for appeal rights for the Crown in respect of trial by judge alone, with an associated provision relating to the rights of accused persons to appeal orders made without their consent.

The Bill is to commence on proclamation.