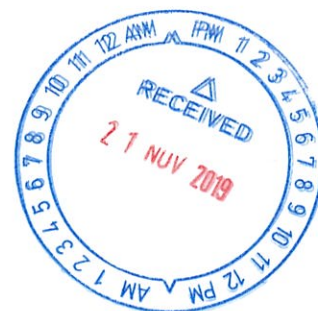




WOMEN LAWYERS
of Western Australia Inc.



21 November 2019

The Hon Dr Sally Talbot MLC
Chair
Standing Committee on Legislation
Parliament of Western Australia
Parliament House
GPO Box A11
PERTH WA 6837

Dear Dr Talbot

CRIMINAL PROCEDURE AMENDMENT (TRIAL BY JUDGE ALONE) BILL 2017

I refer to your letter dated 22 October 2019 to Ms Tsang, the then President of Women Lawyers of Western Australia.

Thank you for the opportunity to make submissions in respect of this bill.

Women lawyers of WA has consulted with members who practice in the criminal law jurisdiction on both sides of the bar, that is as prosecutors and as defence counsel. The consensus view of this consultation is that the amendments proposed by the bill reflect a positive change and should be approved in their current state. They allow an accused person to elect the method of trial which is best suited to the matter, without diminishing an accused's right to a jury trial, should they wish one.

Some of the matters we were particularly concerned about in considering the bill include the increased use of social media and access to media, which has an unfortunate tendency to contaminate juries in the current day, and the difficulties faced by juries in lengthy, complex and particularly difficult matters or which expose juries to particularly horrendous evidence which may be objectionable or disturbing. We are of the view that an increase in trial by judge alone will operate to reduce trial costs and the time and frequency of appeals. It will also have the benefit of providing greater flexibility if it is necessary for a criminal matter to be part-heard for any reason.

We are also of the view that increasing numbers of trials by judge alone will increase transparency and accountability in the legal system and thereby maintain and enhance public confidence in the administration of justice because written reasons will be produced for each trial by judge alone.

Finally, we are content that there are proper and appropriate safeguards in the legislation to ensure that the right of an accused person to have their trial by a jury should they wish, is maintained.

Thank you for the opportunity to comment on the draft bill.

Yours sincerely

Clare Thompson

President