

Question on Notice

No. 272

Asked on Tuesday 7 March 2006

Mr McARDLE asked the Minister for Justice and Attorney-General (Mrs Lavarch) -

QUESTION:

With reference to 2002-03, 2003-04, 2004-05 and 2005-06 to date, each answered separately—

- (1) What is the number of juries in criminal trials from both the District and Supreme Courts in Queensland in which a jury has not been able to reach a verdict and has been discharged?
- (2) In each trial, what was the offence or offences the jury was unable to deliver a verdict on?
- (3) In relation to each offence, was a new trial ordered; if so, what was the outcome of that new trial?

ANSWER:

Information available on mistrials prior to March 2005 is for the Brisbane Supreme and District Courts only as this was previously manually collated. Therefore, the first three periods in the table below relate to information for the Supreme and District Courts in Brisbane only. Supreme and District Courts throughout the state all have access to a computerised information system from March 1 2005. As a result, some data can be obtained for the period from March 2005 for all Queensland Supreme and District Courts.

- (1) The figures shown below include trials where a jury could not reach a verdict on at least one charge on an indictment.

	Number of trials where a jury could not reach a verdict on at least one offence				
	2002-2003	2003-2004	1/7/04 - 28/2/05	1/3/05 to 30/6/05	1/7/05 to 28/2/06
Supreme and District Courts	30	19	20	13	23

- (2) Information **prior** to 1 March 2005 is available only for Brisbane. To provide information for the balance of the centres in Queensland where the District and Supreme Court sits would require manual analysis of files which is beyond the resources of the court registries in the required timeframe.

In the year 2002-03

50% of the offences in the Brisbane District Court related to sexual assaults. The balance of offences related to non-sexual assaults and property offences such as stealing and motor vehicle offences. In the Brisbane Supreme Court 50% involved a charge of murder the balance involved drug-related offences, assault and attempt to pervert the course of justice.

In the year 2003-04

68% of the offences in the Brisbane District Court related to sexual assaults. The balance of offences related to non-sexual assaults and property offences such as stealing. In the Supreme Court the one hung jury was in regard to a charge of murder.

In the year 2004-05

50% of the offences in the Brisbane District Court were for sexual assaults the balance were non-sexual assaults and property offences such as stealing and robbery. In the Supreme Court hung trials related to charges for manslaughter, murder and drugs misuse.

In the period March 2005 to date

It has not been practical within the timeframes to undertake a manual search of all registry files in order to answer the question in relation to the period after March 2005. Current workloads within the courts restrict the ability to undertake manual searches of all other criminal files throughout the State.

- (3) Please note in answer to the actual question, there are no “court orders” per se for a re-trial as the result of a hung jury. The decision on whether a re-trial is required rests with the Director of Public Prosecutions (DPP). In this regard please note the remarks at page 71 of the Annual Report of the DPP which states the reasoning in this respect:

“Where a trial has ended without verdict, the prosecutor should promptly furnish advice as to whether a re-trial is required. Relevant factors include:

- the reason why the trial miscarried (for example: whether the jury was unable to agree or because of a prejudicial outburst by a key witness, etc);*
- whether the situation is likely to arise again;*
- the attitude of the complainant;*
- the seriousness of the offence; and*
- the cost of re-trial (to the community and the accused).”*

Based on these relevant considerations, the DPP will decide whether a defendant will be brought to trial again following a mistrial.

In relation to the periods prior to March 2005 the following is available from the Brisbane Supreme and District courts.

In the year 2002-03

There were 16 new trials which resulted in 2 further hung juries, 9 guilty verdicts, 4 not guilty verdicts, 1 nolle prosequi.

In the year 2003-04

There were 9 new trials which resulted in 3 further hung juries, and 5 guilty verdicts and 1 not guilty.

In the year 2004-05

As at 28 February there were 7 new trials which resulted in 1 further hung jury, 5 guilty verdicts, and 1 not guilty verdict.

In the period March 2005 to date

It has not been practical within the timeframes to undertake a manual search of all registry files in order to answer the question in relation to the period after March 2005. Current workloads within the courts restrict the ability to undertake manual searches of all other criminal files throughout the State.

PLEASE NOTE THAT THIS ANSWER REPLACES THE PREVIOUS
ANSWER TO QUESTION ON NOTICE NO. 272 TABLED ON 6 APRIL
2006.