

Question on Notice

No. 1804

Asked on 24 October 2019

MR D JANETZKI ASKED THE ATTORNEY-GENERAL AND MINISTER FOR JUSTICE (HON Y D'ATH) –

QUESTION:

Will the Attorney-General advise how many mistrials were declared in Queensland in the last five years (reported separately by year and region)?

ANSWER:

I thank the Member for Toowoomba South for his question.

A mistrial may be declared for a number of reasons including:

- The presiding Judge becomes disqualified, ill or dies;
- A hung jury (namely a deadlocked jury that cannot agree upon a unanimous or majority verdict after extended deliberation);
- Inadmissible evidence being received by a jury that may taint their verdict;
- A juror acting inappropriately or in a manner that may compromise or call into question their capacity to perform their duties and functions under the *Jury Act 1995*;
- A juror not declaring issues that may affect their ability to serve as a juror;
- Contraventions of judge's directions by jurors likely to prejudice a fair trial (e.g. breaching restrictions on communication or access to social media);
- Discharge of jurors resulting in less than the prescribed minimum panel of jurors; or
- Publications, including newspaper publications that could prejudice a jury (e.g. publications of prior criminal conduct of the same kind alleged in a trial).

As outlined on the court's website, the jurisdiction of each court is not broken into regions, as such I am unable to answer the question by region.

However, I have been advised of the number of mistrials by year, as outlined below which may assist the Member. As the Member will note, the number of mistrials per year has remained similar over the years.

	Year							
	2012	2013	2014	2015	2016	2017	2018	2019 to 24/10/19
Mistrials	110	96	97	104	115	89	106	100
Trials	705	644	594	630	698	666	689	593
% of trials that ended in a mistrial	16%	15%	16%	17%	16%	13%	15%	17%

Notes:

1. Data source: Mistrials data - Queensland Wide Interlinked Courts (QWIC), Trials data - Qjury database