



12 May 2010

**Legislative Council  
Standing Committee on Law and Justice**

**INQUIRY INTO JUDGE ALONE TRIALS UNDER S.132  
OF THE *CRIMINAL PROCEDURE ACT 1986***

The NSW Attorney General, the Hon John Hatzistergos MLC, has asked the NSW Parliament's Standing Committee on Law and Justice to conduct an inquiry into whether s.132 of the *Criminal Procedure Act 1986* should be amended to allow parties in criminal proceedings to apply to the court for a trial by judge alone, without requiring the prosecution's consent.

Committee Chair, the Hon Christine Robertson MLC said, "Currently under s.132 the accused may elect to be tried by a judge alone, however it must be approved by the Director of Public Prosecutions (DPP)."

"New South Wales is the only jurisdiction in Australia where the consent of the DPP is required", Ms Robertson said. "In some other jurisdictions, the decision on whether a trial should proceed before a judge sitting without a jury is made by the court."

"This inquiry will consider whether the state's current arrangements are the most appropriate and effective in providing a fair and efficient criminal justice process."

"We are inviting submissions addressing the terms of reference, which are due by Wednesday 30 June 2010. We expect to hold public hearings in September."

Submissions can be submitted via email to: [lawandjustice@parliament.nsw.gov.au](mailto:lawandjustice@parliament.nsw.gov.au) or faxed to (02) 9230 3416 or mailed to:

The Director  
Standing Committee on Law and Justice  
Parliament House  
Macquarie Street  
Sydney NSW 2000.

The terms of reference for the inquiry and information about making a submission can be obtained from the Committee Secretariat on (02) 9230 2976 or via the Committee's website at: [www.parliament.nsw.gov.au/lawandjustice](http://www.parliament.nsw.gov.au/lawandjustice) .

*For further comment please contact the Hon Christine Robertson MLC,  
Committee Chair, on 0428674310 or 9230 2971*