

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

Organisation: Homicide Survivors Support After Murder Group Incorporated
Name: Mr Peter Rolfe
Position: President
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**HOMICIDE SURVIVORS SUPPORT
AFTER MURDER GROUP INCORPORATED**

“moving on with support.”

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6 JUL 2010

LAW & JUSTICE

The Secretary,
Law and Justice Committee,
Parliament House
Sydney

RE: Inquiry into Judge Alone Trials under s 132 of the Criminal Procedure Act 1986

Our Members have been involved in Murder Trials involving the loss of our loved ones over many years.

The great majority of these trials have been before a Judge and jury and whilst some of the verdicts have been fair, there have been some where the Jury's "not guilty" verdict have stunned not only our members but also the Judge, so much so, that we have wondered if the Jury heard the same evidence we did.

Notwithstanding these occasions our members are generally in favour of trials before Judge and Jury.

We feel however that the following should occur:

- 1) The accused should never have the right to be tried by Judge alone without the Crown having a Right of Veto
- 2) The present situation should remain, where both parties have a right of veto
- 3) Alternatively it should be a decision for the court to make on the application of one of the parties
- 4) Where there is a dispute regarding the seriousness of a crime, especially in the matters of Manslaughter and Murder or Assault Occasioning Grievous Bodily Harm with Intent and Assault occasioning Grievous Bodily Harm, these matters should be tried before a Judge and Jury, so that the intention that an accused should be tried before "a panel of one's peers" should be "seen to be done".

Our organisation has long been appreciative of the work done by the ODPP, and often write to the Director, not only to congratulate him on the work of his officers, but to also congratulate him on the Courtesy, Compassion and Respect shown to our members and other victims by his officers, and having read his submission, are in agreement with him on this occasion.

If there is anything else we can assist the Committee with, in this Hearing, including appearing personally before the Committee, please do not hesitate to contact me.

Yours Sincerely

Peter Rolfe
PRESIDENT
July 3, 2010