

Media Statement



Friday, 3 April 2020

Law Council of Australia President, Pauline Wright, statement regarding the right to jury trials

It is a great concern to the Law Council that a jurisdiction has passed legislation that removes the right to trial by jury during the current pandemic.

We strongly believe that the right to a fair trial by jury must continue to be observed unless the accused consents to a judge only trial.

The jury is a fundamental part of the system of criminal justice in this country whereby the community plays an important and direct role in the administration of justice. Jury trials provide a safeguard against the arbitrary or oppressive enforcement of the criminal law by those in authority. They also allow for impartiality to be observed.

The option to be tried by judge alone for a serious criminal offence is available in some Australian jurisdictions. But that option is only available where the accused waives the right to a jury trial. People charged with Commonwealth offences and prosecuted in higher courts must be tried by a jury.

While we recognise the legitimate role of governments in ensuring public health and safety, in these uncertain times it is more critical than ever that Australia upholds the administration of justice.

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***The Law Council of Australia is the national voice of the legal
profession, promoting justice and the rule of law.***