

Jury directions review

The terms of reference require the Queensland Law Reform Commission to have regard to:

- the critical role juries have in the justice system in Queensland to ensure a fair trial;
- the reviews currently being undertaken by the New South Wales Law Reform Commission and Victorian Law Reform Commission of directions and warnings given by a judge to a jury in a criminal trial; and
- the Jury Charges Research Project currently being undertaken by the Australian Institute of Judicial Administration;

and refer to the Commission pursuant to section 10 of the *Law Reform Commission Act 1968* (Qld), the review of directions, warnings and summing up given by a judge to jurors in criminal trials in Queensland and to recommend any procedural, administrative and legislative changes that may simplify, shorten or otherwise improve the current system.

In undertaking this reference, the Commission is to have particular regard to:

- (a) subject to authorisation being given by the Supreme Court under section 70(9) of the *Jury Act 1995* (Qld), conducting research into jury decision-making in Queensland with a view to obtaining information about:
 - The views and opinions of jurors about the number and complexity of the directions, warnings and comments required to be given by a judge to a jury and the timing, manner and methodology adopted by judges in summing up to juries;
 - The ability of jurors to comprehend and apply the instructions given to them by a judge;
 - The information needs of jurors;
- (b) directions or warnings which could be simplified or abolished;
- (c) whether judges should be required to warn or direct the jury in relation to matters that are not raised by counsel in the trial;
- (d) the extent to which the judge needs to summarise the evidence for the jury;
- (e) possible solutions to identified problems relating to jury directions and warnings, including whether other assistance should be provided to jurors to supplement the oral summing up; and

- (f) recent developments and research in other Australian and overseas jurisdictions.

In undertaking this reference, the Commission is to work, where possible and appropriate, with other law reform commissions and consult stakeholders.

The Commission is to provide a report to the Attorney-General and Minister for Justice on the results of the research and the review by 31 December 2009.