

NORTHERN TERRITORY OF AUSTRALIA

JURIES AMENDMENT ACT 1992

No. 73 of 1992

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No. 73 of 1992

AN ACT

to amend the *Juries Act*

[Assented to 14 December 1992]

BE it enacted by the Legislative Assembly of the Northern Territory of Australia, with the assent as provided by the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, as follows:

1. **SHORT TITLE**

This Act may be cited as the *Juries Amendment Act 1992*.

2. **PRINCIPAL ACT**

The *Juries Act* is in this Act referred to as the Principal Act.

3. **DEFINITIONS**

Section 5(1) of the Principal Act is amended by omitting "section 37(2)" from the definition of "talesman" and substituting "section 37(2A)".

4. **PANEL OF JURORS AND RETURN OF PERSONS NOT SUMMONED**

Section 32(4) of the Principal Act is amended by omitting "Where" and substituting "Subject to section 37(2)(a), where".

5. **STRIKING JURY IN CRIMINAL CASES**

Section 37 of the Principal Act is amended by omitting subsection (2) and substituting the following:

"(2) If all the jury cards are exhausted, by challenge or otherwise, and less than 12 persons appear and remain approved as indifferent, the Court may adjourn

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the trial and such persons may be retained to be included in the jury for the trial and -

- (a) further persons (to be included on the jury panel for the trial) may be chosen from the persons who were summoned to attend on another Court in the same jury district but were not included in a jury for a trial at that Court; or
- (b) a further jury precept may be issued for persons to be included on the jury panel for the trial.

"(2A) Where there are not sufficient persons to be the jury to try the issues of the trial after following either one or both of the procedures referred to in subsection (2), or where the Court considers those procedures are not appropriate, then, at the request of the Crown or the prisoner or his counsel, the Court may adjourn the trial and order the Sheriff to appoint forthwith from amongst such of the persons in or in the vicinity of the Court as are qualified and liable to serve, but not exempt from serving, as jurors in a jury district as many persons as are sufficient to make up 12 jurors.

"(2B) Notwithstanding subsections (2) and (2A), the jury may be discharged and a further jury precept may be issued in respect of the trial.

"(2C) Section 33 shall apply, with the necessary changes, to the extent necessary for the operation of subsection (2)(a)."

6. NEW SECTION

The Principal Act is amended by inserting, after section 51, the following:

"52. UNLAWFUL DISMISSAL, &c.

"Where a person is summoned in pursuance of a jury precept to attend upon the Court, whether he serves upon a jury or not, the person in whose service he is employed, shall not -

- (a) dismiss that person from his service; or
- (b) act in any other way to the prejudice of that person in relation to his employment,

on account of that person's absence from his employment for the purposes of jury service.

Penalty: \$5,000 or imprisonment for 12 months."

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7. SCHEDULE 7

Schedule 7 to the Principal Act is amended -

- (a) by omitting "the clerk of a practising legal practitioner" and substituting "the articulated clerk of a practising legal practitioner";
- (b) by inserting after "Department of Law" the words "Department of Correctional Services, the Office of Courts Administration or the Legal Aid Commission, or who is under the direct control of the Commissioner of Police"; and
- (c) by adding at the end the following:

"a person who is not liable to serve as a juror by virtue of, or who is exempted from service as a juror under, the *Jury Exemption Act 1965* of the Commonwealth".
