

NORTHERN TERRITORY OF AUSTRALIA

JURIES AMENDMENT ACT 1989

No. 57 of 1989

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NORTHERN TERRITORY OF AUSTRALIA

No. 57 of 1989

AN ACT

to amend the *Juries Act*

[Assented to 2 October 1989]

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 1989*.

2. PRINCIPAL ACT

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

3. REPEAL AND SUBSTITUTION

Section 9 of the Principal Act is repealed and the following substituted:

"9. QUALIFICATION OF JURORS AND LIABILITY TO SERVE

"(1) Subject to section 10, a person whose name is on the roll is qualified to serve as a juror.

"(2) A person who is qualified to serve as a juror and who is not exempt under section 11 is liable to serve as a juror."

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4. PERSONS NOT QUALIFIED

Section 10 of the Principal Act is amended -

- (a) by omitting from subsection (1)(a) "period of parole;" and substituting "period of parole; or";
- (b) by omitting from subsection (1)(b) "section 56 of the *Criminal Law and Procedure Act*" and substituting "section 432 of the Criminal Code or section 8A of the *Criminal Law (Conditional Release of Offenders) Act*"; and
- (c) by omitting subsection (3)(c) and substituting the following:

"(c) is a person in respect of whom an order under section 15 of the *Adult Guardianship Act* is in force;".

5. REPEAL OF SECTION 11A

Section 11A of the Principal Act is repealed.

6. JURORS TO SERVE WITHIN OWN JURY DISTRICT

Section 12 of the Principal Act is amended by omitting "or liable" (twice occurring).

7. REPEAL AND SUBSTITUTION

Sections 14, 15, 16 and 17 of the Principal Act are repealed and the following substituted:

"14. LIABILITY OF DISQUALIFIED OR EXEMPTED PERSONS TO ATTEND AS JURORS

"A person whose name is on the jury list is not excused from attendance in accordance with a jury summons by reason of -

- (a) not being qualified to serve; or
- (b) being exempt from serving,

as a juror, unless the Sheriff was informed accordingly and has excused the person from attending.

"15. EXCUSING OF JURORS BY JUDGE OR MASTER

"If a Judge or the Master -

- (a) is satisfied that a person summoned to attend as a juror, or a person appointed as a talesman, ought for sufficient cause be excused from attendance; or

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- (b) has doubts as to the person's qualifications to serve as a juror or be appointed as a talesman or whether the person is exempt from serving as a juror,

the Judge or the Master may excuse the person from attendance or further attendance on the Court during such period as the Judge or the Master, as the case may be, specifies."

8. POWER TO EXCUSE ON CONDITION OF SUBSEQUENT SERVICE

Section 17A of the Principal Act is amended -

- (a) by omitting subsection (1) and substituting the following:

"(1) Where a person is excused under section 15 from attendance or further attendance on the Court, the Judge or the Master may, as a condition of excusing that person, order that the name of the person be included amongst the names of jurors to be summoned for jury service at some subsequent time specified in the order."; and

- (b) by omitting from subsection (2) "Judge" and substituting "Judge or the Master".

9. REPEAL OF SECTIONS 18 AND 18A

Sections 18 and 18A of the Principal Act are repealed.

10. JURY LISTS

Section 21 of the Principal Act is amended -

- (a) by omitting subsections (2) and (3) and substituting the following:

"(2) The Jury lists for Darwin and Alice Springs shall contain, in alphabetical order, the names of persons qualified to serve, and not exempt from serving, as jurors who reside within the respective jury districts."; and

- (b) by omitting subsection (5) and substituting the following:

"(5) Each jury list made out under subsection (1) shall come into operation on 1 January next after it is made out."

11. REPEAL OF SECTIONS 22 AND 22A

Sections 22 and 22A of the Principal Act are repealed.

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12. REPEAL AND SUBSTITUTION

Section 27 of the Principal Act is repealed and the following substituted:

"27. JURORS TO BE CHOSEN BY RANDOM SELECTION BY COMPUTER

"When a jury precept is delivered to the Sheriff, the Sheriff shall choose the persons to be summoned from those whose names appear in the jury list for Darwin or the jury list for Alice Springs in accordance with random selection by computer in the prescribed manner."

13. PANELS OF JURORS AND SPLITTING OF JURY POOL

Section 32 of the Principal Act is amended by adding at the end the following:

"(2) Where a single criminal trial is to commence in a jury district on a certain day, either -

(a) all the jurors who attend in obedience to the summons from the jury district on that day shall constitute the jury panel for that trial; or

(b) the Sheriff shall, by ballot, constitute a jury panel for the trial from amongst those who attend in obedience to the summons.

"(3) Where 2 or more criminal trials are to commence on a certain day, the Sheriff shall, before or on the day on which the jurors are summoned, by ballot, divide the jurors into separate panels and appropriate each panel to a trial.

"(4) Where jurors from any jury panel are not included in a jury for a trial the Sheriff may excuse them from further jury service on the day on which that trial commences, but they shall attend again, in accordance with their respective summonses, at a time and place directed by the Sheriff."

14. SHERIFF'S RETURN TO PRECEPT

Section 33(1)(a) of the Principal Act is amended by omitting "the panel" and substituting "the list of each panel".

15. REPEAL OF SECTIONS 52 AND 53

Sections 52 and 53 of the Principal Act are repealed.

16. REPEAL AND SUBSTITUTION

Section 59 of the Principal Act is repealed and the following substituted:

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"59. OATH OF OFFICER IN CHARGE OF JURY

"An officer may be sworn, in accordance with the form in Schedule 6, to take charge of a jury."

17. THE SCHEDULES

The Schedules to the Principal Act are amended -

- (a) by omitting the Second Schedule and the Fifth Schedule; and
- (b) by omitting from the Sixth Schedule the form of oath by constables and other persons in charge of a jury and substituting the following:

"OATH OF OFFICER IN CHARGE OF JURY

'You swear that you will keep this jury in your custody and suffer no one to speak to them nor speak to them yourself except on some necessary occasion having reference to their health, business or family affairs. So help you God!'.".

18. FURTHER AMENDMENTS

The Principal Act is further amended as set out in the Schedule.

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SCHEDULE

Section 18

AMENDMENTS

Provision	Amendment	
	omit	substitute
Section 4(1) and (2)	"the First Schedule"	"Schedule 1"
Sections 6 and 7(4)	"the provisions of this Ordinance"	"this Act"
Section 11	"the Seventh Schedule"	"Schedule 7"
Section 18AB	"exempt"	"excuse"
Section 25	"the Third Schedule"	"Schedule 3"
Section 27A(1) and (4)	"a Judge"	"a Judge or the Master"
Section 29	"the Fourth Schedule"	"Schedule 4"
Section 36	"a Judge"	"a Judge or the Master"
	"the Judge"	"the Judge or the Master, as the case may be,"
Section 50	"100 dollars"	"\$500"
Section 51	"100 dollars"	"\$500"
Section 55	"100 dollars"	"\$2,000"
Section 56	"100 dollars"	"\$500"
Section 58	"the Sixth Schedule"	"Schedule 6"
Section 66	"the Sixth Schedule"	"Schedule 6"
First Schedule	"FIRST SCHEDULE"	"SCHEDULE 1"
Third Schedule	"THIRD SCHEDULE"	"SCHEDULE 3"
	" <i>Juries Ordinance</i> (twice occurring)"	" <i>Juries Act</i> "

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SCHEDULE - continued

Provision	Amendment	
	omit	substitute
Fourth Schedule	"FOURTH SCHEDULE"	"SCHEDULE 4"
	<i>"Juries Ordinance"</i>	<i>"Juries Act"</i>
	"100 dollars"	"\$500"
Sixth Schedule	"SIXTH SCHEDULE"	"SCHEDULE 6"
Seventh Schedule	"SEVENTH SCHEDULE"	"SCHEDULE 7"
	"barrister or solicitor" (twice occurring)	"legal practitioner"
	<i>"Dentists Registration Act"</i>	<i>"Dental Act"</i>
	"the Director of Correctional Services appointed under the <i>Prisons Act</i> "	
	<i>"Prisons Act"</i> (second occurring)	<i>"Prisons (Correctional Services) Act"</i>
	"who is in the Depart- ment of Law"	"who is employed in the Department of Law"
	"Ordinance" (wherever occurring)	"Act"
Long title, Sections 1, 2, 4(2), 5, 9, 19, 37(3), 39(3), 42, 50 and 56		