



NORTHERN TERRITORY OF AUSTRALIA

No. 51 of 1982

AN ACT

To amend the *Juries Act*

[Assented to 1 September 1982]

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 1982*.

2. COMMENCEMENT

This Act shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.

3. PRINCIPAL ACT

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

4. TRANSITIONAL AND SAVINGS

(1) Notwithstanding anything contained in the Principal Act as in force immediately before the commencement of this Act, or in the Principal Act as amended by this Act, the jury lists for Darwin and Alice Springs in force immediately before the commencement of this Act shall continue to be the jury lists for Darwin and Alice Springs, respectively, until superseded by jury lists made under the Principal Act as amended by this Act.

(2) The Principal Act as in force immediately before the commencement of this Act shall continue to apply to and in relation to -

Juries Amendment

- (a) persons summoned before the commencement of this Act to attend as jurors;
- (b) trials to be held for which jurors referred to in paragraph (a) have been so summoned; and
- (c) trials commenced but not completed before the commencement of this Act.

(3) An order, notice, summons, precept or other document made or issued under the Principal Act before the commencement of this Act shall continue in force as if this Act had never been commenced.

5. DEFINITIONS

Section 5(1) of the Principal Act is amended by inserting after the definition of "panel of jurors" the following:

"'reserve juror', in respect of a criminal trial, means a person chosen and returned under section 37A(1) as a reserve juror in respect of that trial;"

6. NEW SECTION

The Principal Act is amended by inserting after section 17 the following:

"17A. POWER TO EXEMPT FROM JURY SERVICE ON CONDITION OF SUBSEQUENT SERVICE

"(1) Where a person is excused from further attendance on the Court, or from attendance on the Court, by virtue of an order under section 11A, 16(1) or 17, the Judge making that order may, as a condition of making that order, 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 that last-mentioned order.

"(2) Where a Judge makes an order under subsection (1), he shall notify the Sheriff of the making of the order and the Sheriff shall cause the person the subject of that order to be summoned, in accordance with that order, as a juror."

7. MASTER TO EXERCISE POWERS

Section 18A of the Principal Act is amended by omitting "17" and substituting "17, 17A".

Juries Amendment

8. NEW SECTION

The Principal Act is amended by inserting after section 18A the following:

"18AB. POWER OF SHERIFF TO EXEMPT IN CERTAIN CASES

"Where the Sheriff is satisfied that a person has been summoned to attend as a juror not later than 3 years after a date on which he previously served as a juror, the Sheriff may, upon application made by or on behalf of the person, exempt that person from attendance in compliance with the summons."

9. JURY LISTS

Section 21 of the Principal Act is amended by omitting sub-section (1) and substituting the following:

"(1) The Sheriff shall, not later than 31 October in each year, make out a jury list for Darwin and a jury list for Alice Springs."

10. NEW SECTION

The Principal Act is amended by inserting after section 22 the following:

"22A. COMING INTO OPERATION OF JURY LISTS

"Each jury list prepared under section 21 shall come into operation on the first day of January next after its preparation under that section."

11. JURORS TO BE CHOSEN BY LOT OR BY RANDOM SELECTION BY COMPUTER

Section 27 of the Principal Act is amended -

(a) by omitting from sub-section (1) "When a jury" and substituting "Subject to sub-section (3), when a jury"; and

(b) by adding at the end the following:

"(3) When a jury precept is delivered to the Sheriff, he may, instead of choosing in accordance with sub-section (1) the persons to be summoned from those whose names appear in the jury list for Darwin or the jury list for Alice Springs, choose, in accordance with random selection by computer in the prescribed manner, such persons."

Juries Amendment

12. REPEAL

Section 28 of the Principal Act is repealed.

13. REPEAL AND SUBSTITUTION

Sections 30 and 31 of the Principal Act are repealed and the following substituted:

"30. SERVICE BY SUMMONS

"A summons to a juror shall be served on the juror -

- (a) by delivering it to him personally as soon as practicable and not less than 7 clear days before the time specified in the summons for his attendance; or
- (b) by forwarding the summons by ordinary prepaid post to his address, as it appears on the annual jury list, so that the summons would, in the ordinary course of post, be delivered to that address not less than 7 clear days before the time specified in the summons for his attendance."

14. REPEAL AND SUBSTITUTION

Section 32 of the Principal Act is repealed and the following substituted:

"32. PANEL OF JURORS AND RETURN OF PERSONS NOT SUMMONED

"The Sheriff shall, before the time when a jury precept is required to be returned into the Court -

- (a) prepare a list showing the names, in alphabetical order, and the descriptions, of the persons summoned in pursuance of the jury precept; and
- (b) prepare, in respect of each person whose name appears on the list referred to in paragraph (a), a card showing the name and description of that person."

15. SHERIFF'S RETURN TO PRECEPT

Section 33 of the Principal Act is amended by omitting sub-section (1) and substituting the following:

"(1) Upon the day and at the place named in a jury precept for the appearance of the jurors required to be summoned by the jury precept, the Sheriff shall -

Juries Amendment

- (a) return into the Court the jury precept with the panel of jurors relating to the precept annexed thereto; and
- (b) furnish to the proper officer the jury cards relating to the precept."

16. STRIKING JURY IN CRIMINAL CASES

Section 37(1) of the Principal Act is amended by omitting "At" and substituting "Subject to section 37A, at".

17. NEW SECTION

The Principal Act is amended by inserting after section 37 the following:

"37A. RESERVE JURORS IN CRIMINAL CASES

(1) The Court in which a criminal trial is to be held may direct that, in addition to the 12 persons required under section 37(1) to be the jury to try the issues on that trial, not more than 3 jurors summoned in accordance with section 30 shall be chosen and returned as reserve jurors in respect of that trial.

"(2) A reserve juror -

- (a) shall have the same qualifications;
- (b) shall be called and empanelled in the same manner;
- (c) shall be subject to the same challenges and liability to be stood by and to be discharged;
- (d) shall take the same oath; and
- (e) shall have the same functions, powers, facilities and privileges,

as a juror, and for that purpose the law in respect of jurors shall apply to and in relation to a reserve juror with such modifications as are required by this section.

"(3) A juror at a criminal trial who, prior to the time the jury retires to consider its verdict, dies or becomes incapable of or disqualified from or is discharged from performing his duties as a juror shall be replaced by a reserve juror who, if there is more than one reserve juror available at that trial, shall then be determined by lot in such manner as the Court determines.

Juries Amendment

"(4) Where a reserve juror who has not replaced a juror dies or becomes incapable of or disqualified from or discharged from performing his duties as a juror, the trial in respect of which he is a reserve juror shall not be affected by that death, incapability, disqualification or discharge.

"(5) Immediately before the jury retires to consider its verdict, a reserve juror who has not replaced a juror shall be discharged."

18. REPEAL AND SUBSTITUTION

Section 43 of the Principal Act is repealed and the following substituted:

"43. STANDING JURORS BY LIMITED

"The power of the Court on the trial of a criminal issue, at the request of the Crown Prosecutor, to order a juror to stand by is limited so that the number of jurors so ordered to stand by shall not exceed 6."

19. DISAGREEMENT IN CRIMINAL CASES

Section 48 of the Principal Act is amended by omitting sub-section (2) and substituting the following:

"(2) Where, upon a trial for a capital offence -

- (a) a period of not less than 6 hours has elapsed since the jury retired; and
- (b) the jurors are not unanimously agreed upon their verdict,

the Court may, if 10 or more jurors are agreed upon a verdict to be given -

- (c) take and enter that verdict as the verdict of them all; or
- (d) discharge the jury."

20. EXCESS OF FEES

Section 56 of the Principal Act is amended by omitting "juror" and substituting "juror or reserve juror".

21. CORRUPTLY INFLUENCING JUROR OR RESERVE JUROR

Section 57 of the Principal Act is amended by omitting "juror" (twice occurring) and substituting "juror or reserve juror".

Juries Amendment

22. REDUCTION OF JURY

Section 62 of the Principal Act is amended -

(a) by omitting from sub-section (2) "Where" and substituting "Subject to sub-section (3), where"; and

(b) by adding at the end the following:

"(3) Sub-section (2) shall not apply in respect of a criminal trial where there are sufficient jurors, including reserve jurors, to constitute a jury of 12 persons."

23. REPEAL AND SUBSTITUTION

Section 68 of the Principal Act is repealed and the following substituted:

"68. REGULATIONS

"(1) The Administrator may make regulations, not inconsistent with this Act, prescribing all matters which are required or permitted by this Act to be prescribed or are necessary or convenient to be prescribed for giving effect to this Act.

"(2) Without limiting the generality of sub-section (1), the Regulations may provide for -

(a) prescribing the fees to be paid under section 8;

(b) prescribing the rates of payment under section 60;

(c) prescribing the areas of land comprising respectively the jury districts of Darwin and Alice Springs; and

(d) prescribing forms of acknowledgement, in answer to jury summonses, to be completed and returned to the Sheriff."

24. SEVENTH SCHEDULE

The Seventh Schedule to the Principal Act is amended by omitting "who, at the revision of a jury list in pursuance of this Act, claims exemption".
