

Serial 8
Juries
Amendment
Mr Stone



NORTHERN TERRITORY OF AUSTRALIA

A BILL for AN ACT

to amend the *Juries Act*

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 (No. 2) 1997*.

2. COMMENCEMENT

This Act comes into operation on the date fixed by the Administrator by notice in the *Gazette*.

3. NEW SECTIONS

The *Juries Act* is amended by inserting before section 50 in Part X the following:

"49A. CONFIDENTIALITY OF JURY DELIBERATIONS

"(1) This section applies in relation to juries in criminal, civil or coronial proceedings in a court of the Territory, the Commonwealth or a State or another

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Territory of the Commonwealth, whether instituted before or after the commencement of this section.

"(2) A person must not disclose protected information if the person is aware that, in consequence of the disclosure, the information will, or is likely to, be published.

Penalty:

- (a) in the case of a natural person - \$10,000 or imprisonment for 2 years;
- (b) in the case of a body corporate - \$50,000.

"(3) A person must not solicit or obtain protected information with the intention of publishing or facilitating the publication of that information.

Penalty:

- (a) in the case of a natural person - \$10,000 or imprisonment for 2 years;
- (b) in the case of a body corporate - \$50,000.

"(4) A person must not publish protected information.

Penalty:

- (a) in the case of a natural person - \$10,000 or imprisonment for 2 years;
- (b) in the case of a body corporate - \$50,000.

"(5) Subsection (2) does not prohibit disclosing protected information -

- (a) to a court;
- (b) to a Royal Commission, Commission of Inquiry or Board of Inquiry;
- (c) to the Director of Public Prosecutions, a member of the staff of the Director's Office or a member of the Police Force for the purpose of an investigation concerning an alleged contempt of court or alleged offence relating to jury deliberations;
- (d) as part of a fair and accurate report of an investigation referred to in paragraph (c); or

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- (e) to a person in accordance with an authorisation granted by the Attorney-General to conduct research into matters relating to juries or jury service.

"(6) Subsection (3) does not prohibit soliciting or obtaining protected information -

- (a) in the course of proceedings in a court;
- (b) by a Royal Commission, Commission of Inquiry or Board of Inquiry;
- (c) by the Director of Public Prosecutions, a member of the staff of the Director's Office or a member of the Police Force for the purpose of an investigation concerning an alleged contempt of court or alleged offence relating to jury deliberations; or
- (d) by a person in accordance with an authorisation granted by the Attorney-General to conduct research into matters relating to juries or jury service.

"(7) Subsection (4) does not prohibit publishing protected information -

- (a) in accordance with an authorisation granted by the Attorney-General to conduct research into matters relating to juries or jury service; or
- (b) as part of a fair and accurate report of -
 - (i) proceedings in respect of an alleged contempt of court, an alleged offence against this section or an alleged offence otherwise relating to jury deliberations;
 - (ii) proceedings by way of appeal from proceedings referred to in subparagraph (i); or
 - (iii) proceedings by way of appeal from proceedings in the course of which jury deliberations took place if the nature or circumstances of the deliberations is an issue relevant to the appeal.

"(8) This section does not apply in relation to information about a prosecution for an alleged offence against this section if, before the prosecution was instituted, that information had been published generally to the public.

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"(9) A prosecution for an alleged offence against this section is not to be instituted except with the written consent of the Director of Public Prosecutions or a person authorised by the Director for that purpose.

"(10) In this section -

'protected information' means particulars of statements made, opinions expressed, arguments advanced and votes cast by members of a jury in the course of their deliberations, other than anything said or done in open court;

'publish', in relation to protected information, means communicate or disseminate the information in a way or to an extent that it is available to, or likely to come to the notice of, the public or a member of the public.

"49B. ANONYMITY OF JURORS

"(1) Except with the leave of the court, a person must not, during the course of proceedings, publish or otherwise disclose information that identifies, or is likely to identify, that person or any other person as a juror in those proceedings.

Penalty:

- (a) in the case of a natural person - \$10,000 or imprisonment for 2 years;
- (b) in the case of a body corporate - \$50,000.

"(2) A person must not publish or otherwise disclose information that identifies, or is likely to identify, another person as having been a juror in particular proceedings unless the other person has consented to the publication or disclosure of that information.

Penalty:

- (a) in the case of a natural person - \$10,000 or imprisonment for 2 years;
- (b) in the case of a body corporate - \$50,000.

"(3) A person must not solicit or obtain information that identifies, or is likely to identify, another person as a juror, or as having been a juror, in particular proceedings with the intention of publishing or facilitating the publication of that information.

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Penalty:

- (a) in the case of a natural person - \$10,000 or imprisonment for 2 years;
- (b) in the case of a body corporate - \$50,000.

"(4) Subsections (1) and (2) do not prohibit publishing identifying information -

- (a) in accordance with an authorisation granted by the Attorney-General to conduct research into matters relating to juries or jury service; or
- (b) as part of a fair and accurate report of -
 - (i) proceedings in respect of an alleged contempt of court, an alleged offence against this section or an alleged offence otherwise relating to a juror's identity; or
 - (ii) proceedings by way of appeal from proceedings referred to in subparagraph (i).

"(5) Subsections (1) and (2) do not prohibit disclosing identifying information -

- (a) to a court;
- (b) to a Royal Commission, Commission of Inquiry or Board of Inquiry;
- (c) to the Director of Public Prosecutions, a member of the staff of the Director's Office or a member of the Police Force for the purpose of an investigation concerning an alleged contempt of court or alleged offence relating to a juror's identity;
- (d) as part of a fair and accurate report of an investigation referred to in paragraph (c); or
- (e) to a person in accordance with an authorisation granted by the Attorney-General to conduct research into matters relating to juries or jury service.

"(6) Subsection (3) does not prohibit soliciting or obtaining identifying information -

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- (a) in the course of proceedings in a court;
- (b) by a Royal Commission, Commission of Inquiry or Board of Inquiry;
- (c) by the Director of Public Prosecutions, a member of the staff of the Director's Office or a member of the Police Force for the purpose of an investigation concerning an alleged contempt of court or alleged offence relating to a juror's identity; or
- (d) by a person in accordance with an authorisation granted by the Attorney-General to conduct research into matters relating to juries or jury service.

"(7) This section does not apply in relation to information about a prosecution for an alleged offence against this section if, before the prosecution was instituted, that information had been published generally to the public.

"(8) A prosecution for an alleged offence against this section is not to be instituted except with the written consent of the Director of Public Prosecutions or a person authorised by the Director for that purpose.

"(9) In this section -

'identifying information' means information that identifies, or is likely to identify, a person as, or as having been, a juror in particular proceedings;

'proceedings' means criminal, civil or coronial proceedings in a court of the Territory, the Commonwealth or a State or another Territory of the Commonwealth, whether instituted before or after the commencement of this section;

'publish', in relation to information, means communicate or disseminate the information in a way or to an extent that it is available to, or likely to come to the notice of, the public or a member of the public."
