



ANNO VICESIMO TERTIO

ELIZABETHAE II REGINAE

A.D. 1974

No. 30 of 1974

An Act to amend the Juries Act, 1927-1972.

[Assented to 11th April, 1974]

WHEREAS the Juries Act 1927-1972 provides for the constitution of separate panels of jurors for service in the Supreme Court and District Criminal Courts: Preamble.

AND WHEREAS it would conduce to efficiency in the administration of that Act if a system were established under which a common pool of jurors were summoned from which panels of jurors could be drawn for service either in the Supreme Court or a District Criminal Court as circumstances may require:

AND WHEREAS it is desirable to clarify the intendment of certain provisions relating to the retirement of juries:

BE IT THEREFORE ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. (1) This Act may be cited as the "Juries Act Amendment Act, 1974". Short titles.
 (2) The Juries Act, 1927-1972, is hereinafter referred to as "the principal Act".
 (3) The principal Act, as amended by this Act, may be cited as the "Juries Act, 1927-1974".

2. This Act shall come into operation on a day to be fixed by proclamation. Commencement.

3. Section 4 of the principal Act is amended— Amendment of principal Act, s. 4—
Arrangement of Act.
 - (a) by striking out the passage "PART IIA.—Jury Regions for District Criminal Courts";
 - and
 - (b) by striking out the passage "Panel and Summoning of Jurors" and inserting in lieu thereof the passage "Summoning of Jurors and Jury Panels".

Repeal of
ss. 8 to 10 of
principal Act
and enactment
of section in
their place—
Jury districts.

4. Sections 8, 9 and 10 of the principal Act are repealed and the following section is enacted and inserted in their place:—

8. (1) The following jury districts are hereby constituted and annexed to the following courts:—

The Adelaide Jury District—Supreme Court and Central District Criminal Court:

The Northern Jury District—Port Augusta Circuit Court and Northern District Criminal Court:

The South-Eastern Jury District—Mount Gambier Circuit Court and South-Eastern District Criminal Court.

(2) Subject to this section, the jury districts constituted under subsection (1) of this section shall consist of the subdivisions set out in the second schedule to this Act.

(3) Where a Circuit District, or District Criminal Court District is established pursuant to the Supreme Court Act, 1935-1972, or the Local and District Criminal Courts Act, 1926-1972, the Governor may, by proclamation, constitute a jury district, consisting of one or more complete subdivisions, in relation to courts exercising jurisdiction within that district.

(4) A jury district shall be unaffected by the alteration or abolition of any subdivision comprised in the district under the Electoral Act, 1929-1972, or any other law.

(5) The Governor may from time to time, by proclamation, vary the area of any jury district provided that the area of the district, as varied, consists of one or more complete subdivisions.

Repeal of
Part IIA of
principal Act.

5. Part IIA of the principal Act (including the headings thereto) is repealed.

Repeal of
s. 14 of
principal Act
and enactment
of section in
its place—
Residents
qualifications.

6. Section 14 of the principal Act is repealed and the following section is enacted and inserted in its place:—

14. Subject to section 69 of this Act, a person shall not be qualified or liable to serve as a juror in any court unless he resides within the jury district for that court.

Amendment of
principal Act,
s. 14a—
Woman may
cancel or
reinstate
liability to
serve.

7. Section 14a of the principal Act is amended by striking out from subsection (5) the passage “forthwith remove her name from the jury panel” and inserting in lieu thereof the passage “excuse her from attendance in compliance with the summons”.

Amendment of
principal Act,
s. 16—
Power to
discharge
jury.

8. Section 16 of the principal Act is amended—

(a) by striking out from subsection (1) the passage “at any time before the person is required by his summons to attend in any Court, excuse the person from serving as a juror for the whole or any part of the period of the sittings of the Court” and inserting in lieu thereof the passage “excuse the person from attendance in compliance with the summons”;

(b) by striking out from subsection (2) the passage “the Judge or Court before whom or which any person is summoned as juror” and inserting in lieu thereof the passage “the Judge presiding at a criminal inquest”;

(c) by striking out from paragraph (a) of subsection (2) the passage “the person” and inserting in lieu thereof the passage “a person summoned as a juror”;

and

(d) by striking out from subsection (2) the passage “that Judge or that Court may, if he or it thinks fit, in chambers or in open court discharge the person from further attendance on the Court, or excuse the person from attendance for any period during the sittings of the court” and inserting in lieu thereof the passage “that Judge may, if he thinks fit, excuse the person from further attendance in compliance with the summons, or excuse the person from attendance in compliance with the summons for any specified period”.

9. Section 17 of the principal Act is amended by striking out the passage “The Judge or Court on proof to his or its satisfaction” and inserting in lieu thereof the passage “A Judge presiding at a criminal inquest, on proof to his satisfaction.”

Amendment of principal Act, s. 17—
Exempt one of two partners.

10. Section 18 of the principal Act is amended—

(a) by striking out the passage “Court or Judge” wherever it occurs and inserting in lieu thereof in each case the word “Judge”;

(b) by striking out the passage “be included in the panel of jurors to be summoned for any subsequent inquest or inquests, and that he be summoned accordingly” and inserting in lieu thereof the passage “be included amongst the names of jurors to be summoned for jury service at some subsequent time mentioned in the order”;

and

(c) by striking out the passage “and the Sheriff shall cause the name of the applicant to be included in a subsequent panel and the applicant to be summoned as a juror in accordance with the order” and inserting in lieu thereof the passage “and the applicant shall be summoned as a juror in accordance with the order”.

Amendment of principal Act, s. 18—
Power to exempt from jury service on condition of subsequent service.

11. Section 19 of the principal Act is repealed and the following section is enacted and inserted in its place:—

Repeal of s. 19 of principal Act and enactment of section in its place—

19. If the Sheriff is satisfied that any person has been summoned to attend as a juror within three years from a date on which he previously served as a juror, the Sheriff may, upon application made by or on behalf of that person, exempt that person from attendance in compliance with the summons.

Power of Sheriff to exempt in certain cases.

12. Section 20 of the principal Act is amended by striking out from subsection (1) the passage “and for each jury region”.

Amendment of principal Act, s. 20—
Duty of Sheriff to prepare annual jury lists.

Repeal of
s. 21 of
principal Act
and enactment
of section in
its place—

Number of
jurors on each
list.

13. Section 21 of the principal Act is repealed and the following section is enacted and inserted in its place:—

21. (1) Every annual jury list for the Adelaide Jury District shall contain such number of names as the Sheriff considers necessary, but not less than three thousand.

(2) Every annual jury list for a jury district other than Adelaide Jury District, shall contain such number of names as the Sheriff considers necessary, but not less than five hundred.

Repeal of
s. 22 of
principal Act
and enactment
of section in
its place—

Preparation of
lists.

14. Section 22 of the principal Act is repealed and the following section is enacted and inserted in its place:—

22. The names of jurors to be contained in the annual jury list for any jury district shall be selected in accordance with this Part from the names appearing on the subdivision rolls for the subdivisions contained in that jury district.

Amendment of
principal Act,
s. 23—
Mode of
ballot.

15. Section 23 of the principal Act is amended by striking out the passage “or jury region” wherever it occurs in subsection (2).

Amendment of
principal Act,
s. 23a—
Selection by
computer.

16. Section 23a of the principal Act is amended—

(a) by striking out from paragraph (a) of subsection (1) the passage “and jury regions”;

(b) by striking out from paragraph (b) of subsection (1) the passage “or jury region”;

(c) by striking out from paragraph (d) of subsection (1) the passage “or jury region”;

and

(d) by striking out from paragraph (e) of subsection (1) the passage “or jury region”.

Repeal of
ss. 25-28 of
principal Act.

17. Sections 25 to 28 (inclusive) of the principal Act are repealed.

Repeal of
Part V of
principal Act
and enactment
of Part in
its place—

18. Part V (including the headings thereto) of the principal Act is repealed and the following Part is enacted and inserted in its place:—

PART V

SUMMONING OF JURORS AND JURY PANELS

Summoning of
jurors.

29. (1) The Sheriff shall, from time to time, as occasion requires, make such inquiries as are necessary to ascertain whether, and if so, how many, jurors are required for proposed inquests commencing in each jury district in each month.

(2) The Sheriff shall, in respect of each month, summon such jurors (if any) as are necessary for the purposes of inquests commencing in each jury district in that month.

(3) The names of jurors to be summoned in respect of any month in a jury district shall be determined—

(a) by ballot;

or

(b) by random selection made by computer.

(4) The names from which the ballot or random selection shall be made shall comprise the names of all jurors included on the jury list for the appropriate year excluding the names of those who have previously been summoned for jury service in that year.

(5) Where the number of jurors on a jury list is not sufficient to provide jurors for all inquests occurring in the course of the year for which the list was compiled, the names of jurors who have previously been summoned for jury service during the year not less than six months earlier shall be again included amongst the names from which the ballot or random selection is made.

30. (1) A summons under this Part shall be in the form of the fifth Summons. schedule to this Act.

(2) In the case of a summons issued to a woman, the summons shall set out the full text of sections 14a and 60b of this Act.

(3) Every such summons—

(a) shall be served by a member of the police force at least seven clear days before the day on which the person summoned is required to attend as a juror by delivering the summons personally to the person summoned or, where the person is absent from his usual place of residence, by leaving the summons with some person who is resident there;

or

(b) shall be served by the Sheriff forwarding the summons by registered mail to the address of that person, as it appears on the annual jury list, so that the summons would, in the ordinary course of post, be delivered to that address at least seven clear days before the day on which that person is required to attend as a juror.

31. (1) The Sheriff shall cause a list of the names of every juror summoned to render jury service in any jury district for any month to be kept in his office for at least seven clear days before the first day of that month.

Duty of Sheriff to keep list of persons summoned.

(2) The parties to any inquest, and their respective solicitors, shall be at liberty to inspect that list without fee.

(3) The Sheriff shall, upon the request of any party to an inquest, or his solicitor or agent, and upon payment of a fee of ten cents, give to that party or his solicitor or agent, a copy of the list.

(4) The Sheriff shall cause a copy of the list of jurors summoned in respect of any month to be suspended in some conspicuous part of the common gaol within the jury district at least seven clear days before the first day of the month.

Jury panels.

32. (1) Where a single inquest 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 inquest;

or

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

(2) Where two or more inquests are to commence on a certain day, the Sheriff shall, by ballot, divide the jurors who attend on that day in obedience to the summons into separate panels and appropriate each panel to an inquest.

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

(4) Where an inquest is to commence otherwise than on the day on which jurors summoned for a particular month are first required to attend, the Sheriff shall direct all jurors summoned for that month except those released from jury service and those comprising juries for uncompleted inquests, to attend on the day on which that inquest commences for the purpose of rendering jury service.

(5) Subject to subsection (6) of this section, where a jury is discharged by a court before the last day of the month for which they were summoned to render jury service the jurors comprising that jury shall return in compliance with their summons at a time and place directed by the Sheriff for the purpose of rendering further jury service.

(6) A court before which a jury has served may release any of the jurors constituting the jury from further jury service in compliance with their respective summonses.

(7) Any ballot by which jurors are divided into jury panels shall be conducted in a room open to the public.

Oath or affirmation.

33. The Sheriff shall cause all jurors who attend in obedience to the summons to take an oath or affirmation in the form of the sixth schedule to this Act.

Repeal of s. 42 of principal Act and enactment of section in its place—

Sheriff to return panel with cards.

19. Section 42 of the principal Act is repealed and the following section is enacted and inserted in its place:—

42. Upon the day appointed for the commencement of an inquest for which a jury is required, the Sheriff shall in open court—

(a) deliver to the proper officer of the court a list containing the names of the jury panel for that inquest;

and

(b) furnish the proper officer of the court with the names of the jurors comprising the panel, their respective occupations or callings, and places of residence written upon separate cards that are, as nearly as practicable, of equal size and shape.

20. Sections 44 and 45 of the principal Act are repealed. Repeal of ss. 44 and 45 of principal Act.
21. Sections 48 and 49 of the principal Act are repealed. Repeal of ss. 48 and 49 of principal Act.
22. Section 50 of the principal Act is amended by striking out the passage "without their names being returned to the box and re-drawn". Amendment of principal Act, s. 50—
Same jury may try several issues if no objection by parties.
23. Sections 51 to 53 (inclusive) of the principal Act are repealed. Repeal of ss. 51 to 53 of principal Act.
24. Section 54 of the principal Act is amended by striking out the word "sworn" and inserting in lieu thereof the word "empanelled". Amendment of principal Act, s. 54—
Jurors may be allowed fire and refreshments.
25. Section 59 of the principal Act is amended by inserting after the present contents thereof (which are hereby designated subsection (1) thereof) the following subsections:—
- (2) Subject to subsection (3) of this section, a jury shall, for the purposes of sections 56, 57 and 58 of this Act, be deemed to remain in deliberation for the total duration of any period between the time at which the jury retires to consider its verdict and the time at which the jury returns to the court room for the purpose of delivering its verdict.
- (3) Where there has been a prolonged interruption of the deliberation of a jury, the presiding judge may, by order, determine that a period fixed in the order shall not be taken into account as a period for which the jury has remained in deliberation, and any such order shall have effect according to its terms.
26. Section 60 of the principal Act is amended by striking out the passage "and if such other inquest is held during the same sittings, the cards bearing the names of the members of the jury so discharged shall be withheld from the ballot box while the jury for such other inquest is being drawn". Amendment of principal Act, s. 60—
Court may order another inquest.
27. Section 73 of the principal Act is amended by striking out the passage "and no jurors have been summoned". Amendment of principal Act, s. 73—
Repayment of fees.
28. Section 76 of the principal Act is amended by striking out the passage "called, and answers to such call and duly attends the Court" and inserting in lieu thereof the passage "duly attends in obedience to his summons". Amendment of principal Act, s. 76—
Account of attendance to be kept, etc.
29. Sections 78 and 79 of the principal Act are repealed and the following section is enacted and inserted in their place:—
78. (1) A person who—
- (a) having been duly summoned to attend as a juror, does not attend in obedience to the summons, or, having been thrice called, does not answer to his name;
- Repeal of ss. 78 and 79 of principal Act and enactment of section in their place—
Offence by jurors.

(b) having been called as a talesman, does not appear, or wilfully withdraws himself from the presence of the court;

(c) personates, or attempts to personate, any juror for the purpose of sitting as a juror;

or

(d) having been summoned as a juror, takes any sum beyond the scale allowed by this Act under pretence that he is entitled to that sum as a fee or remuneration for attendance as a juror,

shall be guilty of an offence and liable to a penalty not exceeding one thousand dollars.

(2) The Supreme Court, or a District Criminal Court, may if it thinks fit, proceed to deal with an offence, or alleged offence, under subsection (1) of this section summarily and without formality.

Amendment of principal Act, s. 80—
Offences by officers, etc.

30. Section 80 of the principal Act is amended by striking out the passage “in relation to which or to the proceedings whereof the offence is committed”.

Repeal of s. 83 of principal Act and enactment of section in its place—

31. Section 83 of the principal Act is repealed and the following section is enacted and inserted in its place:—

Penalty for corruptly influencing jurors.

83. A person who unlawfully influences, or unlawfully attempts to influence, a juror, or consents thereto, shall be guilty of an indictable offence and liable to imprisonment for a term not exceeding ten years.

Repeal of s. 89 of principal Act and enactment of section in its place—

32. Section 89 of the principal Act is repealed and the following section is enacted and inserted in its place:—

Power to make rules.

89. (1) The Chief Justice of the Supreme Court and the Senior Judge of the Central District Criminal Court may jointly make such rules as they consider necessary or expedient for the purposes of this Act.

(2) Without limiting the generality of the provisions of subsection (1) of this section, those rules may—

(a) prescribe the minimum number of jurors to comprise a jury panel from which a jury may be constituted;

(b) make any provision in relation to the conduct of a ballot by the Sheriff under this Act;

(c) make any provision in relation to the time and manner in which jurors are to be sworn;

and

(d) make any provision that will conduce to the proper and efficient administration of this Act.

Repeal of second schedule of principal Act and enactment of schedule in its place.

33. The second schedule to the principal Act is repealed and the following schedule is enacted and inserted in its place:—

SECOND SCHEDULE

Section 9.

JURY DISTRICTS

Jury District	Subdivision constituting Jury District	
	Subdivision of—	In the House of Assembly District of—
Adelaide Jury District	Adelaide	} Adelaide
	Marleston	
	Thebarton	} Albert Park
	Albert Park	
	Beverley	} Ascot Park
	Ascot Park	
	Bragg	} Bragg
	Brighton	
	Coles	} Coles
	Davenport	
	Leabrook	} Davenport
	Elizabeth	
	Fisher East	} Elizabeth
	Fisher North	
	Fisher South	} Fisher
	Fisher West	
	Florey East	} Florey
	Florey West	
	Gilles East	} Gilles
	Gilles West	
	Glengel	} Glengel
	Hanson East	
	Hanson North	} Hanson
	Hanson South	
	Henley Beach	} Henley Beach
	Flagstaff Hill	
	Mawson	} Mawson
	Moana	
	Mitcham	} Mitcham
	Mitchell	
	Norwood	} Norwood
	St. Peters	
	Peake	} Peake
Playford		
Price	} Price	
Angle Park		
Ross Smith	} Ross Smith	
Salisbury		
Semaphore	} Salisbury	
Spence North		
Spence South	} Semaphore	
Highbury		
Modbury North	} Spence	
Torrens		
Goodwood	} Torrens	
Unley		
South-Eastern Jury District	} Unley	
Mount Gambier		
Northern Jury District	Millicent	} Mount Gambier
	Whyalla	
	Stuart	Stuart

34. The third schedule to the principal Act is amended by inserting after the passage—

Amendment of third schedule to the principal Act.

“University professors and lecturers, and the Registrar of.”

the passage—

“Academic staff of any College of Advanced Education, and the Director or the Registrar of.”

35. The fourth schedule to the principal Act is repealed.

Repeal of fourth schedule of principal Act.

Repeal of fifth schedule of principal Act and enactment of schedule in its place.

36. The fifth schedule to the principal Act is repealed and the following schedule is enacted and inserted in its place:—

FIFTH SCHEDULE

SUMMONS TO JUROR

The Sheriff's Office
Adelaide

To *[insert full name]*
[Address]

You are hereby summoned to render jury service for the month of

Your attendance is required at the hour of _____ on the _____ day of _____, 19____, at _____ and at such further times and places as the Sheriff may direct.

If you are empanelled as a member of a jury for an inquest commencing during the month of _____, you are required to render jury service until discharged by the court before which the inquest is held.

Sheriff

NOTE—If you do not obey this summons, or any lawful direction given in relation thereto by the Sheriff, you are liable to a heavy penalty.

Repeal of sixth and seventh schedules of principal Act and enactment of schedule in their place.

37. The sixth and seventh schedules to the principal Act are repealed and the following schedule is enacted and inserted in their place:—

SIXTH SCHEDULE

OATH OR AFFIRMATION

I (*or we*) do swear (*or solemnly, sincerely and truly affirm and declare*) that I (*or we*) will honestly, conscientiously and to the best of my (*or our*) ability try the issues at any inquest at which I (*or we*) may be required to serve and will render a true and honest verdict in accordance with the evidence.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

M. L. OLIPHANT, Governor