

LEGISLATIVE COUNCIL

Read 1° 12 November 1985

(Brought in by the Honourable J. H. Kennan)

A BILL

to protect the confidentiality of jury deliberations, to amend the *Juries Act 1967* and for other purposes.

Juries (Amendment) Act 1985

The Parliament of Victoria enacts as follows:

Purpose.

1. The purpose of this Act is to protect the confidentiality of the deliberations of juries.

5 Commencement.

2. This Act comes into operation on the 28th day after the day on which it receives Royal Assent.

Principal Act.

3. In this Act the *Juries Act 1967* is called the Principal Act.

No. 7651.
Reprinted to
No. 9902 and
amended by
Nos. 10089
and 10191.

Amendment of Juries Act.

4. After section 69 of the Principal Act insert—

Confidentiality of jury’s deliberations.

“69A. (1) A person must not publish to the public any statements made, opinions expressed, arguments advanced or votes cast in the course of the deliberations of a jury. 5

Penalty: 100 penalty units or imprisonment for three months or both.

(2) A person who solicits or obtains the disclosure by a person who is or has been a member of a jury of statements made, opinions expressed, arguments advanced or votes cast in the course of the deliberations of that jury is guilty of an offence. 10

Penalty: 100 penalty units or imprisonment for three months or both.

(3) A person who is or has been a member of a jury must not disclose any statements made, opinions expressed, arguments advanced or votes cast in the course of the deliberations of that jury if that person knows that any of that information may or will be published to the public. 15

Penalty: 100 penalty units or imprisonment for three months or both. 20

(4) Nothing in this section prevents the publication or disclosure by any person of any information about the deliberations of a jury if that publication or disclosure does not identify a juror or the relevant legal proceedings. 25

(5) Nothing in this section prevents a juror disclosing to a judge, the Attorney-General or the Director of Public Prosecutions any information about the deliberations of a jury, or the investigation by the police at the request of the Director of Public Prosecutions of any complaint about the deliberations of the jury. 30

(6) If in proceedings for an offence against this section it is necessary to establish the intention or awareness of a body corporate, it is sufficient to show that a servant or agent of the body corporate had that intention or awareness.

(7) If an offence against this section committed by a body corporate is proved to have been committed with the consent or connivance of a person who is a director, manager, secretary or other officer of the body corporate, that person is deemed to have committed the offence also, and is liable to be proceeded against and punished accordingly. 35

(8) Proceedings for an offence against this section shall be prosecuted summarily. 40

(9) No prosecution for an offence against this section shall be brought without the approval of the Director of Public Prosecutions or of a person authorized by the Director of Public Prosecutions to give approval for the purposes of this sub-section.

5 (10) This section does not apply to the disclosure of information about the proceedings for an offence against this section if, before the proceedings were instituted, the information had been published generally to the public.

10 (11) This section applies to coronial juries, and juries in criminal and civil trials.”.

