

# Juries (Amendment) Act 1990

No.

## TABLE OF PROVISIONS

### *Clause*

1. Purpose
2. Commencement
3. Principal Act
4. New section 13 (5) inserted
5. Substitution of section 14
  14. Civil and criminal juries
6. New section 14A inserted
  - 14A. Impanelment of additional jurors
7. Jury panels
8. Jury panel in treason case
9. Substitution of section 31
  31. Sheriff to deliver panel with cards
10. Striking of civil juries
11. Majority verdicts in the County Court
12. Return of cards to the box
13. Number of additional jurors may be reduced
14. Miscellaneous amendments

By Authority Jean Gordon Government Printer Melbourne



# LEGISLATIVE ASSEMBLY

---

Read 1° 5 September 1990

*(Brought in by Mr Kennan and Mr Roper)*

## A BILL

to amend the **Juries Act 1967** and for other purposes.

### **Juries (Amendment) Act 1990**

The Parliament of Victoria enacts as follows:

#### ***1. Purpose***

The purpose of this Act is to amend the **Juries Act 1967** to provide for—

- 5
- (a) majority verdicts in civil inquests in the County Court; and
  - (b) the creation of common pools for the empanelling of both civil and criminal juries; and
  - 10 (c) the impanelment of up to three additional jurors in criminal inquests of three months or more.

#### ***2. Commencement***

This Act comes into operation on a day or days to be proclaimed.

---

Section headings appear in bold italics and are not part of the Act.  
(See **Interpretation of Legislation Act 1984**)

**3. *Principal Act***

No. 7651.  
Reprinted to  
No. 9902 and  
subsequently  
amended by  
Nos 10089,  
10191,  
10245,  
10260,  
110/1986,  
117/1986,  
16/1987,  
55/1987,  
85/1987,  
52/1988,  
75/1988,  
19/1989,  
57/1989 and  
64/1989.

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

**4. *New section 13 (5) inserted***

After section 13 (4) of the Principal Act, **insert—**

“(5) Where a ballot has been held in accordance with section 48A to reduce the number of jurors to 12, the court may order that the jurors whose cards are drawn be excused as of right from serving as jurors for any period not exceeding 10 years that the court specifies and the court must notify the sheriff who must issue to those jurors a certificate of exemption accordingly.”.

**5. *Substitution of section 14***

For section 14 of the Principal Act **substitute—**

**“14. *Civil and criminal juries*** 15

- (1) A civil inquest in the Supreme Court or the County Court is to be tried by a jury of 6.
- (2) A criminal inquest in the Supreme Court or the County Court is to be tried by a jury of 12 or, where the court makes an order in accordance with section 14A, by a jury of not more than 15.”. 20

6. *New section 14A inserted*

After section 14 of the Principal Act **insert—**

**“14A. *Impanelment of additional jurors***

5 A court before which a criminal inquest is to be heard may order the impanelment of up to 3 additional jurors in that inquest before the jury is impanelled, if the court is of the opinion that the inquest will be of 3 months’ duration or more.”.

10 7. *Jury panels*

(1) In section 21 (3) of the Principal Act **omit** “criminal”.

(2) For section 21 (4) of the Principal Act **substitute—**

15 “(4) If juries are to be struck for both criminal and civil inquests from the same panel, no jury is to be struck for a civil inquest until all juries for criminal inquests have been impanelled.”.

(3) Section 21 (5) of the Principal Act is **repealed**.

8. *Jury panel in treason case*

Section 22 of the Principal Act is **repealed**.

20 9. *Substitution of section 31*

For section 31 of the Principal Act, **substitute—**

**“31. *Sheriff to deliver panel with cards***

25 (1) On the day named in the summonses for the attendance of jurors, the sheriff must in open court—

(a) deliver the copy of the panel; and

*Juries (Amendment)*

(b) subject to sub-section (2), furnish the names and occupations of the jurors written on separate cards—

to the proper officer who must put the cards in a box. 5

(2) In the case of an inquest where there are two or more persons of the same name and occupation on the panel, the names of those persons with additions must be written on separate cards and furnished to the proper officer.”. 10

**10. *Striking of civil juries***

In section 37 (1) of the Principal Act, after “name” insert “and occupation and, where supplied, the place of residence”.

**11. *Majority verdicts in the County Court*** 15

(1) In section 46 (2) of the Principal Act, after “Court” insert “or the County Court”.

(2) Section 47 of the Principal Act is **repealed**.

**12. *Return of cards to the box***

Section 48 of the Principal Act is amended as follows: 20

(a) In sub-section (1), for “Subject to sub-section (3) the” substitute “The”;

(b) In sub-section (2), for “Subject to sub-section (3) if” substitute “If”;

(c) Sub-section (3) is **repealed**. 25

**13. *Number of additional jurors may be reduced***

After section 48 of the Principal Act insert—

**“48A. *Ballot of jurors where more than 12***

(1) Where more than 12 jurors have been impanelled and remain at the conclusion of the trial, a ballot must be held in accordance 30

with sub-section (2) to reduce the number to 12 before the jury retires to consider its verdict.

- 5
- (2) A ballot referred to in sub-section (1), must be conducted by drawing at random the number of cards necessary to reduce the number of jurors to 12 from those cards kept apart in accordance with section 48 (1).
- 10
- (3) Subject to sub-section (4), the juror or jurors whose cards are drawn must be excused and their cards returned to the box for further use unless the court makes an order under section 13 (5).
- 15
- (4) If the card of the foreperson is drawn, that card is to be kept apart and another card drawn.
- (5) The cards of the 12 jurors including the card of the foreperson must be kept apart until a verdict has been given or until the jurors are discharged.
- 20
- (6) Unless the court makes an order under section 13 (4), the cards of the 12 jurors must be returned to the box for further use.”.

#### **14. *Miscellaneous amendments***

The Principal Act is amended as follows—

- 25
- (a) In section 33, **omit** “twelve”;
- (b) In section 44, after “twelve” **insert** “or more”;
- (c) In sections 52 and 53, **omit** “at Melbourne” (wherever occurring).

