

Juries (Amendment) Bill

EXPLANATORY MEMORANDUM

Clauses 1–3 are formal.

Clause 4 contains the new provision, section 69A, which is designed to protect the confidentiality of jury deliberations.

The proposed section 69A (1) creates an offence, punishable by a fine of \$10 000 or imprisonment for three months or both, of publishing to the public statements made, opinions expressed, arguments advanced, or votes cast in the course of the deliberations of a jury.

The proposed section 69A (2) creates an offence, punishable by a fine of \$10 000 or imprisonment for three months or both, of soliciting or obtaining disclosure of that information.

The proposed section 69A (3) makes it an offence, punishable by a fine of \$10 000 or imprisonment for three months or both, for a juror to disclose that information if he or she knows that that disclosure may or will be published to the public.

The proposed sections 69A (4) and (5) contain significant limitations on the scope of these offences. The proposed section 69A (4) provides that the offences only cover the publication of disclosure of information which identifies a juror or the relevant legal proceedings. The proposed section 69A (5) gives a juror free access to communicate any information to a judge, court, board or commission or to the Attorney-General or the Director of Public Prosecutions, and exempts from the scope of the offences a police investigation carried out at the request of the Director of Public Prosecutions.

The proposed section 69A (6) imputes the intention or awareness of a servant or agent of a body corporate to that body corporate for the purposes of these offences.

The proposed section 69A (7) provides for the accessory liability of officers of a body corporate who consent to or connive at the commission of an offence by the body corporate.

The proposed section 69A (8) provides that these offences will be tried summarily.

The proposed section 69A (9) requires the consent of the Director of Public Prosecutions or his or her nominee for the prosecution of these offences.

The proposed section 69A (10) exempts from the operation of these offences publication to the public of information about proceedings for offences against this section if that information had been published generally to the public before the institution of the proceedings.

The proposed section 69A (11) makes it clear that the offences contained in this section apply to civil juries, criminal juries, and coronial juries.

