



JURIES (MISCELLANEOUS) AMENDMENT ACT 1997

No. 49 of 1997

SUMMARY OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of s. 12—Disqualification from jury service
4. Substitution of ss. 16 to 19
 16. Power of sheriff or judge to excuse juror or prospective juror from attendance
5. Substitution of s. 32
 32. Regulations relating to jury panels, etc.
6. Insertion of s. 93
 93. Regulations
7. Amendment of Schedule 3



ANNO QUADRAGESIMO SEXTO

ELIZABETHAE II REGINAE

A.D. 1997

No. 49 of 1997

An Act to amend the Juries Act 1927.

[Assented to 31 July 1997]

The Parliament of South Australia enacts as follows:

Short title

1. (1) This Act may be cited as the *Juries (Miscellaneous) Amendment Act 1997*.
- (2) The *Juries Act 1927* is referred to in this Act as "the principal Act".

Commencement

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

Amendment of s. 12—Disqualification from jury service

3. Section 12 of the principal Act is amended by inserting after subsection (1) the following subsection:

(1a) The Commissioner of Police must, at the request of the sheriff, investigate and report on any matter relevant to determining whether or not a person is disqualified from jury service under this section.

Substitution of ss. 16 to 19

4. Sections 16 to 19 (inclusive) of the principal Act are repealed and the following section is substituted:

Power of sheriff or judge to excuse juror or prospective juror from attendance

16. (1) A judge or the sheriff may, on application by or on behalf of a person summoned to render jury service but not serving on a jury in the course of a criminal inquest, excuse the person from attendance or further attendance in compliance with the summons.

(2) A person may be excused under this section—

- (a) on the ground that the person has served as a juror within the previous three years;
- (b) on the ground that the person is one of two or more partners from the same partnership, or of two or more persons employed in the same establishment, who have been summoned to attend as jurors on the same days;

- (c) because of ill-health, conscientious objection or a matter of special urgency or importance;
- (d) for any reasonable cause.

(3) Information provided in support of the application may be required to be given on oath or to be in the form of or verified by an affidavit or statutory declaration.

(4) The judge or sheriff may, as a condition of excusing a person under this section, order that—

- (a) the name of the person be included amongst the names of jurors to be summoned for jury service at a specified subsequent time; or
- (b) the person attend in compliance with the summons at a specified subsequent time and specified place or at a time and place to be directed by the sheriff.

(5) If the sheriff declines to excuse a person under this section or excuses the person on conditions, the person may apply to a judge for review of the sheriff's decision and, on such a review, the judge may affirm the decision or quash the decision and substitute a decision that the judge thinks appropriate.

Substitution of s. 32

5. Section 32 of the principal Act is repealed and the following section is substituted:

Regulations relating to jury panels, etc.

32. The Governor may make regulations—

- (a) establishing procedures for constituting jury panels;
- (b) making provision for further jury service by a juror included in a jury panel or jury;
- (c) excusing, or making provision for the sheriff or a judge to excuse, such jurors from further jury service in compliance with their summonses;
- (d) otherwise relating to the management of jurors or jury panels.

Insertion of s. 93

6. The following section is inserted after section 92 of the principal Act:

Regulations

93. The Governor may make such regulations as are contemplated by, or necessary or expedient for the purposes of, this Act.

Amendment of Schedule 3

7. Schedule 3 of the principal Act is amended by inserting ", or employed by a body prescribed by regulation," after "department of the Government".

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

E. J. NEAL Governor