



ANNO DECIMO OCTAVO

ELIZABETHAE II REGINAE

A.D. 1969

No. 74 of 1969

An Act to amend the Juries Act, 1927-1965.

[Assented to 11th December, 1969.]

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

Short titles.

1. (1) This Act may be cited as the "Juries Act Amendment Act, 1969".

(2) The Juries Act, 1927-1965, as amended by this Act, may be cited as the "Juries Act, 1927-1969".

(3) The Juries Act, 1927-1965, is hereinafter referred to as "the principal Act".

Commencement.

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

Amendment of
principal Act,
s. 3—
Interpretation.

3. Section 3 of the principal Act is amended—

(a) by inserting after the definition of "criminal inquest" the following definitions :—

"District Criminal Court" means District Criminal Court as defined by subsection (3) of section 4 of the Local and District Criminal Courts Act, 1926-1969 :

"District Criminal Court district" means district as defined by subsection (3) of section 4 of the Local and District Criminal Courts Act, 1926-1969 ; ;

(b) by inserting after the definition of "inquest" the following definition :—

"Recorder" means Recorder within the meaning of section 4 of the Local and District Criminal Courts Act, 1926-1969 ; ;

and

(c) by inserting before the definition of "Sheriff" the following definition :—

"Senior Judge" means Senior Judge within the meaning of the Local and District Criminal Courts Act, 1926-1969 : .

4. Section 4 of the principal Act is amended by inserting immediately below the passage—

"PART II—Jury Districts"

the passage—

"PART IIA—Jury Regions for District Criminal Courts".

Amendment of principal Act, s. 4—
Division of Act.

5. Section 7 of the principal Act is amended by inserting after the passage "Circuit Court" the passage "or District Criminal Court".

Amendment of principal Act, s. 7—
Jury in criminal inquests.

6. Section 9 of the principal Act is amended by striking out from subsection (3) the word "Act" secondly occurring therein.

Amendment of principal Act, s. 9—
Area of jury districts.

7. The following headings and Part are enacted and inserted in the principal Act immediately after section 10 thereof :—

Enactment of Part IIA of principal Act and heading thereto—

PART IIA.

JURY REGIONS FOR DISTRICT CRIMINAL COURTS

10a. There shall be a jury region for every District Criminal Court district.

Every District Criminal Court district to have a jury region.

10b. (1) Every jury region shall consist of one or more subdivisions.

Jury region to consist of one or more subdivisions.

(2) When a District Criminal Court district is established by proclamation pursuant to section 319 of the Local and District Criminal Courts Act, 1926-1969, the Governor may, by the same or a subsequent proclamation, constitute a jury region for that district and declare what subdivisions shall constitute that jury region.

(3) Where a subdivision or subdivisions comprising a jury region is or are altered or abolished by or pursuant to any law, the jury regions existing immediately before the alteration or abolition shall continue in existence until varied and all annual jury lists in force shall continue in force until new lists are prepared and come into force under this Act.

Jury regions may be varied or abolished.

10c. The Governor may, from time to time, by proclamation abolish, or, subject to subsection (1) of section 10b of this Act, vary a jury region.

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

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

14. Except as provided by section 69 of this Act—

(a) a person shall not be qualified or liable to serve as a juror in the Supreme Court or in any Circuit Court unless he resides within the jury district for that court ;

and

(b) a person shall not be qualified or liable to serve as a juror in a District Criminal Court unless he resides within the jury region constituted for the District Criminal Court district within, or in connection with, which that court is sitting.

Amendment of principal Act, s. 19—
Power of Sheriff to exempt in certain cases.

9. Section 19 of the principal Act is amended—

(a) by inserting after the passage “Supreme Court” the passage “or, as the case may be, in the jury region constituted for the District Criminal Court district within, or in connection with, which that court is sitting,” ;

and

(b) by inserting after the passage “this Act” secondly occurring therein the passage “or in such jury region,”.

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

10. Section 20 of the principal Act is amended—

(a) by striking out from subsection (1) the passage “during the month” and inserting in lieu thereof the passage “before the thirty-first day” ;

(b) by inserting after the passage “jury district” in subsection (1) the passage “and for each jury region” ;

and

(c) by inserting after the passage "jury lists" in subsection (2) the passage "and jury panels".

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

Repeal of s. 21 of principal Act and enactment of section in its place—
Number of jurors on each list.

21. (1) Every annual jury list for the jury district for the Supreme Court criminal sessions at Adelaide shall contain such number of names as the Sheriff deems necessary, but not less than one thousand.

(2) Every annual jury list for each of the jury districts for the Circuit Courts shall contain such number of names as the Sheriff deems necessary, but not less than three hundred.

(3) Every annual jury list for each of the jury regions shall contain such number of names as the Sheriff deems necessary, but not less than two hundred.

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

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

22. The names of jurors to be contained in the annual jury list for any jury district or jury region shall be selected by ballot from the names appearing on the subdivision rolls for the subdivisions contained in such jury district or jury region, as the case may be.

13. Section 23 of the principal Act is amended by inserting after the passage "jury district" wherever it occurs in subsection (2) the passage "or jury region".

Amendment of principal Act, s. 23—
Mode of selecting names to be included in jury lists.

14. Section 25 of the principal Act is amended by inserting after the passage "Circuit Court" in subsection (1) the passage "and District Criminal Court".

Amendment of principal Act, s. 25—
Boxes for jurors' cards.

15. Section 27 of the principal Act is amended by striking out the passage "for the Supreme Court and Circuit Courts" and inserting in lieu thereof the passage "prepared for all courts under and pursuant to this Act".

Amendment of principal Act, s. 27—
Numbers on cards.

16. Section 29 of the principal Act is repealed and the following section is enacted and inserted in its place :—

Repeal of s. 29 of principal Act and enactment of section in its place—
Precept for jurors.

29. (1) Whenever any jurors are required for any inquest or inquests in the Supreme Court, the court shall issue a precept to the Sheriff commanding him to summon a sufficient number of jurors to attend on the inquest or inquests.

(2) Whenever any jurors are required for any inquest or inquests in any Circuit Court, the judge authorized to hold the Circuit Court shall issue a precept to the Sheriff commanding him to summon a sufficient number of jurors to attend on the inquest or inquests.

(3) Whenever any jurors are required for any inquest or inquests in a District Criminal Court, the Recorder assigned to preside over that court or the Senior Judge shall issue a precept to the Sheriff commanding him to summon a sufficient number of jurors to attend on the inquest or inquests.

(4) Whenever—

(a) jurors have been summoned to attend on any inquests—

(i) in the Supreme Court ;

(ii) in any Circuit Court ;

or

(iii) in any District Criminal Court ;

and

(b) it appears to the judge or Recorder before whom the inquests are being held that it is desirable to discharge those jurors before all the inquests have been held and summon other jurors to attend on the inquests remaining to be held,

then, the Supreme Court, or the judge authorized to hold the Circuit Court, or the Recorder assigned to preside over the District Criminal Court, as the case may require, may issue a precept to the Sheriff commanding him to summon a sufficient number of jurors to attend on the remaining inquests.

Amendment of
principal Act,
s. 30—
Precept for
jurors in two
panels.

17. Section 30 of the principal Act is amended by striking out the passage “The said Court or Judge” at the commencement of the section and inserting in lieu thereof the passage “The Supreme Court, or the judge authorized to hold the Circuit Court, or the Recorder, or the Senior Judge, as the case may be”.

Amendment of
principal Act,
s. 31—
Delivery of
precept to
Sheriff.

18. Section 31 of the principal Act is amended by inserting after the passage “to the case” the passage “(with such adaptations or modifications as the circumstances may require where it is to be issued by a Recorder or the Senior Judge with respect to inquests in a District Criminal Court)”.

19. Section 37 of the principal Act is repealed and the following section is enacted and inserted in its place :—

Repeal of s. 37 of principal Act and enactment of section in its place—
Time and mode of service.

37. Every such summons—

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

or

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

20. Section 40 of the principal Act is amended by striking out the passage “one shilling” and inserting in lieu thereof the passage “ten cents”.

Amendment of principal Act, s. 40—
Duty of Sheriff to supply copies of panel.

21. Section 61 of the principal Act is amended by inserting after the passage “Circuit Court” the passage “or District Criminal Court”.

Amendment of principal Act, s. 61—
Challenge.

22. Section 68 of the principal Act is amended by inserting after the word “Judges” the passage “or the Recorder”.

Amendment of principal Act, s. 68—
Trial of challenge for cause.

23. Section 69 of the principal Act is amended by inserting after the passage “Circuit Court” the passage “or District Criminal Court”.

Amendment of principal Act, s. 69—
Tales.

24. Section 70 of the principal Act is amended by striking out from subsection (1) the passage “five pounds” and inserting in lieu thereof the passage “ten dollars”.

Amendment of principal Act, s. 70—
Fees payable at time of application for jury.

25. Section 79 of the principal Act is amended by inserting after the word “Judge” twice occurring therein the passage “or Recorder”.

Amendment of principal Act, s. 79—
Fines may be remitted upon cause shown.

Amendment of
principal Act,
s. 80—
Offences by
Sheriff.

26. Section 80 of the principal Act is amended—

(a) by inserting after the passage “Circuit Court” the passage “or a District Criminal Court”;

and

(b) by striking out the passage “fifty pounds” and inserting in lieu thereof the passage “one hundred dollars”.

Amendment of
principal Act,
s. 81—
Recovery of
certain fines.

27. Section 81 of the principal Act is amended—

(a) by inserting after the passage “Circuit Court” the passage “or by a District Criminal Court”;

(b) by inserting after the passage “Supreme Court” secondly occurring therein the passage “or a District Criminal Court”;

and

(c) by inserting after the passage “Supreme Court” lastly occurring therein the passage “or the Senior Judge”.

Amendment of
principal Act,
s. 82—
Penalty for
defacing
notices.

28. Section 82 of the principal Act is amended by striking out the passage “five pounds” and inserting in lieu thereof the passage “ten dollars”.

Repeal of
s. 83 of
principal Act
and enactment
of section in
its place—
Penalty for
corruptly
influencing
jurors.

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

83. A person who unlawfully influences or unlawfully attempts to influence a juror, or consents thereto shall be guilty of a misdemeanour and—

(a) where the juror has been summoned to attend a civil or criminal inquest in the Supreme Court, shall be liable to be punished with a fine and with imprisonment on conviction before the Supreme Court;

and

(b) where the juror has been summoned to attend a criminal inquest in a District Criminal Court, shall be liable to be punished with a fine and with imprisonment not exceeding ten years on conviction before the District Criminal Court.

Amendment of
principal Act,
s. 88—
View during
trial.

30. Section 88 of the principal Act is amended by inserting after the passage “Court or Judge” wherever it occurs in subsection (1) the passage “or the Recorder”.

Amendment of
principal Act,
s. 89—
Rules of court.

31. Section 89 of the principal Act is amended—

(a) by inserting after the passage “the provisions of this Act,” the passage “with respect to the Supreme Court”;

and

(b) by inserting after the present contents thereof, as amended by this section, (which are hereby designated subsection (1) thereof) the following subsection :—

(2) The power to make, vary and revoke rules of court conferred by section 321 of the Local and District Criminal Courts Act, 1926-1969, upon the Senior Judge and two other Judges shall be read as including power to make, vary and revoke such rules of court as may be necessary or convenient for the purpose of carrying into effect the objects and provisions of this Act with respect to District Criminal Courts.

32. Section 90 of the principal Act is amended by inserting after the passage “whether in civil or criminal proceedings,” the passage “or in a District Criminal Court,”.

Amendment of principal Act, s. 90—
English practice to apply unless otherwise provided.

33. Section 91 of the principal Act is repealed and the following section is enacted and inserted in its place :—

Repeal of s. 91 of principal Act and enactment of section in its place—
Provisions for oral and other orders.

91. The Supreme Court or any Judge thereof, or any District Criminal Court, in which an issue comes on to be tried shall have and may exercise the same power and authority as the Supreme Court or a Judge thereof has, before the commencement of the Juries Act Amendment Act, 1969, had and exercised in issuing any writ or precept, or in making an award or order, orally or otherwise, for the return of a jury for the trial of any issue before the Supreme Court or a Judge thereof or before a District Criminal Court, or for amending or enlarging the panel of jurors returned for the trial of any such issue, and the return to every such writ, precept, award or order shall, subject to the provisions of this Act, be made in manner used and accustomed in the Supreme Court before such commencement.

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

J. W. HARRISON, Governor.