

HOUSE OF REPRESENTATIVES

# Supplementary Order Paper

Wednesday, 19th August 1981

JURIES BILL

*Proposed Amendments*

HON. MR MCLAY, in Committee, to move the following amendments:

*Clause 7:* To insert on page 5, after paragraph (d), the following paragraph:

- (da) Justices who have agreed to make themselves available from time to time to exercise the summary jurisdiction of District Courts:

*Clause 8, subclause (3):* To add on page 7 the following paragraph:

- (c) Persons in respect of whom a direction is in force under section 62A of the Electoral Act 1956 that their names, residences, and occupations be not published.

*Clause 11:* To omit subclauses (3) and (4) on page 8, and substitute the follows:

(3) Every person who is summoned for jury service shall be liable to serve until the end of the week for which that person was summoned.

(4) Every juror who is sworn to try a case that continues beyond the end of the week for which the juror was summoned shall be bound to continue to serve until the determination of the case or until lawfully discharged by the Court.

*Clause 13, subclause (2) (b):* To omit from line 32 on page 9 the words "or has been summoned to serve", and substitute the words "or (having been summoned) has attended for service".

*Clause 13A:* To omit from line 12 on page 10 the word "written".

*Clause 31, subclause (1):* To omit from lines 31 to 34 on page 16 the words "requiring public notice to be given, at such place and time and in such manner as may be provided in the rules, of the drawing of names to be entered on the panel;".

To omit paragraph (e) in lines 3 to 5 on page 17.

EXPLANATORY NOTE

Clauses 7 and 31 (1) (e): As these clauses are presently drafted, rules can be made providing that the Justices who committed a person for trial shall not serve on the jury at the trial. Subject to that, Justices are eligible for jury service. It is now proposed that Justices who may sit in District Courts on criminal matters are not eligible for jury service, and these amendments provide accordingly.

Clause 8 (3): The amendment is necessary to protect the anonymity of persons whose names are not to be published on the electoral roll.

Clause 11: Subclauses (3) and (4) are rewritten to clarify their relationship as well as their meaning. The basic rule, in subclause (3), is that a juror must attend for the whole week for which the juror is summoned. Thus, if the juror is sworn for a trial on Monday and that trial concludes on Wednesday, the juror is not then free to go home, but is liable for further service if required on Thursday and Friday.

Subclause (4) provides for the case where a trial that begins in one week continues into the next. Obviously, each juror remains liable to serve until the case is determined or the jury is discharged.

Clause 13 (2) (b): The amendment makes it clear that a person who has been summoned for jury service but has failed to attend is not excused from further service for 2 years. However, a person is excused if that person attends in answer to the summons but does not actually serve on a jury.

Clause 13A: The amendment allows oral as well as written applications to be made to a Judge by a juror who wishes to be excused from service.

Clause 31 (1) (b): The words to be omitted are inconsistent with clause 12 of the Bill, which limits the availability of jury panels for public inspection.