



Australian Capital Territory

# **Juries Act 1967**

**A1967-47**

**Republication No 23**

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Authorised by the ACT Parliamentary Counsel

## About this republication

### The republished law

This is a republication of the *Juries Act 1967* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 2 November 2010. It also includes any commencement, amendment, repeal or expiry affecting the republished law to 2 November 2010.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

### Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

### Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

### Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

### Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

### Penalties

At the republication date, the value of a penalty unit for an offence against this law is \$110 for an individual and \$550 for a corporation (see *Legislation Act 2001*, s 133).



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# Juries Act 1967

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An Act relating to juries

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## Part 1 Preliminary

### 1 Name of Act

This Act is the *Juries Act 1967*.

### 2 Dictionary

The dictionary at the end of this Act is part of this Act.

*Note 1* The dictionary at the end of this Act defines certain terms used in this Act, and includes references (*signpost definitions*) to other terms defined elsewhere in this Act.

*Note 2* A definition in the dictionary (including a signpost definition) applies to the entire Act unless the definition, or another provision of the Act, provides otherwise or the contrary intention otherwise appears (see Legislation Act, s 155 and s 156 (1)).

### 3 Notes

A note included in this Act is explanatory and is not part of this Act.

*Note* See the Legislation Act, s 127 (1), (4) and (5) for the legal status of notes.



## Part 2                      Number of jurors

### 7                      Number of jurors

At a criminal trial, a jury must consist of 12 jurors.

### 8                      Reduced number of jurors

- (1) If the judge is satisfied that, because of illness or other sufficient cause, a juror should not continue to act as a juror, the judge may order that the juror be excused from further attendance during the trial and during any further period that the judge specifies in the order.
- (2) Where, because of the death of a juror or of a juror being excused under subsection (1), the number of jurors is reduced to not less than 10, the trial shall, if the judge so orders and notwithstanding section 7, continue with the reduced number of jurors, and the verdict of those jurors shall be a sufficient verdict.
- (3) If, at a criminal trial—
  - (a) the number of jurors is reduced to 11 or 10 and the judge does not make an order under subsection (2); or
  - (b) the number of jurors is reduced to less than 10;

the judge shall discharge the remaining jurors and shall adjourn the trial to a date fixed by the judge or to be fixed as the judge orders.

## **Part 3 Liability for jury service**

### **9 Liability to serve as jurors**

Each person whose name is on the roll of electors of the ACT is, unless he or she is a disqualified person or is exempt from serving as a juror, liable to serve as a juror.

### **10 Persons not qualified to serve as jurors**

A person who—

- (a) has been convicted, whether within or outside the ACT, of an offence punishable under the law in force at the place where he or she was convicted by imprisonment for 1 year or longer and has not been granted a pardon in relation to the offence; or
- (b) is an undischarged bankrupt; or
- (c) is unable to read and speak the English language; or
- (d) is, because of mental or physical disability, incapable of serving as a juror; or
- (e) is of unsound mind;

is not qualified to serve as a juror.

### **11 Exempt people and people who may claim exemption**

- (1) A person mentioned in schedule 2, part 2.1 is exempt from serving as a juror.
- (2) A person mentioned in schedule 2, part 2.2 may claim exemption from serving as a juror.

### **13 Liability of disqualified or exempted persons to attend as jurors**

A person whose name is on the jury list is not excused from attendance in accordance with a jury summons because of his or her

not being liable to serve, his or her not being qualified to serve, or his or her being exempted from serving, as a juror unless the sheriff was, after the issue of the jury summons, informed accordingly and has excused the person from attendance.

#### **14 Excusing of jurors**

If a judge or the sheriff is satisfied that a person summoned or appointed to attend to serve as a juror ought to be excused from attendance because—

- (a) of illness; or
- (b) of pregnancy; or
- (c) the person has the care of children or of aged or ill persons; or
- (d) of circumstances of sufficient importance or urgency;

the judge or the sheriff may, at any time after service of the summons or the appointment excuse the person from attendance or further attendance on the Supreme Court during the period that the judge or sheriff specifies.

#### **15 Partners or coworkers as jurors**

If a judge or the sheriff is satisfied that 2 or more partners who are members of the same partnership or 2 or more persons who are employed in the same establishment have been summoned or appointed to attend as jurors on the same day, the judge or the sheriff may excuse 1 or more of those partners or persons from attendance on that day.

#### **16 Discharge because of comprehension difficulty or disability**

If a judge is satisfied that a person summoned or appointed to attend to serve as a juror has not sufficient understanding of the English language or of the course of judicial proceedings, or is suffering such mental or physical disability as to be incapacitated for the

proper discharge of the duties of a juror, the judge may discharge that person from further attendance on the Supreme Court under that summons or appointment.

**17 Excusing person if liability in doubt**

If, in the opinion of a judge, it is doubtful whether a person summoned or appointed to attend to serve as a juror is liable to serve as a juror, the judge may excuse that person from further attendance on the Supreme Court.

**18 Impeachment of verdict of jury**

The verdict of a jury shall not be impeached on the grounds that a person who served as a juror was not liable to serve, was not qualified to serve, or was exempt from serving, as a juror unless the judge was informed accordingly before that person was sworn.

**18A Relief from jury service**

- (1) A person who has, during the currency of a jury list, been summoned or appointed to attend to serve as a juror is excused from serving as a juror until a jury list is next prepared in accordance with section 19.
- (2) Despite subsection (1), if at the conclusion of a trial, the judge is of the opinion that the trial was of sufficient length to justify so doing, the judge may order that each of the jurors for that trial shall be excused from serving as a juror for a specified further period.
- (3) Subject to subsection (4), if a person has been excused from serving as a juror under subsection (1) or (2), the sheriff shall take the steps that are necessary to ensure that the person is not summoned or appointed to attend to serve as a juror before the end of the period for which the person is excused.
- (4) If a person who has been excused from serving as a juror under subsection (1) or (2) notifies the sheriff in writing that he or she wishes to be included on the jury list, the person ceases to be

excused from serving as a juror and the sheriff shall include the person on the jury list.

## Part 4 Jury list

### 19 Jury list

- (1) The sheriff shall, at the prescribed times and at any other times the sheriff considers necessary, prepare a list of the names of persons liable to serve as jurors.
- (2) In preparing the jury list under subsection (1), the sheriff shall remove from the roll of electors of the ACT the name of each person who, to the knowledge of the sheriff, is dead, is not qualified to serve as a juror or is exempt or excused from so serving.
- (3) The jury list may be kept electronically.
- (4) For subsection (1), the following times are prescribed:
  - (a) as soon as practicable after the commencement of this section;
  - (b) once in each 2 year period afterwards.

## Part 5 Jury precepts and summonses

### 21 Meaning of *sheriff* in pt 5

In this part:

*sheriff* includes any person exercising the functions of the sheriff in accordance with the *Supreme Court Act 1933*, section 52.

### 22 Jury precepts

From time to time and as often as necessary, a judge shall issue, by signed writing, a precept directed to the sheriff requiring him or her to summon persons to attend on the Supreme Court to serve as jurors.

*Note* See approved form 1 (Jury precept), approved under the *Court Procedures Act 2004*, s 8.

### 24 Choosing jurors

- (1) If a jury precept is given to the sheriff, the sheriff shall choose from the names on the jury list as many persons as he or she considers necessary to ensure that the number of persons that the jury precept requires to attend to serve as jurors will be in attendance at the Supreme Court at the time specified in the precept.
- (2) If it appears to the sheriff that—
  - (a) a person whose name has been so chosen is dead, is exempt from serving as a juror or has become a disqualified person; or
  - (b) there are reasonable grounds for believing that it is unlikely that a person whose name has been so chosen will be served with the jury summons;

the sheriff shall choose, in substitution for the name previously chosen, the name of another person whose name appears on the jury list.

- (3) The choosing of names of persons under subsection (1) or (2) shall be by lot or by use of a computer programmed to make a random selection.
- (4) The sheriff shall prepare, and give a police officer a copy of, a list of the names chosen under subsection (1) or (2).
- (5) A police officer may make the inquiries that he or she considers appropriate in an endeavour to ascertain whether any person whose name is included on the list referred to in subsection (4) is a disqualified person and the officer shall report in writing the result of the inquiries to the sheriff.
- (6) A person shall not, except in the exercise of a function under, or otherwise for, a law in force in the ACT, either directly or indirectly, make a record of, or divulge or communicate to any person, information obtained in the course of inquiries referred to in subsection (5).
- (7) If it appears to the sheriff, after considering a report made under subsection (5), that a person whose name is included on the list referred to in subsection (4) is a disqualified person, the sheriff shall remove the name of the person from that list and shall remove the person's name from the jury list.
- (8) If it appears to the sheriff, after considering a report made under subsection (5)—
  - (a) that a person whose name is included on the list referred to in subsection (4) is not a disqualified person but has been convicted of an offence punishable on summary conviction; and
  - (b) that, having regard to the nature and number of the offences committed by the person, when they were committed and any penalties imposed for them, the person would be unable to adequately exercise the functions of a juror;



the sheriff shall remove the name of the person from that list and shall, by written notice sent by post addressed to the person at his or her last-known place of residence, advise the person that his or her name has been removed and that he or she may object to the removal by written application to a judge.

- (9) If a person makes an application referred to in a notice under subsection (8), the judge shall fix a date and time for the hearing of the application and shall cause the applicant and the sheriff to be notified accordingly.
- (10) If the judge decides that an applicant's name should not have been removed from the list referred to in subsection (4), the sheriff shall put the applicant's name back on the list.
- (12) An action or proceeding, civil or criminal, does not lie against a police officer personally for or in relation to any act done by the officer in good faith in connection with the making of a report under subsection (5).

## **26 Service of jury summonses**

A jury summons may be served—

- (a) by giving it to the person named on it, or by leaving it with a person apparently over 16 years old at that person's place of living as shown on the jury list, not less than 4 clear days before the date when the person is required to attend; or
- (b) by sending it by post (under prepaid postage) in an envelope addressed to the person at his or her place of living as shown on the jury list not less than 7 clear days before the date when the person is required to attend.

*Note* See approved form 2 (Jury summons), approved under the *Court Procedures Act 2004*, s 8.

**26A Application for withdrawal of summons**

- (1) If a person has been served with a jury summons and has informed the sheriff that the person believes he or she is not qualified to serve as a juror or is exempt or excused from jury service, the sheriff shall—
  - (a) if the sheriff believes that the person is not qualified to serve as a juror or is exempt or excused from jury service—withdraw the summons; or
  - (b) refuse to withdraw the summons.
- (2) If the sheriff has refused to withdraw a summons under subsection (1) (b), the person summoned may apply in writing to a judge for a review of the decision.
- (3) The judge shall fix a date and time for the hearing of the application and shall cause the applicant and the sheriff to be notified accordingly.
- (4) The sheriff shall revise the jury list so that it accords with the decision of the judge.

**27 Preparation of panel of jurors, and lists of jurors excused and jury cards**

- (1) The sheriff shall prepare a panel of jurors for the purpose of the jury precept by listing the names of persons who have been served with jury summonses or if the number of persons served with jury summonses exceeds the number of persons specified in the jury precept as the number of persons required to attend at the Supreme Court, by listing, in the order in which the names were chosen under section 24 (1) or (2) so many of those names as equals the number of persons so required by the jury precept to attend.
- (2) The sheriff shall also prepare a list showing the names of the persons who have been served with jury summonses and whose names have not been included in the panel of jurors.

- (3) The sheriff shall—
  - (a) insert, on the jury panel opposite to each name appearing on the panel, the occupation of the person as shown in the jury list; and
  - (b) prepare in relation to each of those persons a card showing the name and occupation of the person.
- (4) The persons whose names appear on the list referred to in subsection (2) are excused from attendance at the Supreme Court in compliance with the requirements of the jury summons, and the sheriff shall notify each of those persons accordingly.

## **28 Sheriff's return to precept**

- (1) On the day and at the time specified in a jury precept for the attendance of the persons summoned under the jury precept, the sheriff shall return into the Supreme Court the jury precept and shall give it to the proper officer together with—
  - (a) the panel of jurors; and
  - (b) proof of service of the jury summons on each person named in the jury panel; and
  - (c) the jury cards prepared in relation to the persons whose names appear on the jury panel.
- (2) The proper officer shall place the jury cards in a ballot box.

## **29 Inspection of jury panels**

- (1) Except by leave of the Supreme Court, a person shall not, before the day fixed for a trial, be permitted to inspect the panel of jurors for the trial or to inspect or obtain a copy of the panel.
- (2) The legal practitioner representing the prosecution, the accused or his or her legal practitioner may, on the day fixed for a trial, inspect or obtain from the sheriff a copy of the panel of jurors for the trial.

**30 Informalities etc not to invalidate verdict**

An omission, informality or error in name or occupation (if there is no question of identity) in relation to the jury list, a jury precept or a panel of jurors does not invalidate or affect any verdict returned by a jury that is in other respects according to law.

## Part 6 Striking and impanelling jury

### 31 Striking a jury at a criminal trial

- (1) At the beginning of a criminal trial, the proper officer shall draw the jury cards out of a ballot box 1 at a time and call aloud the name and occupation shown on each card so drawn until 12 persons have entered the jury box.
- (2) If all the jury cards are exhausted, by challenge or otherwise, before 12 persons have entered the jury box at a criminal trial, the judge may order the sheriff to appoint forthwith from persons in or in the vicinity of the Supreme Court who are liable to serve as jurors so many persons to attend to serve as jurors as will enable 12 persons to enter the jury box.
- (3) The names of the persons so appointed shall be deemed to have been returned on the jury precept and to have been included in the jury panel and the sheriff shall give to the proper officer a jury card showing the name and occupation of each of those persons.
- (4) The persons so appointed are subject to challenge in the same way as the persons whose names are included on the panel of jurors.
- (5) The 12 persons in the jury box shall, on being sworn, be the jury for the criminal trial.
- (6) A card bearing the name of a person, other than a person appointed under this section, who has been called but not sworn shall, on the jury being sworn, be returned to the ballot box.
- (7) When the verdict of the jury has been given and recorded or the jury has been discharged, whichever first happens, the jury cards bearing the names of the jurors shall, unless the Supreme Court otherwise orders, be returned to the ballot box.

**31A Expanded juries in some criminal trials**

- (1) If a judge considers it appropriate, he or she may direct that a specified number of jurors, greater than 12 and less than 17, be empanelled for a criminal trial.
- (2) If a judge gives a direction under subsection (1), this Act (other than this section) applies in relation to the trial as if references to 12 jurors or persons were references to as many jurors or persons as are equal to the number of jurors directed to be empanelled.
- (3) If a judge gives a direction under subsection (1), section 34 applies in relation to the trial as if references in section 34 (1) (a) and (2) (a) to 8 peremptory challenges were—
  - (a) if the judge directs that 13 or 14 jurors be empanelled—references to 9 peremptory challenges; or
  - (b) if the judge directs that 15 jurors be empanelled—references to 10 peremptory challenges; or
  - (c) if the judge directs that 16 jurors be empanelled—references to 11 peremptory challenges.
- (4) If, immediately before a jury is to retire to consider its verdict, the jury consists of more than 12 jurors, the proper officer shall select the jurors to be discharged by drawing the jury cards out of a ballot box 1 at a time until 12 jurors remain unselected.
- (5) If a juror is selected under subsection (4)—
  - (a) the judge may, if he or she considers appropriate, make an order under section 18A (2) in relation to the juror as if the trial had concluded; and
  - (b) the juror is discharged from jury service.

## Part 7                      Challenge

### 33                      Standing persons by

- (1) At a criminal trial, the Supreme Court may, at the request of the legal practitioner representing the prosecution, order a person called to stand by until all cards have been drawn from the ballot box.
- (2) When all cards have been drawn from the ballot box and less than 12 persons have entered the jury box, the cards bearing the names of the persons who have been ordered to stand by shall be returned to the ballot box and again drawn from the ballot box in accordance with section 31.

### 34                      Challenges at criminal trials

- (1) At a criminal trial, the Crown is entitled—
  - (a) to 8 peremptory challenges; and
  - (b) to any number of challenges for cause.
- (2) At a criminal trial, the accused or his or her legal practitioner is entitled—
  - (a) to 8 peremptory challenges; and
  - (b) to any number of challenges for cause.

### 35                      Time for challenging at criminal trials

At a criminal trial, a challenge shall be made as the person called comes to, and before he or she enters, the jury box.

### 36A                      Trial of challenge for cause

A challenge for cause shall be tried by the judge presiding at the trial at which the challenge is made.

**37 Informality in summoning jurors**

An omission, irregularity or error by the sheriff or any of his or her officers in relation to the time or mode of service of a summons on a person under a jury precept, or the summoning or return of such a person by a wrong name (if there is no question of identity) is not a cause of challenge.



## Part 8 Disagreement of jury

### 38 Disagreement at criminal trials

If, at a criminal trial—

- (a) a period of 6 hours has ended since the jury retired; and
- (b) the judge is satisfied, after examination of 1 or more of the jurors, that the jurors are not likely to agree;

the judge may discharge the jury, but, except as otherwise provided by this Act, the judge shall not discharge the jury until the period of 6 hours has ended.

### 40 Adjournment of trial on discharge of jury for disagreement

If a jury is discharged under section 38, the judge shall adjourn the trial to a date fixed by the judge or to be fixed as the judge orders.

## Part 9 Offences

### 41 Nonattendance

- (1) A person who has been served with a jury summons shall not, without a valid and sufficient reason, fail to attend in accordance with the summons.

Maximum penalty: 5 penalty units.

- (2) Subsection (1) does not apply to a person—
- (a) who has subsequently been excused from jury service; or
  - (b) in relation to whom the jury summons has been withdrawn.

### 42 Leaving without permission

A person—

- (a) who attends in accordance with a jury summons; or
- (b) who has been appointed to attend to serve as a juror; or
- (c) who is a juror;

shall not leave the Supreme Court premises before being discharged or excused by a judge or the sheriff unless permitted to do so by the sheriff.

Maximum penalty: 5 penalty units.

### 42A Failing to comply with conditions

- (1) A person—
- (a) who attends in accordance with a jury summons; or
  - (b) who has been appointed to attend to serve as a juror; or
  - (c) who is a juror;

shall not, without reasonable excuse, fail to comply with the conditions (if any) imposed by a judge or the sheriff on the person before being excused by the judge or sheriff or permitted to leave the Supreme Court premises by the sheriff.

Maximum penalty: 5 penalty units.

- (2) The conditions that may be imposed by a judge or the sheriff include but are not limited to—
  - (a) a condition that the person return to the Supreme Court premises by a particular time; and
  - (b) a condition that the person is or is not to remain with another person.
- (3) Subject to a condition of the kind described in subsection (2) (b), a jury may separate at any time before or after it retires to consider its verdict.

#### **42B Disposal by judge**

- (1) If a judge considers that a person may have contravened section 41, 42 or 42A, the judge may issue a warrant requiring the sheriff to apprehend the person and bring him or her before the Supreme Court.

*Note* See approved form 3 (Warrant), approved under the *Court Procedures Act 2004*, s 8.

- (2) If a person is brought before the Supreme Court in accordance with a warrant issued under subsection (1), a judge may, if satisfied that the person committed the offence, without service of process impose on the person a fine not exceeding 5 penalty units.
- (3) If a person has been dealt with under subsection (2) in relation to an offence, proceedings do not lie against him or her in relation to that offence.

**42C Confidentiality of jury deliberations and identities**

(1) This section applies in relation to juries in criminal, civil or coronial proceedings in a court of the Territory, the Commonwealth, a State or another Territory whether instituted before or after the commencement of this section.

(2) A person must not disclose protected information if the person is aware that, in consequence of the disclosure, the information will, or is likely to, be published.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

(3) A person must not solicit or obtain protected information with the intention of publishing or facilitating the publication of that information.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

(4) A person must not publish protected information.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

(5) Subsection (2) does not prohibit disclosing protected information—

(a) to a court; or

(b) to a royal commission or a board of inquiry; or

(c) to the director of public prosecutions, a member of the staff of the director's office or a police officer for the purpose of an investigation about an alleged contempt of court or alleged offence relating to jury deliberations or a juror's identity; or

(d) as part of a fair and accurate report of an investigation referred to in paragraph (c); or

- (e) to a person in accordance with an authorisation granted by the Attorney-General to conduct research into matters relating to juries or jury service; or
  - (f) to a legal practitioner to obtain legal advice in relation to a disclosure mentioned in paragraph (a), (b), (c), (d) or (e).
- (6) Subsection (3) does not prohibit soliciting or obtaining protected information—
- (a) in the course of proceedings in a court; or
  - (b) by a royal commission or a board of inquiry; or
  - (c) by the director of public prosecutions, a member of the staff of the director's office or a police officer for the purpose of an investigation about an alleged contempt of court or alleged offence relating to jury deliberations or a juror's identity; or
  - (d) by a person in accordance with an authorisation granted by the Attorney-General to conduct research into matters relating to juries or jury service; or
  - (e) by a legal practitioner from his or her client for the purpose of giving legal advice to the client in relation to a disclosure mentioned in paragraph (a), (b), (c) or (d).
- (7) Subsection (4) does not prohibit publishing protected information—
- (a) in accordance with an authorisation granted by the Attorney-General to conduct research into matters relating to juries or jury service; or
  - (b) as part of a fair and accurate report of—
    - (i) proceedings in relation to an alleged contempt of court, an alleged offence against this section or an alleged offence otherwise relating to jury deliberations or a juror's identity; or

- (ii) proceedings by way of appeal from proceedings referred to in subparagraph (i); or
  - (iii) if the protected information relates to jury deliberations— proceedings by way of appeal from the proceedings in the course of which the deliberations took place if the nature or circumstances of the deliberations is an issue relevant to the appeal; or
  - (iv) a statement made or information provided by the director of public prosecutions about a decision, or the reason for a decision, not to institute or conduct a prosecution or proceedings for an alleged contempt of court or alleged offence relating to jury deliberations or a juror’s identity.
- (8) This section does not prohibit a person—
- (a) during the course of proceedings, publishing or otherwise disclosing, with the leave of the Supreme Court or otherwise with lawful excuse, information that identifies, or is likely to identify, the person or another person as, or as having been, a juror in the proceedings; or
  - (b) after proceedings have been completed, publishing or otherwise disclosing—
    - (i) information that identifies, or is likely to identify, the person as having been a juror in the proceedings; or
    - (ii) information that identifies, or is likely to identify, another person as, or as having been, a juror in the proceedings if the other person has consented to the publication or disclosure of that information.
- (9) This section does not apply in relation to information about a prosecution for an alleged offence against this section if, before the prosecution was instituted, that information had been published generally to the public.

(10) A prosecution for an alleged offence against this section is not to be instituted except with the written consent of the director of public prosecutions or a person authorised by the director for that purpose.

(11) In this section:

*protected information* means—

- (a) particulars of statements made, opinions expressed, arguments advanced and votes cast by members of a jury in the course of their deliberations, other than anything said or done in open court; or
- (b) information that identifies, or is likely to identify, a person as, or as having been, a juror in particular proceedings.

*publish*, in relation to protected information, means communicate or disseminate the information in such a way or to such an extent that it is available to, or likely to come to the notice of, the public or a section of the public.

### **43 Personation of jurors**

A person shall not personate, or attempt to personate, a person whose name is on a panel of jurors for the purpose of sitting as that person on a jury.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

### **44AA Unlawful dismissal etc of employees for jury service**

- (1) An employer shall not dismiss or injure an employee, or alter an employee's position to the prejudice of the employee, because the employee is summoned to serve as a juror.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (2) If all the elements of the offence other than the reason for the employer's action are proved, the onus of proving that the dismissal, injury or alteration was not because the employee was summoned to serve as a juror is on the employer.
- (3) If an employer is convicted under subsection (1), the Supreme Court may make either or both of the following orders:
  - (a) an order that the employer pay to the employee a specified sum by way of reimbursement for the salary or wages lost by the employee;
  - (b) an order that the employee be reinstated in his or her former position or in a similar position.
- (4) An order under subsection (3) (a) is enforceable as if it were a judgment given by the Magistrates Court in a personal action at law that it has jurisdiction to hear and decide under the *Magistrates Court Act 1930*, chapter 4 (Civil proceedings).
- (5) An employer shall comply with an order under subsection (3) (b).

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.
- (6) Where an employer fails to comply with an order under subsection (3) (b), the amount of salary or wages that would, apart from the failure, have been payable to an employee in relation to the period of the failure is recoverable as a debt due to the employee by the employer.

#### **44AB Acts and omissions of representatives**

- (1) In this section:

*person* means an individual.

*Note* See the Criminal Code, pt 2.5 for provisions about corporate criminal responsibility.



*representative*, of a person, means an employee or agent of the person.

*state of mind*, of a person, includes—

- (a) the person's knowledge, intention, opinion, belief or purpose; and
  - (b) the person's reasons for the intention, opinion, belief or purpose.
- (2) This section applies to a prosecution for any offence against this Act.
  - (3) If it is relevant to prove a person's state of mind about an act or omission, it is enough to show—
    - (a) the act was done or omission made by a representative of the person within the scope of the representative's actual or apparent authority; and
    - (b) the representative had the state of mind.
  - (4) An act done or omitted to be done on behalf of a person by a representative of the person within the scope of the representative's actual or apparent authority is also taken to have been done or omitted to be done by the person.
  - (5) However, subsection (4) does not apply if the person establishes that reasonable precautions were taken and appropriate diligence was exercised to avoid the act or omission.
  - (6) A person who is convicted of an offence cannot be punished by imprisonment for the offence if the person would not have been convicted of the offence without subsection (3) or (4).

## **Part 10                            Miscellaneous**

### **45            Oath by jurors**

Before serving as a juror, a person shall in open court make an oath or affirmation in accordance with the form specified in schedule 1, part 1.1.

### **46            Oath by person in charge of jury**

The person in charge of a jury shall make an oath or affirmation in accordance with the form specified in schedule 1, part 1.2.

### **46A          Information for jurors**

After a jury has been sworn, the judge shall ensure that the jury is informed generally about the duty of each member in relation to the confidentiality of jury deliberations and identities.

### **47            View during trial**

- (1) At a criminal trial, the judge may, at any time before a jury gives its verdict, order a view of any place or property by the jury and may make all orders on the sheriff or other persons, and give all directions, that the judge considers necessary, for the purposes of the view.
- (2) If a view is ordered—
  - (a) the person in charge of the jury shall make an oath or affirmation in accordance with the form specified in schedule 1, part 1.3; and
  - (b) each person appointed by the judge to conduct the view shall make an oath or affirmation in accordance with the form specified in schedule 1, part 1.4.

**49 Food and refreshment for jury**

The Supreme Court may, at any time after a jury has been sworn and whether or not it has retired to consider its verdict, order the jury to be supplied with the refreshments that the court considers appropriate, and the sheriff shall cause the refreshments to be provided accordingly.

**51 Payment of jurors**

- (1) A person summoned or appointed to attend the Supreme Court to serve as a juror is entitled to be paid the amount determined by the Minister for the person's attendance at the court in accordance with the summons or appointment, whether or not the person serves as a juror.
- (2) A determination is a disallowable instrument.

*Note* A disallowable instrument must be notified, and presented to the Legislative Assembly, under the Legislation Act.

**51A Payment of juror's expenses**

- (1) If—
  - (a) a person incurs expense during his or her service as a juror, being expense that he or she would not have incurred apart from that service; and
  - (b) that expense was incurred in circumstances arising after the person was sworn as a juror, being circumstances that would have constituted a sufficient cause for the person to be excused attendance on the Supreme Court under this Act if they had arisen before he or she was so sworn;

the person may apply to the sheriff for payment to the person of an amount equal to the amount of that expense.

- (2) If an application is made to the sheriff under subsection (1), the sheriff shall consider the application and may grant payment to the applicant of the whole of the amount of the expense incurred by the applicant or the lesser amount that the sheriff considers reasonable.
- (3) A person who is aggrieved by a decision of the sheriff under subsection (2) may apply in writing to a judge for a review of the decision.

## **52 Regulation-making power**

The Executive may make regulations for this Act.

*Note* Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

## Schedule 1

### Part 1.1

(see s 45)

#### **Juror's oath**

I swear by Almighty God that I shall give a true verdict according to the evidence.

#### **Juror's affirmation**

I solemnly and sincerely declare and affirm that I shall give a true verdict according to the evidence.

## Part 1.2

(see s 46)

### Oath by person in charge of jury

I swear by Almighty God that I shall keep this jury in my charge, that I shall not allow anyone to speak to any juror and that I shall not speak to any juror myself concerning the issues before the court.

### Affirmation by person in charge of jury

I solemnly and sincerely declare and affirm that I shall keep this jury in my charge, that I shall not allow anyone to speak to any juror and that I shall not speak to any juror myself concerning the issues before the court.

## **Part 1.3**

(see s 47 (2) (a))

### **Oath by person in charge of jurors on a view**

I swear by Almighty God that I shall faithfully attend this jury to the place (or property) that the jury has been ordered by the judge to view, that I shall not allow anyone to speak to any juror concerning the issues before the court, other than the persons appointed and sworn to show that place (or property) to this jury, and that I shall not speak to any juror myself concerning the issues before the court.

### **Affirmation by person in charge of jurors on a view**

I solemnly and sincerely declare and affirm that I shall faithfully attend this jury to the place (or property) that the jury has been ordered by the judge to view, that I shall not allow anyone to speak to any juror concerning the issues before the court, other than the persons appointed and sworn to show that place (or property) to this jury, and that I shall not speak to any juror myself concerning the issues before the court.

## Part 1.4

(see s 47 (2) (b))

### **Oath by person appointed to conduct a view**

I swear by Almighty God that I shall attend this jury and faithfully show this jury the place (or property) that this jury has been ordered by the judge to view and that I shall not speak to any juror concerning the issues before the court otherwise than to describe that place (or property).

### **Affirmation by person appointed to conduct a view**

I solemnly and sincerely declare and affirm that I shall attend this jury and faithfully show this jury the place (or property) that this jury has been ordered by the judge to view and that I shall not speak to any juror concerning the issues before the court otherwise than to describe that place (or property).



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## **Schedule 2**      **Jury service**

(see s 11)

### **Part 2.1**                      **Exempt people**

<b>column 1 item</b>	<b>column 2 exempt people</b>
1	a person exempt from serving as a juror under— <ul style="list-style-type: none"><li>• the <i>Jury Exemption Act 1965</i> (Cwlth), section 4 or regulations under that section; or</li><li>• the <i>Navigation Act 1912</i> (Cwlth), section 147; or</li><li>• the <i>Air Navigation Regulations 1947</i> (Cwlth), regulation 150</li></ul>
2	a magistrate or coroner
3	an employee of the government of a foreign country or of an international organisation
4	the official secretary to the Governor-General
5	a practising lawyer or an employee of a practising lawyer
6	a practising doctor
7	a practising dentist
8	a practising pharmacist
9	a practising veterinary surgeon
10	a police officer
11	a person with full-time duties as a member of an emergency service
12	a person living in the Jervis Bay Territory
13	a judge or master of the Supreme Court

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column 1 item	column 2 exempt people
14	a member of the Legislative Assembly or a member of staff of a member of the Legislative Assembly who is an adviser or private secretary
15	a chief executive (in the public service)
16	a public servant in the staff of the following: (a) the Supreme Court; (b) the Magistrates Court
17	a public servant providing legal professional services in the staff of any of the following: (a) the Department of Justice and Community Safety; (b) the Legal Aid Commission (A.C.T.); (c) the Office of the Director of Public Prosecutions
18	a person holding any of the following positions in the Legislative Assembly: (a) clerk; (b) deputy clerk; (c) clerk assistant; (d) sergeant-at-arms; (e) editor of debates; (f) secretary to a committee of the Assembly
19	an employee at any of the following places: (a) a place declared to be a detention place under the <i>Children and Young People Act 2008</i> , section 142; (b) a place approved as a place of care under the <i>Children and Young People Act 2008</i> , section 525; (c) a place declared to be a therapeutic protection place under the <i>Children and Young People Act 2008</i> , section 625

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<b>column 1 item</b>	<b>column 2 exempt people</b>
20	the emergency services commissioner and a chief officer, or deputy chief officer, of an emergency service
21	a corrections officer
22	an employee at a place declared to be a detention place under the <i>Children and Young People Act 2008</i> , section 142
23	a person appointed as 1 of the following: (a) a royal commission under the <i>Royal Commissions Act 1991</i> , section 5; (b) a board of inquiry under the <i>Inquiries Act 1991</i> , section 5; (c) a member of a judicial commission under the <i>Judicial Commissions Act 1994</i> , section 6
24	a public servant during the period the public servant is made available to a royal commission, board of inquiry or judicial commission

## Part 2.2 People who may claim exemption

column 1 item	column 2 people who may claim exemption
1	a minister of religion
2	a practising member of a religious society or order the beliefs or principles of which are incompatible with jury service
3	a professor, lecturer, or school principal or teacher, engaged in full-time teaching of organised classes at a university, college or school
4	an editor of a newspaper
5	a practising nurse, practising enrolled nurse or practising midwife
6	a household officer or member of staff of the Governor-General
7	a person who is 60 years old or older
8	a person who is totally or partially blind
9	a person who is totally or partially deaf

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## Dictionary

(see s 2)

*Note 1* The Legislation Act contains definitions and other provisions relevant to this Act.

*Note 2* For example, the Legislation Act, dict, pt 1 defines the following terms:

- Act
- corrections officer
- director of public prosecutions
- judge
- lawyer
- police officer
- registrar.

***ballot box*** means a box approved by a judge for use in the random selection of a jury.

***criminal trial*** includes the trial of an issue whether a prisoner is or is not capable of pleading to an indictment presented against him or her.

***disqualified person*** means a person referred to in section 10.

***juror*** includes a person appointed under section 31 to attend to serve as a juror.

***jury card*** means a card prepared under section 27 (3) or 31 (3).

***jury list*** means the list prepared from time to time under section 19 (1).

***jury precept*** means a precept issued under section 22.

***jury summons*** means a summons under section 24.

***panel of jurors*** means a list of names prepared under section 27 (1).

***person called*** means a person whose name as shown on a jury card drawn from a ballot box is called out by the proper officer.

***proper officer***, in relation to the exercise of a function under this Act, means a person appointed by the Supreme Court to be the proper officer for the exercise of the function.

***registrar*** means the registrar of the Supreme Court.

***roll of electors of the ACT*** means a copy of the roll of the electors of the ACT given to the sheriff under the *Electoral Act 1992*, section 65 (3).

***sheriff***—

- (a) for this Act generally—means the sheriff of the Territory; and
- (b) for part 5 (Jury precepts and summonses)—see section 21.

***verdict*** includes a finding.

## Endnotes

### 1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

### 2 Abbreviation key

A = Act	NI = Notifiable instrument
AF = Approved form	o = order
am = amended	om = omitted/repealed
amdt = amendment	ord = ordinance
AR = Assembly resolution	orig = original
ch = chapter	par = paragraph/subparagraph
CN = Commencement notice	pres = present
def = definition	prev = previous
DI = Disallowable instrument	(prev...) = previously
dict = dictionary	pt = part
disallowed = disallowed by the Legislative Assembly	r = rule/subrule
div = division	reloc = relocated
exp = expires/expired	renum = renumbered
Gaz = gazette	R[X] = Republication No
hdg = heading	RI = reissue
IA = Interpretation Act 1967	s = section/subsection
ins = inserted/added	sch = schedule
LA = Legislation Act 2001	sdiv = subdivision
LR = legislation register	SL = Subordinate law
LRA = Legislation (Republication) Act 1996	sub = substituted
mod = modified/modification	<u>underlining</u> = whole or part not commenced or to be expired

## Endnotes

3 Legislation history

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### 3 Legislation history

This Act was originally a Commonwealth ordinance—the *Juries Ordinance 1967* No 47 (Cwlth).

The *Australian Capital Territory (Self-Government) Act 1988* (Cwlth), s 34 (4) converted most former Commonwealth ordinances in force in the ACT into ACT enactments. This allowed the ACT Legislative Assembly to amend and repeal the laws. This Act was converted into an ACT enactment on 11 May 1989 (self-government day).

As with most ordinances in force in the ACT, the name was changed from *Ordinance to Act* by the *Self-Government (Citation of Laws) Act 1989* No 21, s 5 on 11 May 1989 (self-government day).

Before 11 May 1989, ordinances commenced on their notification day unless otherwise stated (see *Seat of Government (Administration) Act 1910* (Cwlth), s 12).

#### Legislation before becoming Territory enactment

##### **Juries Act 1967 No 47**

notified 20 December 1967 (Cwlth Gaz 1967 No 108)  
commenced 1 January 1968 (s 3)

as amended by

##### **Ordinances Revision Ordinance 1977 No 65 sch 2**

notified 22 December 1977 (Cwlth Gaz No S294)  
commenced 22 December 1977

##### **Ordinances Revision Ordinance 1978 No 46 sch 2**

notified 28 December 1978 (Cwlth Gaz No S292)  
commenced 28 December 1978

##### **Juries (Amendment) Ordinance 1979 No 39**

notified 18 December 1979 (Cwlth Gaz No G50)  
commenced 1 February 1980 (s 2 and Cwlth Gaz 1980 No G2)

##### **Juries (Amendment) Ordinance 1981 No 37**

notified 30 October 1981 (Cwlth Gaz No S226)  
commenced 1 December 1981 (s 2 and Cwlth Gaz 1981 No G48)



**Juries (Amendment) Ordinance 1983 No 6**

notified 14 April 1983 (Cwlth Gaz No S69)  
commenced 14 April 1983

**Juries (Amendment) Ordinance (No 2) 1983 No 60**

notified 30 December 1983 (Cwlth Gaz No S349)  
commenced 30 December 1983

**Juries (Amendment) Ordinance 1984 No 8**

notified 11 April 1984 (Cwlth Gaz No S132)  
commenced 11 April 1984

**Magistrates Court Ordinance 1985 No 67 sch pt 1**

notified 19 December 1985 (Cwlth Gaz No S542)  
commenced 1 February 1986 (s 2 and Cwlth Gaz 1986 No G3)

**Juries (Amendment) Ordinance 1989 No 61**

notified 20 December 1989 (Cwlth Gaz No GN49)  
commenced 20 December 1989

**Legislation after becoming Territory enactment****Supreme Court (Amendment) Act (No 2) 1993 No 91 sch 3**

notified 17 December 1993 (Gaz 1993 No S258)  
commenced 17 December 1993 (s 2)

**Electoral (Amendment) (Consequential Provisions) Act 1994 No 15  
pt 5**

notified 17 May 1994 (Gaz 1994 No S85)  
s 1, s 2 commenced 17 May 1994 (s 2 (1))  
pt 5 commenced 25 August 1994 (s 2 (3) and Gaz 1994 No S172)

**Public Sector Management (Consequential and Transitional  
Provisions) Act 1994 No 38 sch 1 pt 50**

notified 30 June 1994 (Gaz 1994 No S121)  
s 1, s 2 commenced 30 June 1994 (s 2 (1))  
sch 1 pt 50 commenced 1 July 1994 (s 2 (2) and Gaz 1994 No S142)

**Statute Law Revision (Penalties) Act 1994 No 81 sch**

notified 29 November 1994 (Gaz 1994 No S253)  
s 1, s 2 commenced 29 November 1994 (s 2 (1))  
sch commenced 29 November 1994 (s 2 (2) and Gaz 1994 No S269)

## Endnotes

3 Legislation history

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**Statute Law Revision Act 1995 No 46 sch**

notified 18 December 1995 (Gaz 1995 No S306)  
commenced 18 December 1995 (s 2)

**Juries (Amendment) Act 1997 No 83**

notified 25 November 1997 (Gaz 1997 No S360)  
ss 12, 21, 26, 28 and 33 commenced 2 February 1998 (s 2 (2), s 2 (3)  
and Gaz 1998 No S42)  
remainder commenced 25 November 1997 (s 2 (1))

**Legal Practitioners (Consequential Amendments) Act 1997 No 96  
sch 1**

notified 1 December 1997 (Gaz 1997 No S380)  
s 1, s 2 commenced 1 December 1997 (s 2 (1))  
sch 1 commenced 1 June 1998 (s 2 (2))

**Children and Young People (Consequential Amendments) Act 1999  
No 64 sch 2**

notified 10 November 1999 (Gaz 1999 No 45)  
s 1, s 2 commenced 10 November 1999 (s 2 (1))  
sch 2 commenced 10 May 2000 (s 2 (2))

**Justice and Community Safety Legislation Amendment Act 2000 No 1  
sch**

notified 9 March 2000 (Gaz 2000 No 10)  
commenced 9 March 2000 (s 2 (1))

**Justice and Community Safety Legislation Amendment Act 2000  
(No 2) No 2 sch**

notified 9 March 2000 (Gaz 2000 No 10)  
commenced 9 March 2000 (s 2)

**Statute Law Amendment Act 2000 No 80 amdt 3.7**

notified 21 December 2000 (Gaz 2000 No S69)  
commenced 21 December 2000 (s 2)

**Legislation (Consequential Amendments) Act 2001 No 44 pt 200**

notified 26 July 2001 (Gaz 2001 No 30)  
s 1, s 2 commenced 26 July 2001 (IA s 10B)  
pt 200 commenced 12 September 2001 (s 2 and see Gaz 2001  
No S65)

**Civil Law (Wrongs) Act 2002 No 40 div 3.2.5**

notified LR 10 October 2002  
s 1, s 2 commenced 10 October 2002 (LA s 75 (1))  
div 3.2.5 commenced 1 November 2002 (s 2 (2) and CN2002-13)

**Justice and Community Safety Legislation Amendment Act 2003 A2003-2 pt 9**

notified LR 3 March 2003  
s 1, s 2 commenced 3 March 2003 (LA s 75 (1))  
pt 9 commenced 31 March 2003 (s 2 (1))

**Criminal Code (Theft, Fraud, Bribery and Related Offences) Amendment Act 2004 A2004-15 sch 1 pt 1.25**

notified LR 26 March 2004  
s 1, s 2 commenced 26 March 2004 (LA s 75 (1))  
sch 1 pt 1.25 commenced 9 April 2004 (s 2 (1))

**Emergencies Act 2004 A2004-28 sch 3 pt 3.11**

notified LR 29 June 2004  
s 1, s 2 commenced 29 June 2004 (LA s 75 (1))  
sch 3 pt 3.11 commenced 1 July 2004 (s 2 (1) and CN2004-11)

**Health Professionals Legislation Amendment Act 2004 A2004-39 sch 6 pt 6.5**

notified LR 8 July 2004  
s 1, s 2 commenced 8 July 2004 (LA s 75 (1))  
sch 6 pt 6.5 commenced 17 January 2006 (s 2 and see Health Professionals Act 2004 A2004-38, s 2 (as am by A2005-28 amdt 1.1) and CN2006-2)

**Court Procedures (Consequential Amendments) Act 2004 A2004-60 sch 1 pt 1.33**

notified LR 2 September 2004  
s 1, s 2 commenced 2 September 2004 (LA s 75 (1))  
sch 1 pt 1.33 commenced 10 January 2005 (s 2 and see Court Procedures Act 2004 A2004-59, s 2 and CN2004-29)

**Criminal Code (Administration of Justice Offences) Amendment Act 2005 A2005-53 sch 1 pt 1.16**

notified LR 26 October 2005  
s 1, s 2 commenced 26 October 2005 (LA s 75 (1))  
sch 1 pt 1.16 commenced 23 November 2005 (s 2)

## Endnotes

3 Legislation history

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**Statute Law Amendment Act 2005 (No 2) A2005-62 sch 3 pt 3.13**

notified LR 21 December 2005

s 1, s 2 commenced 21 December 2005 (LA s 75 (1))

sch 3 pt 3.13 commenced 11 January 2006 (s 2 (1))

**Sentencing Legislation Amendment Act 2006 A2006-23 sch 1 pt 1.24**

notified LR 18 May 2006

s 1, s 2 commenced 18 May 2006 (LA s 75 (1))

sch 1 pt 1.24 commenced 2 June 2006 (s 2 (1) and see Crimes (Sentence Administration) Act 2005 A2005-59 s 2, Crimes (Sentencing) Act 2005 A2005-58, s 2 and LA s 79)

**Health Legislation Amendment Act 2006 (No 2) A2006-46 sch 2 pt 2.10**

notified LR 17 November 2006

s 1, s 2 commenced 17 November 2006 (LA s 75 (1))

sch 2 pt 2.10 commenced 18 November 2006 (s 2 (1))

**Justice and Community Safety Legislation Amendment Act 2008 A2008-7 sch 1 pt 1.10**

notified LR 16 April 2008

s 1, s 2 commenced 16 April 2008 (LA s 75 (1))

sch 1 pt 1.10 commenced 7 May 2008 (s 2)

**Children and Young People (Consequential Amendments) Act 2008 A2008-20 sch 2 pt 2.10, sch 3 pt 3.17, sch 4 pt 4.17**

notified LR 17 July 2008

s 1, s 2 commenced 17 July 2008 (LA s 75 (1))

s 3 commenced 18 July 2008 (s 2 (1))

sch 2 pt 2.10 commenced 9 September 2008 (s 2 (3) and see Children and Young People Act 2008 A2008-19, s 2 and CN2008-13)

sch 3 pt 3.17 commenced 27 October 2008 (s 2 (4) and see Children and Young People Act 2008 A2008-19, s 2 and CN2008-13)

sch 4 pt 4.17 commenced 27 February 2009 (s 2 (5) and see Children and Young People Act 2008 A2008-19, s 2 and CN2008-17 (and see CN2008-13))

**Statute Law Amendment Act 2008 A2008-28 sch 3 pt 3.36**

notified LR 12 August 2008

s 1, s 2 commenced 12 August 2008 (LA s 75 (1))

sch 3 pt 3.36 commenced 26 August 2008 (s 2)

**Justice and Community Safety Legislation Amendment Act 2010  
(No 3) A2010-40 sch 3 pt 3.1**

notified LR 5 October 2010  
s 1, s 2 commenced 5 October 2010 (LA s 75 (1))  
s 3 commenced 6 October 2010 (s 2 (1))  
sch 3 pt 3.1 commenced 2 November 2010 (s 2 (2))

**4 Amendment history**

**Dictionary**

s 2 om ord 1978 No 46 sch 2  
ins A2005-62 amdt 3.137

**Notes**

s 3 om R5 LRA  
ins A2005-62 amdt 3.137

**Parts**

s 4 om ord 1977 No 65 sch 2

**Repeal and saving**

s 5 om 1997 No 83 s 4

**Interpretation for Act**

s 6 am 2001 No 44 amdt 1.2278, amdt 1.2279  
defs reloc to dict A2005-62 amdt 3.136  
om A2005-62 amdt 3.137  
def **civil trial** am 1993 No 91 sch 3  
om 2002 No 40 amdt 3.13  
def **court** ins 1997 No 83 s 5  
om A2005-62 amdt 3.133  
def **judge** ins ord 1989 No 61 s 6  
sub 1993 No 91 sch 3  
om A2005-62 amdt 3.134  
def **magistrate** om ord 1985 No 67 sch pt 1  
def **the City Area** om 1997 No 83 s 5  
def **the Judge** om ord 1989 No 61 s 3  
def **the proper officer** om 1997 No 83 s 5  
def **the Registrar** om 1997 No 83 s 5  
def **the Roll of electors for the Territory** om ord 1989 No 61  
s 3  
def **the Sheriff** om 1997 No 83 s 5

**Number of jurors**

s 7 sub 2002 No 40 amdt 3.14

## Endnotes

### 4 Amendment history

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#### **Reduced number of jurors**

s 8 am ord 1989 No 61 s 4; 2002 No 40 amdt 3.15-3.17;  
ss renum R7 LA

#### **Persons not qualified to serve as jurors**

s 10 am 1997 No 83 s 6; 2000 No 80 amdt 3.7; A2006-23  
amdt 1.207; A2008-7 amdt 1.55; pars renum R18 LA

#### **Exempt people and people who may claim exemption**

s 11 am ord 1979 No 39 s 4; ord 1989 No 61 s 5; 1994 No 38 sch 1  
pt 50; 1997 No 83 s 7; 1997 No 96 sch 1; 1999 No 64 sch 2;  
pars renum R7 LA  
sub A2003-2 s 49

#### **Right of women to claim exemption from jury service**

s 12 om ord 1979 No 39 s 5

#### **Excusing of jurors**

s 14 sub ord 1979 No 39 s 6  
am 1997 No 83 s 8

#### **Partners or coworkers as jurors**

s 15 am 1997 No 83 s 9

#### **Discharge because of comprehension difficulty or disability**

s 16 am 1997 No 83 s 10

#### **Excusing person if liability in doubt**

s 17 am 1997 No 83 s 11

#### **Relief from jury service**

s 18A ins ord 1984 No 8 s 3  
sub 1997 No 83 s 12  
am 2002 No 40 amdt 3.18

#### **Jury list**

s 19 am ord 1984 No 8 s 4; 1994 No 15 s 15  
sub 1997 No 83 s 13

#### **Reviews in connection with jury lists**

s 20 om 1997 No 83 s 13

#### **Meaning of *sheriff* in pt 5**

s 21 sub 1993 No 91 sch 3

#### **Jury precepts**

s 22 am 1997 No 83 s 14; A2008-28 amdt 3.101

#### **Terms of precept**

s 23 am 1997 No 83 s 15; 2001 No 44 amdt 1.2280, amdt 1.2281  
om A2004-60 amdt 1.162

**Choosing jurors**

s 24 am ord 1983 No 60 s 3; 1997 No 83 s 16; 2001 No 44  
amdt 1.2282, amdt 1.2283; ss and pars renum R7 LA;  
A2004-60 amdt 1.162

**Jurors not liable to be summoned until jury list exhausted**

s 25 om 1997 No 83 s 17

**Service of jury summonses**

s 26 am A2008-28 amdt 3.102

**Application for withdrawal of summons**

s 26A ins 1997 No 83 s 18

**Preparation of panel of jurors, and lists of jurors excused and jury cards**

s 27 am ord 1983 No 60 s 4

**Sheriff's return to precept**

s 28 am 1997 No 83 s 19

**Inspection of jury panels**

s 29 am 1997 No 83 s 20; 1997 No 96 sch 1; 2002 No 40 amdts  
3.19-3.21

**Expanded juries in some criminal trials**

s 31A ins 1997 No 83 s 21

**Striking a jury at a civil trial**

s 32 am 1997 No 83 s 22; 1997 No 96 sch 1  
om 2002 No 40 amdt 3.22

**Standing persons by**

s 33 am 1997 No 96 sch 1

**Challenges at criminal trials**

s 34 am ord 1989 No 61 s 6; 1997 No 96 sch 1; pars renum R7 LA

**Challenge at civil trial**

s 36 am 1997 No 96 sch 1  
om 2002 No 40 amdt 3.22

**Trial of challenge for cause**

s 36A ins ord 1981 No 37 s 4

**Disagreement at criminal trials**

s 38 am 1997 No 83 s 23

**Disagreement at civil trials**

s 39 om 2002 No 40 amdt 3.22

**Adjournment of trial on discharge of jury for disagreement**

s 40 am 2002 No 40 amdt 3.23

## Endnotes

### 4 Amendment history

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#### **Nonattendance**

s 41 am ord 1989 No 61 s 7; 1994 No 81 sch  
sub 1997 No 83 s 24

#### **Leaving without permission**

s 42 sub 1997 No 83 s 24

#### **Failing to comply with conditions**

s 42A ins 1997 No 83 s 24

#### **Disposal by judge**

s 42B ins 1997 No 83 s 24  
am 2001 No 44 amdt 1.2284, amdt 1.2285; A2004-60  
amdt 1.162; A2008-28 amdt 3.103

#### **Confidentiality of jury deliberations and identities**

s 42C ins 1997 No 83 s 24  
am 2000 No 1 sch; 2000 No 2 sch

#### **Personation of jurors**

s 43 am ord 1989 No 61 s 8; 1994 No 81 sch

#### **Corruptly influencing a juror**

s 44 am 1994 No 81 sch  
om A2005-53 amdt 1.87

#### **Unlawful dismissal etc of employees for jury service**

s 44AA ins ord 1989 No 61 s 9  
am 1994 No 81 sch; A2004-60 amdt 1.163

#### **Acts and omissions of representatives**

s 44AB ins 1997 No 83 s 25  
sub A2004-15 amdt 1.29

#### **Interpretation**

s 44A ins ord 1981 No 37 s 5  
om R3 LRA

#### **Oath by jurors**

s 45 am ord 1981 No 37 s 6  
sub 1997 No 83 s 26  
am 2001 No 44 amdt 1.2286

#### **Oath by person in charge of jury**

s 46 am ord 1981 No 37 s 7  
sub 1997 No 83 s 26  
am 2001 No 44 amdt 1.2286

#### **Information for jurors**

s 46A ins 1997 No 83 s 27



**View during trial**

s 47 am ord 1981 No 37 s 8; 1997 No 83 s 28; 2001 No 44  
amdt 1.2286; 2002 No 40 amdt 3.24, amdt 3.25

**Affirmations**

s 48 am ord 1981 No 37 s 9  
om 1997 No 83 s 29

**Separation of jury at criminal trials**

s 50 am ord 1989 No 61 s 10  
om 1997 No 83 s 29

**Payment of jurors**

s 51 sub A2010-40 amdt 3.1

**Payment of juror's expenses**

s 51A ins ord 1983 No 6 s 3  
am 1997 No 83 s 30; A2005-62 amdt 3.138

**Regulation-making power**

s 52 am ord 1983 No 6 s 4; 1995 No 46 sch  
sub 2001 No 44 amdt 1.2287

**Schedule 1**

sch 1 orig sch 1 om 1997 No 83 s 31  
(prev sch 2) renum as sch 1 1997 No 83 s 32  
am 1997 No 83 s 32  
om 2001 No 44 amdt 1.2288  
(prev sch 2) ins 1997 No 83 s 33  
renum as sch 1 2001 No 44 amdt 1.2289  
pts renum R7 LA

**Jury service**

sch 2 orig sch 2 renum as sch 1  
prev sch 2 renum as sch 1  
pres sch 2 ins A2003-2 s 50  
am A2004-28 amdt 3.30, amdt 3.31; A2004-39 amdt 6.6;  
A2006-23 amdt 1.208; A2006-46 amdt 2.27; A2008-7  
amdt 1.56, amdt 1.57; A2008-20 amdt 2.21, amdt 3.34,  
amdt 4.41; items renum R22 LA

**Schedule 3**

sch 3 om ord 1981 No 37 s 10

**Dictionary**

dict ins A2005-62 amdt 3.139  
am A2006-23 amdt 1.209  
def **ballot-box** sub 1997 No 83 s 5  
reloc from s 6 A2005-62 amdt 3.136  
def **criminal trial** reloc from s 6 A2005-62 amdt 3.136  
def **disqualified person** reloc from s 6 A2005-62 amdt 3.136

## Endnotes

### 5 Earlier replications

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def **juror** reloc from s 6 A2005-62 amdt 3.136  
def **jury card** reloc from s 6 A2005-62 amdt 3.136  
def **jury list** ins 1997 No 83 s 5  
reloc from s 6 A2005-62 amdt 3.136  
def **jury precept** reloc from s 6 A2005-62 amdt 3.136  
def **jury summons** reloc from s 6 A2005-62 amdt 3.136  
def **panel of jurors** reloc from s 6 A2005-62 amdt 3.136  
def **person called** reloc from s 6 A2005-62 amdt 3.136  
def **proper officer** ins 1997 No 83 s 5  
reloc from s 6 A2005-62 amdt 3.136  
def **registrar** ins 1997 No 83 s 5  
reloc from s 6 A2005-62 amdt 3.136  
def **roll of electors for the Territory** ins ord 1989 No 61 s 6  
sub 1994 No 15 s 14  
reloc from s 6 A2005-62 amdt 3.136  
def **sheriff** ins 1997 No 83 s 5  
sub A2005-62 amdt 3.135  
reloc from s 6 A2005-62 amdt 3.136  
sub A2008-7 amdt 1.58  
def **verdict** reloc from s 6 A2005-62 amdt 3.136

## 5 Earlier replications

Some earlier replications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised replications have also been published in printed format. These replications are marked with an asterisk (\*) in column 1. Electronic and printed versions of an authorised republication are identical.

<b>Republication No and date</b>	<b>Effective</b>	<b>Last amendment made by</b>	<b>Republication for</b>
R1 31 Aug 1993	20 Dec 1989– 16 Dec 1993	Ord1989-61	initial republication since self-government
R1 (RI) 24 Oct 2007	20 Dec 1989– 16 Dec 1993	Ord1989-61	reissue of printed version
R1A 24 Oct 2007	17 Dec 1993– 16 May 1994	A1993-91	amendments by A1993-91

<b>Republication No and date</b>	<b>Effective</b>	<b>Last amendment made by</b>	<b>Republication for</b>
R1B 24 Oct 2007	25 Aug 1994– 28 Nov 1994	A1994-38	amendments by A1994-15 and A1994-38
R2 28 Feb 1995	29 Nov 1994– 17 Dec 1995	A1994-81	amendments by A1994-81
R2 (RI) 24 Oct 2007	29 Nov 1994– 17 Dec 1995	A1994-81	reissue of printed version
R3 30 Nov 1996	18 Dec 1995– 24 Nov 1997	A1995-46	amendments by A1995-46
R3 (RI) 24 Oct 2007	18 Dec 1995– 24 Nov 1997	A1995-46	reissue of printed version
R3A 24 Oct 2007	25 Nov 1997– 1 Feb 1998	A1997-83	amendments by A1997-83
R4 28 Feb 1999	1 June 1998– 8 Mar 2000	A1997-96	amendments by A1997-83 and A1997-96
R4 (RI) 24 Oct 2007	1 June 1998– 8 Mar 2000	A1997-96	reissue of printed version
R4A 24 Oct 2007	10 May 2000– 20 Dec 2000	A2000-2	amendments by A1999-64, A2000-1 and A2000-2
R5 15 June 2001	21 Dec 2000– 11 Sept 2001	A2000-80	amendments by A2000-80
R5 (RI) 24 Oct 2007	21 Dec 2000– 11 Sept 2001	A2000-80	reissue of printed version
R6 12 Sept 2001	12 Sept 2001– 31 Oct 2002	A2001-44	amendments by A2001-44
R7 1 Nov 2002	1 Nov 2002– 30 Mar 2003	A2002-40	amendments by A2002-40
R8 31 Mar 2003	31 Mar 2003– 8 Apr 2004	A2003-2	amendments by A2003-2
R9 9 Apr 2004	9 Apr 2004– 30 June 2004	A2004-15	amendments by A2004-15

## Endnotes

5 Earlier republications

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<b>Republication No and date</b>	<b>Effective</b>	<b>Last amendment made by</b>	<b>Republication for</b>
R10 1 July 2004	1 July 2004– 9 Jan 2005	A2004-28	amendments by A2004-28
R11 10 Jan 2005	10 Jan 2005– 6 July 2005	A2004-60	amendments by A2004-60
R12 7 July 2005	7 July 2005– 22 Nov 2005	A2004-60	updated endnotes
R13 23 Nov 2005	23 Nov 2005– 10 Jan 2006	A2005-53	amendments by A2005-53
R14 11 Jan 2006	11 Jan 2006– 16 Jan 2006	A2005-62	amendments by A2005-62
R15* 17 Jan 2006	17 Jan 2006– 1 June 2006	A2005-62	amendments by A2004-39
R16 2 June 2006	2 June 2006– 17 Nov 2006	A2006-23	amendments by A2006-23
R17 18 Nov 2006	18 Nov 2006– 6 May 2008	A2006-46	amendments by A2006-46
R18 7 May 2008	7 May 2008– 25 Aug 2008	A2008-7	amendments by A2008-7
R19 26 Aug 2008	26 Aug 2008– 8 Sept 2008	A2008-28	amendments by A2008-28
R20 9 Sept 2008	9 Sept 2008– 26 Oct 2008	A2008-28	amendments by A2008-20
R21 27 Oct 2008	27 Oct 2008– 26 Feb 2009	A2008-28	amendments by A2008-20
R22 27 Feb 2009	27 Feb 2009– 1 Nov 2010	A2008-28	amendments by A2008-20

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