

AUSTRALIAN CAPITAL TERRITORYJURIES (AMENDMENT) ORDINANCE 1989EXPLANATORY STATEMENT

The purpose of the Ordinance is to make several amendments to the Juries Ordinance 1967 (the Principal Ordinance) including the introduction of a provision to make it an offence for an employer to prejudice an employee by reason of the latter's liability to serve as a juror. The Ordinance also updates penalties in the Principal Ordinance (which have remained unchanged since its introduction) and references to other legislation. It also removes references to capital offences which have been redundant since the abolition of the death penalty in 1973.

Details of the sections in the Ordinance are set out in the attachment.

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Authorised by the
Minister for Justice

ATTACHMENT

Details of Juries (Amendment) Ordinance 1989

Section 1 provides for the citation of the Ordinance.

Section 2 defines "Principal Ordinance" to mean the Juries Ordinance 1967.

Section 3 amends section 6 (interpretation) of the Principal Ordinance to update the definitions of "the Judge" (there is now more than one resident Judge of the Supreme Court) and "the roll of electors for the Territory".

Section 4 amends section 8 by omitting subsection (1) which provides for the discharge of a jury which is reduced to less than 12 in a criminal trial for a capital offence. The section also omits consequential references to trials for capital offences from other subsections in section 8.

Section 5 amends section 11 by omitting and updating obsolete references to legislation and descriptions in the list of persons exempt from serving as jurors. The section also amends references to legislation to distinguish between Commonwealth Acts and Acts of the Territory.

Section 6 amends section 34 of the Principal Ordinance, which provides for challenges at criminal trials, by omitting provisions dealing with trials for capital offences and by omitting other references to capital offence.

Section 7 amends section 41 of the Principal Ordinance, which provides for offences by jurors, by increasing the penalty from \$100 to \$200.

Section 8 amends section 43 of the Principal Ordinance which prohibits impersonation of a juror by increasing the monetary part of the penalty from \$200 to \$1000.

Section 9 inserts a new section 44AA into Part IX of the Ordinance which makes it an offence for an employer to dismiss or injure an employee or otherwise prejudice an employee because the employee is summoned to serve as a juror. The onus of proving that the dismissal, injury or prejudice was not because the employee was summoned to serve as a juror is on the employer. Where an employer is convicted of the offence the Supreme Court is able to order that the employer pay a specified sum as reimbursement for lost salary or wages of the employee or order reinstatement of the employee or both.

Section 10 amends section 50 (separation of jury at criminal trials) of the Principal Ordinance by omitting the reference to a trial for a capital offence.