

AUSTRALIAN CAPITAL TERRITORY.

No. 15 of 1951.

AN ORDINANCE

To amend the *Juries Ordinance 1932-1941*.

BE it ordained by the Deputy of the Governor-General in and over the Commonwealth of Australia, with the advice of the Federal Executive Council, in pursuance of the powers conferred by the *Seat of Government Acceptance Act 1909-1938* and the *Seat of Government (Administration) Act 1910-1947*, as follows:—

1.—(1.) This Ordinance may be cited as the *Juries Ordinance 1951*.^{*} Short title and citation.

(2.) The *Juries Ordinance 1932-1941* is in this Ordinance referred to as the Principal Ordinance.

(3.) The Principal Ordinance, as amended by this Ordinance, may be cited as the *Juries Ordinance 1932-1951*.

2. Section four of the Principal Ordinance is amended by omitting the definition of “Magistrate” and inserting in its stead the following definition:—

“Magistrate” means a stipendiary magistrate or special magistrate appointed as, or performing the duties of, a magistrate in the Territory, under the *Court of Petty Sessions Ordinance 1930-1951*;”

3. Section five of the Principal Ordinance is amended by omitting paragraphs (a) and (b) and inserting in their stead the following paragraphs:—

“(a) is a British subject; and

(b) resides within eight miles of the Supreme Court Chamber and has resided in the Territory continuously for not less than six months.”

4. Section six of the Principal Ordinance is repealed. Repeal.

5. Section eight of the Principal Ordinance is repealed and the following section inserted in its stead:—

“8. In addition to the persons exempted by the *Juries Exemption Act 1905-1950* or by regulations under that Act, the following persons are exempt from serving as jurors and their names shall not be inserted in the jury list to be prepared under this Ordinance:—

(a) clergymen in holy orders, priests of the Roman Catholic faith, and other ministers of religion having established congregations;

^{*} Notified in the *Commonwealth Gazette* on 14th December, 1951.

- (b) magistrates and coroners;
- (c) members of the Police Force and peace officers;
- (d) employees of the Government of a part of the King's dominions, other than the Commonwealth;
- (e) the household officers and servants of the Governor-General;
- (f) practising barristers and solicitors and their clerks;
- (g) practising medical practitioners who are registered under the *Medical Practitioners Registration Ordinance 1930-1939*;
- (h) practising pharmacists who are registered under the *Pharmacy Ordinance 1931-1937*;
- (i) practising dentists who are registered under the *Dentists Registration Ordinance 1931-1937*;
- (j) lecturers, professors, school masters and school teachers who are engaged in full-time teaching of organized classes at universities, colleges and schools;
- (k) managing directors, managers, cashiers and tellers of banks;
- (l) members of the Fire Brigade;
- (m) editors, publishers and reporters of newspapers;
- (n) blind persons, dumb persons and deaf persons;
- (o) persons incapacitated by disease or infirmity from discharging the duty of jurors;
- (p) persons above the age of sixty years who claim exemption;
- (q) the persons for the time being occupying the following offices:—
 - (i) member of the Public Service Board of the Commonwealth;
 - (ii) president of the Superannuation Board under the *Superannuation Act 1922-1950*;
 - (iii) Commissioner of Taxation under the *Estate Duty Assessment Act 1914-1950* and Second Commissioner of Taxation under that Act;
 - (iv) Auditor-General for the Commonwealth;
 - (v) Commonwealth Scientific and Industrial Research Organization—
 - Chief of the Division of Economic Entomology;
 - Chief of the Division of Plant Industry;
 - Officer in Charge, Land Research and Regional Survey Section;
 - Officer in Charge, Wild Life Survey Section.”.

- 6.** Section fourteen of the Principal Ordinance is amended— Preparation of Jury lists.
- (a) by adding at the end of paragraph (a) the word “ and ”;
 - (b) by omitting paragraph (b); and
 - (c) by omitting from paragraph (c) the words “ Court House at Acton ” and inserting in their stead the words “ Supreme Court Chamber ”.

- 7.** Section fifteen of the Principal Ordinance is amended— Revision of list.
- (a) by adding at the end of paragraph (a) of sub-section (1.) the word “ and ”;
 - (b) by omitting paragraph (b) of that sub-section; and
 - (c) by omitting sub-section (3.) and inserting in its stead the following sub-section:—

“ (3.) The list as so revised shall be the jury list for the Supreme Court and shall remain in force until superseded by a new jury list.”.

- 8.** Sections seventeen and eighteen of the Principal Ordinance Repeal. are repealed.

- 9.** Section twenty of the Principal Ordinance is amended by Jury precepts and summons. omitting the words “ General jury precepts ” and inserting in their stead the words “ Jury precepts ”.

- 10.** Section twenty-one of the Principal Ordinance is repealed. Repeal.

- 11.** Section twenty-five of the Principal Ordinance is amended— Jurors to be chosen by lot.
- (a) by omitting the words “ Jury List or Special Jury List, as the case may be ” (first occurring), and inserting in their stead the words “ jury list ”;
 - (b) by omitting from paragraph (a) of that section the words “ Jury List or Special Jury List, as the case may be,” and inserting in their stead the words “ jury list ”;
 - (c) by omitting from paragraph (b) of that section the words “ The box having been made to rotate for one minute at least ” and inserting in their stead the words “ The cards in the box having been thoroughly mixed ”; and
 - (d) by omitting from paragraph (d) the words “ Jury List or Special Jury List, as the case may be,” and inserting in their stead the words “ jury list ”.

- 12.** Section twenty-eight of the Principal Ordinance is repealed and the following section is inserted in its stead:—

“28. In determining the persons to be summoned for a jury, Jurors not liable to be summoned until list exhausted. those persons who, during the time that the jury list has been in

use, have attended the Court in pursuance of a summons or served on a jury, shall be excluded from service as jurors until the list of names in the jury list has been exhausted.”.

Sheriff's return
to precept.

13. Section thirty of the Principal Ordinance is amended by adding at the end thereof the following sub-sections:—

“(2.) Unless the Judge otherwise orders before or during the trial, no person shall be allowed to inspect or to obtain a copy of the panel annexed to a precept for the appearance of jurors at the trial of a criminal issue.

“(3.) A party to the trial of a civil issue shall, upon payment of the prescribed fee, be allowed, at a convenient time before the trial, to inspect or obtain a copy of the panel annexed to a precept for the appearance of jurors at that trial.”.

Impanelling
jury in civil
cases.

14. Section forty-one of the Principal Ordinance is amended by omitting sub-section (2.) and inserting in its stead the following sub-section:—

“(2.) From the names which remain on the list, a number of jurors equal to the number required shall be selected by taking names from the list in the order in which they appear on the list until the necessary number is obtained, and the jurors so selected shall be sworn and impanelled as the jurors for the trial of the issues in question.”.

Disagreement
on criminal
trials.

15. Section forty-five of the Principal Ordinance is amended—

(a) by omitting the word “twelve” and inserting in its stead the word “six”; and

(b) by adding at the end thereof the following sub-section:—

“(2.) Where the jury upon the trial of a criminal issue have retired more than twelve hours and have not agreed, the Court shall discharge them.”.

16. Section fifty-seven of the Principal Ordinance is repealed and the following section inserted in its stead:—

Jury may be
reduced in
number.

“57.—(1.) If during a trial, civil or criminal, except for a capital offence, the Court thinks that by reason of illness or a matter of special urgency or importance a juror should be excused from further attendance, it may order that that juror be excused from further attendance during the trial and during such further period as the Court specifies.

“(2.) Where a juror dies or is excused by the Court from further attendance during a trial, civil or criminal, except for a capital offence, the Court may, so long as the number of jurors is not reduced to less than five-sixths of the number of jurors originally impanelled, direct that the trial proceed with the reduced number of jurors and the verdict of those jurors shall be a sufficient verdict.”.

17. After section fifty-eight the following section is inserted in Part II:—

“58A. Upon a criminal trial, other than a trial for a capital offence, the Court may, if it sees fit, at any time before the jury consider their verdict, permit the jury to separate, subject to such conditions as the Court imposes.”

Separation of juries in cases of felony.

18. The Third Schedule to the Principal Ordinance is amended by omitting the words “, either special or common.”

The Third Schedule.

19. The Fourth Schedule to the Principal Ordinance is repealed and the following Schedule inserted in its stead:—

The Fourth Schedule.

“THE FOURTH SCHEDULE.

Section 20.

THE AUSTRALIAN CAPITAL TERRITORY.

Juries Ordinance 1932-1951.

FORM OF PRECEPT.

To the Sheriff.

In pursuance of the *Juries Ordinance 1932-1951*, I command you to summon before the Supreme Court to be held at the Supreme Court Chamber on the day of 19 , men of the Territory qualified by law as jurors to make a jury for the trial of all issues of fact or other matters as are required to be tried by a jury of and to return into the Supreme Court on that date—

- (a) this precept;
- (b) the names of the jurors summoned;
- (c) proof of the service and the time and the manner of service of a summons on each of those jurors; and
- (d) the reason why each of the other jurors chosen to be summoned has not been served with a summons.

Given under my hand and seal at this day of , 19 .

Judge.”

Dated this fourteenth day of December, 1951.

J. NORTHCOTT
Deputy of the Governor-General.

By His Excellency's Command,

J. A. SPICER
for and on behalf of the Minister of State
for the Interior.