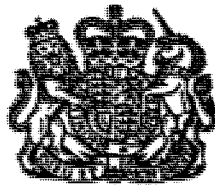


South Australia



ANNO QUADRAGESIMO NONO  
ELIZABETHAE II REGINAE  
A.D. 2000

**JURIES (MISCELLANEOUS) AMENDMENT ACT 2000**

No. 44 of 2000

[Assented to 13 July 2000]

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An Act to amend the Juries Act 1927.

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**The Parliament of South Australia enacts as follows:**

**Short title**

1. (1) This Act may be cited as the *Juries (Miscellaneous) Amendment Act 2000*.

(2) The *Juries Act 1927* is referred to in this Act as "the principal Act".

**Commencement**

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

**Amendment of long title**

3. The long title of the principal Act is amended by striking out "inquests" and substituting "trials".

**Amendment of s. 3—Interpretation**

4. Section 3 of the principal Act is amended by striking out from subsection (1) the definitions of "civil inquest" and "criminal inquest" and substituting the following definitions:

"civil trial" means the trial of an action, or any issue arising in or in relation to an action, before a court exercising civil jurisdiction;

"criminal trial" means the trial of an indictable offence or of an issue arising in or in relation to the trial of an indictable offence before a court exercising criminal jurisdiction;.

**Substitution of ss. 5 and 6**

5. Sections 5 and 6 of the principal Act are repealed and the following sections are substituted:

**Civil proceedings not to be tried before a jury**

5. No civil trial is to be held before a jury.

**Criminal trial to be by jury**

6. (1) A criminal trial in the Supreme Court or the District Court is, subject to this Act, to be by jury.

(2) The jury is, subject to this Act, to consist of 12 persons qualified and liable to serve as jurors.

**Additional jurors**

6A. (1) If the court thinks there are good reasons for doing so, the court may order that an additional juror, or 2 or 3 additional jurors, be empanelled for a criminal trial.

(2) If an additional juror or additional jurors have been empanelled and, when the jury is about to retire to consider its verdict, the jury consists of more than 12 jurors, a ballot will be held to exclude from the jury sufficient jurors to reduce the number of the jury to 12.

(3) If a juror or jurors are excluded from the jury under subsection (2), the court will either—

(a) discharge them from further service as jurors for the trial; or

(b) if a number of separate issues are to be decided separately by the jury—direct that they rejoin the jury when the issue in relation to which they have been excluded from the jury has been decided.

(4) If a jury has chosen one of its members to speak on behalf of the jury as a whole, that juror is not subject to exclusion by ballot under subsection (2).

**Amendment of s. 7—Trial without jury**

6. Section 7 of the principal Act is amended by striking out "inquest" wherever occurring and substituting, in each case, "trial".

**Amendment of s. 15—Verdict cannot be challenged on ground of disqualification or ineligibility of juror except in certain cases**

7. Section 15 of the principal Act is amended by striking out "impeached" and substituting "challenged".

**Amendment of s. 16—Power of sheriff or judge to excuse juror or prospective juror from attendance**

8. Section 16 of the principal Act is amended by striking out from subsection (1) "inquest" and substituting "trial".

**Amendment of s. 25—Questionnaire to be completed and returned by prospective jurors**

9. Section 25 of the principal Act is amended by striking out the penalty provision from subsection (2) and substituting the following penalty provision:

Maximum penalty: \$1 250.

**Amendment of s. 29—Summoning of jurors**

10. Section 29 of the principal Act is amended by striking out "inquests" wherever occurring and substituting, in each case, "trials".

**Amendment of s. 31—Duty of sheriff to keep list of persons summoned**

11. Section 31 of the principal Act is amended by striking out from subsection (2) "inquest" and substituting "trial".

**Amendment of s. 42—Sheriff to return panel with cards**

12. Section 42 of the principal Act is amended by striking out "inquest" wherever occurring and substituting, in each case, "trial".

**Amendment of s. 46—Balloting for trial**

13. Section 46 of the principal Act is amended by striking out "inquest" and substituting "trial".

**Amendment of s. 47—Constitution of jury**

14. Section 47 of the principal Act is amended by striking out "inquest" and substituting "trial".

**Substitution of s. 55**

15. Section 55 of the principal Act is repealed and the following section is substituted:

**Separation of jury**

55. (1) The court may, if it thinks there are proper reasons to do so, permit the jury to separate.

(2) Such a permission may be granted even though the jury has retired to consider its verdict.

(3) When the court permits a jury to separate, it may impose conditions to be complied with by the jurors.<sup>1</sup>

<sup>1</sup>. For example—

- (a) a condition might be imposed requiring the jurors to reassemble at a specified time and place;
- (b) a condition might be imposed prohibiting the jurors from discussing the case with anyone (except another juror) during the separation.

**Amendment of s. 56—Continuation of trial with less than full number of jurors**

16. Section 56 of the principal Act is amended by striking out "inquest" wherever occurring and substituting, in each case, "trial".

**Amendment of s. 59—Fresh proceedings may be taken**

17. Section 59 of the principal Act is amended by striking out from subsection (1) "inquest" and substituting "trial".

**Amendment of s. 60—Court may order another trial**

18. Section 60 of the principal Act is amended by striking out "inquest" wherever occurring and substituting, in each case, "trial".

**Amendment of s. 60A—Jury may consist of men or women only**

19. Section 60A of the principal Act is amended by striking out from subsection (2) "inquest" and substituting "trial".

**Substitution of s. 61**

20. Section 61 of the principal Act is repealed and the following section is substituted:

**Challenge**

61. (1) In all criminal trials by jury, each party (including the prosecution) may challenge 3 jurors peremptorily.

(2) The number of peremptory challenges is not increased by an order that additional jurors be empanelled.

**Amendment of s. 63—Peremptory challenges in excess of permitted number**

21. Section 63 of the principal Act is amended by striking out "inquest" and substituting "trial".

**Amendment of s. 69—Power to summon further jurors**

22. Section 69 of the principal Act is amended by striking out from subsection (1) "inquest" wherever occurring and substituting, in each case, "trial".

**Amendment of s. 78—Offence by jurors**

23. Section 78 of the principal Act is amended by striking out the penalty provision from subsection (1) and substituting the following penalty provision:

Maximum penalty: \$1 250.

**Amendment of s. 88—View during trial**

24. Section 88 of the principal Act is amended by striking out "inquest" and substituting "trial".

**Amendment of Sched. 5—Summons to juror**

25. Schedule 5 of the principal Act is amended—

(a) by striking out "an inquest" and substituting "a trial";

(b) by striking out "the inquest" and substituting "the trial".

**Amendment of Sched. 6—Oath or Affirmation**

26. Schedule 6 of the principal Act is amended by striking out "inquest" and substituting "trial".