

(Reprint No. 4)

SOUTH AUSTRALIA

JURIES ACT 1927

*This Act is reprinted pursuant to the Acts Republication Act 1967 and incorporates all amendments in force as at **26 May 1994**.*

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being

Juries Act 1927 No. 1805 of 1927
[Assented to 30 November 1927]¹

as amended by

Juries Act Amendment Act 1937 No. 2356 of 1937 [Assented to 10 November 1937]
Statute Law Revision Act 1957 No. 42 of 1957 [Assented to 14 November 1957]
Juries Act Amendment Act 1965 No. 28 of 1965 [Assented to 25 November 1965]²
Juries Act Amendment Act 1969 No. 74 of 1969 [Assented to 11 December 1969]³
Juries Act Amendment Act 1971 No. 31 of 1971 [Assented to 22 April 1971]
Local and District Criminal Courts Act Amendment Act 1972 No. 54 of 1972 [Assented to 27 April 1972]⁴
Juries Act Amendment Act 1974 No. 30 of 1974 [Assented to 11 April 1974]⁵
Juries Act Amendment Act 1976 No. 11 of 1976 [Assented to 4 March 1976]⁶
Statutes Amendment (Capital Punishment Abolition) Act 1976 No. 115 of 1976 [Assented to 23 December 1976]
Juries Act Amendment Act 1984 No. 81 of 1984 [Assented to 15 November 1984]⁷
Juries Act Amendment Act 1985 No. 118 of 1985 [Assented to 10 November 1985]⁸
Director of Public Prosecutions Act 1991 No. 49 of 1991 [Assented to 21 November 1991]⁹
Statutes Amendment and Repeal (Public Offences) Act 1992 No. 35 of 1992 [Assented to 21 May 1992]¹⁰
Juries (Jurors in Remote Areas) Amendment Act 1994 No. 24 of 1994 [Assented to 26 May 1994]

¹ Part 4 came into operation 30 November 1927: s. 1; remainder of Act came into operation 6 January 1928: *Gaz.* 5 January 1928, p. 1.

² Came into operation 2 December 1965: *Gaz.* 2 December 1965, p. 1953.

³ Came into operation 31 August 1970: *Gaz.* 20 August 1970, p. 696.

⁴ Came into operation 9 November 1972: *Gaz.* 9 November 1972, p. 2252.

⁵ Came into operation 12 September 1974: *Gaz.* 12 September 1974, p. 1736.

⁶ Came into operation 4 March 1976: *Gaz.* 4 March 1976, p. 940.

⁷ Came into operation 2 January 1985: *Gaz.* 13 December 1984, p. 1811.

⁸ Came into operation 1 December 1985: *Gaz.* 21 November 1985, p. 1542.

⁹ Came into operation 6 July 1992: *Gaz.* 25 June 1992, p. 1869.

¹⁰ Came into operation 6 July 1992: *Gaz.* 2 July 1992, p. 209.

NOTE:

- Asterisks indicate repeal or deletion of text.
- For the legislative history of the Act see Appendix 1. Entries appearing in the Appendix in bold type indicate the amendments incorporated since the last reprint.

An Act to provide for the constitution, powers and duties of juries in relation to criminal inquests; and for other purposes.

The Parliament of South Australia enacts as follows:

Short title

1. This Act may be cited as the *Juries Act 1927*.

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Interpretation

3. (1) In this Act, unless inconsistent with the context or some other meaning is clearly intended—

"**civil inquest**" means trial of any issue or inquiry of damages before a court of civil jurisdiction;

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"**criminal inquest**" means trial before a court of criminal jurisdiction of any indictable offence;

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"**sheriff**" includes deputy sheriff and any other person for the time being performing the functions of the sheriff under this Act;

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"**subdivision**" means subdivision of any electoral district for the purpose of electing members of the House of Assembly.

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Note: For definition of divisional penalties (and divisional expiation fees) see Appendix 2.

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**PART 1
GENERAL PROVISIONS AS TO TRIAL BY JURY**

Civil inquests not to be tried by a jury

5. No civil inquest will be tried by a jury.

Criminal inquests to be tried by jury

6. A criminal inquest in the Supreme Court or the District Court will, subject to this Act, be tried by a jury of 12 persons qualified and liable to serve as jurors as provided by this Act.

Trial without a jury

7. (1) Subject to this section, where, in a criminal inquest before the Supreme Court or the District Court—

- (a) the accused elects, in accordance with the rules of court, to be tried by the judge alone; and
- (b) the presiding judge is satisfied that the accused, before making the election, sought and received advice in relation to the election from a legal practitioner,

the inquest will proceed without a jury.

(2) No election may be made under subsection (1) where the accused is charged with a minor indictable offence and has elected to be tried in the District Court.

(3) Where two or more persons are jointly charged, no election may be made under subsection (1) unless all of those persons concur in the election.

(4) Where a criminal inquest proceeds without a jury in pursuance of this section, the judge may make any decision that could have been made by a jury on the question of the guilt of the accused, and such a decision will, for all purposes, have the same effect as a verdict of a jury.

**PART 2
JURY DISTRICTS**

Jury districts

8. (1) The following jury districts are constituted:

The Adelaide Jury District;

The Northern Jury District;

The South-Eastern Jury District.

(2) The jury districts constituted under subsection (1) consist of the subdivisions declared by the Governor by proclamation.

(3) Where a circuit district is established under the *Supreme Court Act 1935*, the Governor may, by proclamation, constitute a jury district, consisting of one or more complete subdivisions, in relation to courts exercising jurisdiction within that district.

(4) A jury district is not affected by the alteration or abolition of any subdivision comprised in the district under the *Electoral Act 1929*, or any other law.

(5) The Governor may from time to time, by proclamation, vary the area of any jury district, provided that the area of the district, as varied, consists of one or more complete subdivisions.

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**PART 3
QUALIFICATION OF JURORS**

Qualification of jurors

11. Each person residing in South Australia—

- (a) who is enrolled on the roll of electors entitled to vote at the election of members of the House of Assembly; and

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- (b) who is not above the age of 70 years,

is, subject to the exceptions mentioned in this Act, qualified and liable to serve as a juror.

Disqualification from jury service

12. (1) A person is disqualified from jury service if, either in this State or elsewhere—

- (a) he or she has been convicted of an offence for which death or life imprisonment is a mandatory, or the maximum, penalty; or
- (b) he or she has been sentenced to imprisonment for a term exceeding 2 years; or
- (c) within the period of 10 years immediately preceding the relevant date, he or she—
 - (i) has served the whole, or a part, of a term of imprisonment; or
 - (ii) has served the whole, or a part, of a term of detention in an institution for the correction or training of young offenders; or
 - (iii) has been on probation or parole; or
- (d) within the period of 5 years immediately preceding the relevant date, he or she—
 - (i) has been convicted of an offence punishable by imprisonment; or
 - (ii) has been disqualified by order of a court from holding or obtaining a driver's licence for a period exceeding 6 months; or
- (e) he or she is, at the relevant date, subject to a bond to be of good behaviour; or
- (f) he or she has been charged with an offence punishable by imprisonment and the charge has not yet been determined.

(2) In this section, a reference to the relevant date is a reference to the date on which the qualification of a prospective juror for jury service falls to be determined.

Ineligibility for jury

13. A person is ineligible for jury service if he or she—

- (a) is mentally or physically unfit to carry out the duties of a juror; or
- (b) has insufficient command of the English language to enable him or her properly to carry out the duties of a juror; or

(c) is one of those persons declared by schedule 3 to be ineligible for jury service.

Residence qualification

14. Subject to section 69, a person is not liable to serve as a juror in any court unless he or she resides within the jury district in which the jury is to be empanelled.

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Verdict not to be impeached on ground of disqualification or ineligibility of juror except in certain cases

15. A verdict cannot be impeached on the ground that a member of the jury was disqualified from, or ineligible for, jury service unless the allegation of disqualification or ineligibility was made before the juror was sworn.

Power of sheriff to excuse prospective juror from attendance

16. (1) If the sheriff is satisfied, on the basis of information verified by statutory declaration, that a person summoned for jury service ought to be excused from attendance in compliance with the summons by reason of ill health, conscientious objection or any other reasonable cause, the sheriff may excuse that juror from attendance in compliance with the summons.

(2) If the sheriff declines to excuse a prospective juror under subsection (1), the prospective juror may apply to a judge for review of the sheriff's decision and, on such a review, the judge may confirm or reverse that decision.

Power to excuse partner

17. A judge presiding at a criminal inquest, on proof to his or her satisfaction, in chambers or in open court, that two or more partners, members of the same partnership, or two or more persons employed in the same establishment, have been summoned to attend as jurors on the same days, may excuse one of those jurors during one or more of those days.

Power to excuse on condition of subsequent service

18. (1) Where an application to excuse a person from attendance as a juror is made to a judge under section 16 or 17, the judge may, as a condition of granting the application, order that the name of the applicant be included amongst the names of jurors to be summoned for jury service at some subsequent time mentioned in the order.

(2) The sheriff must comply with an order made under subsection (1).

Power of sheriff to excuse in certain cases

19. If the sheriff is satisfied that a person has been summoned to attend as a juror within 3 years from a date on which he or she previously served as a juror, the sheriff may, upon application made by or on behalf of that person, excuse that person from attendance in compliance with the summons.

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**PART 4
ANNUAL JURY LISTS**

Duty of sheriff to prepare annual jury lists

20. (1) The sheriff must, before 31 December in each year, prepare an annual jury list for each jury district in accordance with this Part.

(2) The Electoral Commissioner must give to the sheriff all such assistance in preparing the annual jury lists and jury panels under this Act as the sheriff may reasonably require.

Number of jurors on each list

21. (1) The annual jury list for the Adelaide Jury District must contain such number of names as the sheriff considers necessary, but not less than 3 000.

(2) The annual jury list for any other jury district must contain such number of names as the sheriff considers necessary, but not less than 500.

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Selection of names to be included in annual jury list

23. (1) The names of the persons to be included in an annual jury list must be drawn from the names appearing on the rolls for the electoral subdivisions contained in the jury district and the list must include names from each such roll.

(2) The selection of names from the electoral roll for a subdivision—

(a) must be made by ballot or by use of a computer programmed to make a random selection; and

(b) must be made so that the ratio of the number of names drawn from the roll for the subdivision to the total number of names to be included in the jury list for the jury district is equal, or approximately equal, to the ratio of the number of names on the roll for the subdivision to the total number of names on the rolls for all the subdivisions contained in the jury district.

(3) Where it appears from information contained in an electoral roll that a person whose name has been selected for inclusion in an annual jury list is ineligible for jury service, the name of that person must be rejected and the process of selection must continue until the number of names to be drawn from the electoral roll is complete.

(3a) Where it appears to the sheriff from information contained in an electoral roll that a person whose name has been selected for inclusion in an annual jury list resides at a place that is more than 150 kilometres from the place at which the jury is to be empanelled, the sheriff—

(a) must give written notice to the person that his or her name has been selected for inclusion in the annual jury list for a particular year but that it will not be so included unless the sheriff receives, within one month of the date of the notice, a written request from the person that his or her name is to be so included; and

(b) will not include the person's name in the annual jury list unless such a request is received within one month of the date of the notice.

(4) Where names for inclusion in an annual jury list are to be selected by ballot, the ballot must be conducted under the supervision of the Electoral Commissioner.

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Coming into operation of lists

24. An annual jury list comes into force on 1 January next after the preparation of the list.

Questionnaire to be completed and returned by prospective jurors

25. (1) At any time after the preparation of an annual jury list, the sheriff may send to any person whose name appears on the list a questionnaire relating to matters contained in this Act in the prescribed form, to be completed and returned by that person.

(2) A person—

(a) who, without reasonable excuse, fails to fill in and return the questionnaire in accordance with the accompanying directions of the sheriff; or

(b) who includes in the questionnaire information that is false or deliberately misleading,

is guilty of an offence.

Penalty: Division 8 fine.

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**PART 5
SUMMONING OF JURORS AND JURY PANELS**

Summoning of jurors

29. (1) The sheriff must, from time to time as occasion requires, make such inquiries as are necessary to ascertain whether, and if so, how many, jurors are required for proposed criminal inquests commencing in each jury district in each month.

(2) The sheriff must, in respect of each month, summon such jurors (if any) as are necessary for the purposes of criminal inquests commencing in each jury district in that month.

(3) The names of jurors to be summoned in respect of any month in a jury district will be determined—

(a) by ballot; or

(b) by random selection made by computer.

(4) The names from which the ballot or random selection is made will comprise the names of all jurors included on the jury list for the appropriate year, excluding the names of those who have previously been summoned for jury service in that year.

(5) Where the number of jurors on a jury list is not sufficient to provide jurors for all criminal inquests occurring in the course of the year for which the list was compiled, the names of jurors who have previously been summoned for jury service during the year, but not less than 6 months earlier, must again be included amongst the names from which the ballot or random selection is made.

Summons

30. (1) A summons under this Part must be in the form of schedule 5.

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(3) A summons must be served—

(a) by a member of the police force at least 7 clear days before the day on which the person summoned is required to attend as a juror by delivering the summons personally to the person summoned or, where the person is absent from his or her usual place of residence, by leaving the summons with some person who is resident there; or

(b) by the sheriff forwarding the summons by ordinary pre-paid post to the address of that person as it appears on the annual jury list, so that the summons would, in the ordinary course of post, be delivered to that address at least 7 clear days before the day on which that person is required to attend as a juror.

Duty of sheriff to keep list of persons summoned

31. (1) The sheriff must cause a list of the names of every juror summoned to render jury service in any jury district for any month to be kept in his or her office for at least 7 clear days before the first day of that month.

(2) The sheriff must, at the request of the Director of Public Prosecutions, or of the accused or the solicitor or agent of the accused in a criminal inquest, provide him or her with a copy of the list without fee.

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Jury panels

32. (1) Where a single criminal inquest is to commence in a jury district on a certain day, either—

- (a) all the jurors from the jury district who attend on that day in obedience to the summons will constitute the jury panel for that inquest; or
- (b) the sheriff will, by ballot, constitute a jury panel for the inquest from amongst those who attend in obedience to the summons.

(2) Where two or more criminal inquests are to commence on a certain day, the sheriff must, by ballot, divide the jurors who attend on that day in obedience to the summons into separate panels, and appropriate each panel to an inquest.

(3) Where jurors from any jury panel are not included in a jury for a criminal inquest, the sheriff may excuse them from further jury service on the day on which that inquest commences, but they must attend again, in accordance with their respective summonses, at a time and place directed by the sheriff.

(4) Where a criminal inquest is to commence otherwise than on the day on which jurors summoned for a particular month are first required to attend, the sheriff must direct—

- (a) the jurors summoned for that month (except those released from jury service and those comprising juries for uncompleted inquests); or
- (b) a section, or sections, of the jurors summoned for that month (except those released from jury service and those comprising juries for uncompleted inquests), determined by ballot,

to attend on the day on which that inquest commences for the purpose of rendering jury service.

(4a) The sheriff may conduct a ballot for the purposes of subsection (4)(b) before or after the day on which the jurors summoned for the particular month are first required to attend.

(5) Subject to subsection (6), where a jury is discharged by a court before the last day of the month for which they were summoned to render jury service, the jurors comprising that jury must return in compliance with their summonses, at a time and place directed by the sheriff, for the purpose of rendering further jury service.

(6) A court before which a jury has served may release any of the jurors constituting the jury from further jury service in compliance with their respective summonses.

(7) A ballot under this section must be conducted in a room open to the public.

Oath or affirmation

33. The sheriff must cause all jurors who attend in obedience to the summons to take an oath or affirmation in the form of schedule 6.

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**PART 6
PROCEEDINGS UPON TRIAL**

Sheriff to return panel with cards

42. On the day appointed for the commencement of a criminal inquest for which a jury is required, the sheriff must, in open court—

- (a) deliver to the proper officer of the court a list containing the names of the jury panel for that inquest; and
- (b) furnish the proper officer of the court with the names of the jurors comprising the panel written upon separate cards that are, as nearly as practicable, of equal size and shape.

Cards to be kept in ballot-box

43. The proper officer must, upon receipt of the cards, keep them together in the ballot box provided for the purpose.

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Balloting for trial

46. When it is necessary to constitute a jury for the purposes of a criminal inquest, the proper officer must, in open court, draw out of the ballot box, one after the other, a number of cards equal to the number of jurors required to constitute the jury and, if any of the persons whose names are so drawn do not appear, or are challenged and set aside, then such further number must be drawn until the full number of jurors is drawn and appears after all just causes of challenge are allowed.

Constitution of jury

47. The full number of jurors so first drawn and appearing will be the jury to try the issues on the inquest.

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Same jury may try several issues if no objection by parties

50. Where no objection is made on behalf of any party, the court may try any issue with the same jury that has previously tried, or been drawn to try, any other issue.

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Duty of sheriff to provide for jury

54. The sheriff must make reasonable provision for the comfort and refreshment of the jury.

Court may permit jury to separate

55. In any criminal inquest, the court may, if it thinks fit, at any time before the jury considers its verdict, permit the jurors to separate.

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Continuation of inquest with less than full number of jurors

56. (1) If during the course of a criminal inquest the presiding judge is satisfied that, by reason of the ill health of a juror or a matter of special urgency or importance, a juror should be excused from further attendance, the judge may order that the juror be excused from further attendance during that inquest and for such further period (if any) as the judge determines.

(2) If during the course of a criminal inquest a juror dies or is excused under subsection (1), or fails to attend without lawful excuse, the inquest will, subject to any contrary direction by the presiding judge, continue with the reduced number of jurors, provided that the number of jurors has not been reduced to less than 10.

Majority and alternative verdicts

57. (1) Subject to subsection (2), where a jury, having retired to consider its verdict, has remained in deliberation for at least 4 hours and the jurors have not then reached a unanimous verdict—

- (a) if a sufficient number agrees to enable the jury to return a majority verdict—a majority verdict will be returned; but
- (b) otherwise—the jury may be discharged from giving a verdict.

(2) No verdict that an accused person is guilty of murder or treason can be returned by majority.

(3) Where an accused person is charged with a particular offence (the major offence) and it is possible for a jury to return a verdict of not guilty of the offence charged but guilty of some other offence for which the person has not been charged (the alternative offence)—

- (a) the jury must consider whether the accused is guilty of the major offence before considering whether he or she is guilty of the alternative offence; and
- (b) if the jury reaches a verdict (either unanimously or by majority) that the accused is not guilty of the major offence but then, having been in deliberation for at least 4 hours, is unable to reach a verdict on the question of whether the accused is guilty of the alternative offence—
 - (i) the accused must be acquitted of the major offence; and
 - (ii) the jury may be discharged from giving a verdict in respect of the alternative offence; and
 - (iii) fresh proceedings may be taken against the accused on a charge of the alternative offence.

(4) In this section—

"majority verdict" means—

- (a) where the jury, at the time of returning its verdict, consists of 12 jurors—a verdict in which 10 or 11 jurors concur;
- (b) where the jury, at the time of returning its verdict, consists of 11 jurors—a verdict in which 10 jurors concur;

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(c) where the jury, at the time of returning its verdict, consists of 10 jurors—a verdict in which 9 jurors concur,

and "by majority" has a corresponding meaning.

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Fresh proceedings may be taken

59. (1) If a jury is discharged from giving a verdict, fresh proceedings may be taken as if there had been no inquest before the jury so discharged.

(2) Subject to subsection (3), a jury will, for the purposes of section 57, be taken to remain in deliberation for the total duration of any period between the time at which the jury retires to consider its verdict and the time at which the jury returns to the court room for the purpose of delivering its verdict.

(3) Where there has been a prolonged interruption of the deliberation of a jury, the presiding judge may, by order, determine that a period fixed in the order will not be taken into account as a period for which the jury has remained in deliberation, and any such order has effect according to its terms.

Court may order another inquest

60. If at the time of discharging a jury the court thinks proper so to order, another inquest may forthwith, or at some other time during the same or some future sittings, be commenced and proceeded with as if the previous inquest had not been commenced; but no member of the jury so discharged may serve as a juror on that other inquest.

Jury may consist of men or women only

60A. (1) If at the trial of any issue the court is of the opinion that, by reason of the nature of the evidence to be given or the issue to be tried—

(a) the jury should consist of men only; or

(b) the jury should consist of women only,

the court may, despite any other provision of this Part, order that the jury for the trial of that issue be empanelled accordingly.

(2) An order under subsection (1) may be made upon application by one of the parties to the inquest or by the court of its own motion.

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**PART 7
CHALLENGE, ETC.**

Challenge

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

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Peremptory challenges above numbers allowed void

63. A peremptory challenge above the numbers allowed under this Act is void, and the inquest will proceed as if no such challenge had been made.

Time for challenging

64. A challenge must be made as the juror comes to take his or her seat and before he or she takes it.

Rights to peremptory challenge where persons jointly charged

65. Where two or more persons are jointly charged, each is entitled to challenge 3 jurors peremptorily.

Challenge on ground of ineligibility or disqualification

66. A juror may be challenged on the ground that he or she is ineligible to act, or disqualified from acting, as a juror and, if the court is satisfied of the ineligibility or disqualification, the juror must be discharged.

Common law rights of challenge preserved

67. Nothing in this Act affects a right of challenge that exists at common law.

Trial of challenge for cause

68. Where a juror is challenged for cause and it is necessary to determine whether he or she has been properly challenged for that cause, the matter will be tried by the presiding judge.

Power to summon further jurors

69. (1) Where a jury for a criminal inquest cannot be constituted because there are insufficient jurors in attendance, the sheriff must, if the presiding judge so directs, summon further persons who are eligible to serve as jurors to attend as jurors at the inquest.

(2) The persons to be summoned under subsection (1) will be chosen as the presiding judge may direct.

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**PART 8
FEES**

Payment of jurors

70. (1) A juror who is summoned and punctually attends a court in compliance with the summons is entitled to be remunerated for his or her service in accordance with a scale prescribed by regulation.

(2) The remuneration will be paid out of the Consolidated Account, which is appropriated to the necessary extent.

**PART 9
OFFENCES**

Offence by jurors

78. (1) A person who—

(a) having been duly summoned to attend as a juror, does not attend in obedience to the summons or, having been called three times, does not answer to his or her name; or

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(d) having been summoned as a juror, takes any sum beyond the scale allowed by this Act under pretence that he or she is entitled to that sum as a fee or remuneration for attendance as a juror,

is guilty of an offence.

Penalty: Division 8 fine.

(2) The Supreme Court or the District Court may, if it thinks fit, proceed to deal with an offence, or alleged offence, under subsection (1) summarily and without formality.

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**PART 10
MISCELLANEOUS**

Jury de medietate linguae abolished

85. No alien is entitled to be tried by a jury one-half of which consists of aliens (formerly known as a jury *de medietate linguae*), but is triable in the same manner as if he or she were a natural born subject.

Abolition of jury de ventre inspiciendo

86. No jury to inquire whether a woman is with child or not (formerly known as a jury *de ventre inspiciendo*) may be empanelled or sworn.

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View during trial

88. In any criminal inquest, the court or judge may, at any time before verdict, order a view of any place or property by the jury and may make such orders binding on the sheriff or any other person and give such directions as the court or judge thinks necessary for the purposes of the view, and the view will be held accordingly.

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Power to make rules

89. (1) The Chief Justice of the Supreme Court and the Chief Judge of the District Court may jointly make such rules as they consider necessary or expedient for the purposes of this Act.

(2) Without limiting the generality of the provisions of subsection (1), those rules may—

- (a) prescribe the minimum number of jurors to comprise a jury panel from which a jury may be constituted;
- (b) make any provision in relation to the conduct of a ballot by the sheriff under this Act;
- (c) make any provision in relation to the time and manner in which jurors are to be sworn;
- (d) make any provision that will conduce to the proper and efficient administration of this Act.

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Effect of this Act on Coroners Act

92. Nothing in this Act alters or affects any of the laws in force in the State relating to a coroner's inquest.

SCHEDULES

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SCHEDULE 3

The following persons are ineligible for jury service:

- The Governor, the Lieutenant Governor and their spouses;
- Members of Executive Council and their spouses;
- Members of Parliament;
- Members of the judiciary or magistracy and their spouses;
- Justices of the peace who perform court duties and their spouses;
- Legal practitioners actually practising as such;
- Members of the police force and their spouses;
- Persons employed in a department of the Government whose duties of office are connected with the investigation of offences, the administration of justice or the punishment of offenders;
- Persons employed in the administration of courts or in the recording or transcription of evidence taken before courts.

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SCHEDULE 5

Summons to Juror

The Sheriff's Office
Adelaide

To [Insert full name]
[Address]

You are hereby summoned to render jury service for the month of _____ .

Your attendance is required at the hour of _____ on the _____ day of _____, 19____, at _____ and at such further times and places as the sheriff may direct.

If you are empanelled as a member of a jury for an inquest commencing during the month of _____, you are required to render jury service until discharged by the court before which the inquest is held.

Sheriff

NOTE—If you do not obey this summons, or any lawful direction given in relation thereto by the sheriff, you are liable to a heavy penalty.

SCHEDULE 6

Oath or Affirmation

I (*or we*) do swear (*or solemnly, sincerely and truly affirm and declare*) that I (*or we*) will honestly, conscientiously and to the best of my (*or our*) ability try the issues at any inquest at which I (*or we*) may be required to serve and will render a true and honest verdict in accordance with the evidence.

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Juries Act 1927

APPENDIX 1

LEGISLATIVE HISTORY

Transitional Provisions

*(Transitional provision from Juries (Jurors in Remote Areas)
Amendment Act 1994, s. 12)*

12. For the purposes of section 8(2) of the principal Act, the jury districts constituted under subsection (1) of that section will, until varied by the Governor under that section, be taken to have been declared to consist of the subdivisions of which they were comprised immediately before the commencement of this Act.

Legislative History

- Legislative history prior to 3 February 1976 appears in marginal notes and footnotes included in the consolidation of this Act contained in Volume 5 of The Public General Acts of South Australia 1837-1975 at page 293.
- Certain textual alterations were made to this Act by the Commissioner of Statute Revision when preparing the reprint of the Act that incorporated all amendments in force as at 1 March 1985. A schedule of these alterations was laid before Parliament on 26 February 1985.
- Legislative history since 3 February 1976 (**entries in bold type indicate amendments incorporated since the last reprint**) is as follows:

Long title:	substituted by 81, 1984, Sched.
Section 1:	substituted by 81, 1984, s. 3
Section 2:	repealed by 81, 1984, s. 4
Section 3(1):	definition of "criminal inquest" amended by 81, 1984, Sched. definition of "District Criminal Court" repealed by 24, 1994, s. 2(a) definition of "District Criminal Court district" repealed by 24, 1994, s. 2(a) definition of "inquest" repealed by 81, 1984, Sched. definition of "Senior Judge" repealed by 24, 1994, s. 2(a) definition of "subdivision roll" repealed by 81, 1984, Sched. definition of "Supreme Court" repealed by 24, 1994, s. 2(a) repealed by 24, 1994, s. 2(b)
Section 3(2):	repealed by 24, 1994, s. 2(b)
Section 4:	repealed by 81, 1984, Sched.
Section 5:	substituted by 81, 1984, s. 5; amended by 24, 1994, s. 11 (Sched.)
Section 6:	substituted by 81, 1984, s. 5; amended by 24, 1994, ss. 3, 11 (Sched.)
Section 7:	substituted by 81, 1984, s. 5
Section 7(1):	amended by 24, 1994, ss. 4(a), 11 (Sched.)
Section 7(2):	amended by 24, 1994, s. 4(b)
Section 7(4):	amended by 24, 1994, s. 11 (Sched.)
Section 8(1):	substituted by 24, 1994, s. 5(a)
Section 8(2):	substituted by 24, 1994, s. 11 (Sched.)
Section 8(3):	substituted by 24, 1994, s. 5(b)
Section 8(4):	amended by 24, 1994, s. 11 (Sched.)
Section 11:	amended by 81, 1984, s. 6; 24, 1994, s. 11 (Sched.)
Section 11(a1):	repealed by 81, 1984, s. 6(a)
Section 12:	substituted by 81, 1984, s. 7
Section 12(1):	amended by 24, 1994, s. 11 (Sched.)
Section 13:	substituted by 81, 1984, s. 8; amended by 24, 1994, s. 11 (Sched.)
Section 14:	amended by 81, 1984, s. 9; 24, 1994, ss. 6, 11 (Sched.)
Section 14A:	repealed by 11, 1976, s. 3
Section 15:	substituted by 81, 1984, s. 10; amended by 24, 1994, s. 11 (Sched.)
Section 16:	substituted by 81, 1984, s. 11
Section 16(1):	amended by 24, 1994, s. 11 (Sched.)
Section 17:	amended by 81, 1984, s. 12; 24, 1994, s. 11 (Sched.)
Section 18:	amended by 81, 1984, s. 13, Sched.; redesignated as s. 18(1) by 24, 1994, s. 11 (Sched.)
Section 18(2):	inserted by 24, 1994, s. 11 (Sched.)
Section 19:	amended by 81, 1984, s. 14; 24, 1994, s. 11 (Sched.)
Heading preceding section 20:	amended by 81, 1984, Sched.
Section 20:	amended by 81, 1984, Sched.; 24, 1994, s. 11 (Sched.)
Section 21:	amended by 24, 1994, s. 11 (Sched.)

Section 22:	repealed by 81, 1984, Sched.
Section 23:	substituted by 81, 1984, s. 15
Section 23(3a):	inserted by 24, 1994, s. 7
Section 23A:	repealed by 81, 1984, s. 15
Section 24:	amended by 81, 1984, Sched.; 24, 1994, s. 11 (Sched.)
Section 25:	inserted by 81, 1984, s. 16
Section 25(2):	amended by 24, 1994, s. 11 (Sched.)
Section 29(1):	amended by 81, 1984, s. 17(a); 24, 1994, s. 11 (Sched.)
Section 29(2):	amended by 81, 1984, s. 17(b); 24, 1994, s. 11 (Sched.)
Section 29(3) and (4):	amended by 24, 1994, s. 11 (Sched.)
Section 29(5):	amended by 81, 1984, s. 17(c), Sched.; 24, 1994, s. 11 (Sched.)
Section 30(1):	amended by 24, 1994, s. 11 (Sched.)
Section 30(2):	repealed by 11, 1976, s. 4(a)
Section 30(3):	amended by 11, 1976, s. 4(b); 24, 1994, s. 11 (Sched.)
Section 31(1):	amended by 24, 1994, s. 11 (Sched.)
Section 31(2):	substituted by 81, 1984, s. 18; amended by 49, 1991, Sched. 2; 24, 1994, s. 11 (Sched.)
Section 31(3) and (4):	repealed by 81, 1984, s. 18
Section 32(1):	amended by 81, 1984, s. 19(a); 24, 1994, s. 11 (Sched.)
Section 32(2):	amended by 81, 1984, s. 19(b); 24, 1994, s. 11 (Sched.)
Section 32(3):	amended by 81, 1984, s. 19(c); 24, 1994, s. 11 (Sched.)
Section 32(4):	substituted by 11, 1976, s. 5(a); amended by 81, 1984, s. 19(c); 24, 1994, s. 11 (Sched.)
Section 32(4a):	inserted by 11, 1976, s. 5(a)
Section 32(5):	amended by 24, 1994, s. 11 (Sched.)
Section 32(7):	amended by 11, 1976, s. 5(b); 24, 1994, s. 11 (Sched.)
Section 33:	amended by 24, 1994, s. 11 (Sched.)
Section 42:	amended by 81, 1984, s. 20; 24, 1994, s. 11 (Sched.)
Section 43:	substituted by 81, 1984, s. 21; amended by 24, 1994, s. 11 (Sched.)
Section 46:	amended by 81, 1984, s. 22; 24, 1994, s. 11 (Sched.)
Section 47:	amended by 81, 1984, s. 23; 24, 1994, s. 11 (Sched.)
Section 54:	substituted by 81, 1984, s. 24; amended by 24, 1994, s. 11 (Sched.)
Section 55:	amended by 81, 1984, Sched.
Section 55A:	amended by 115, 1976, s. 16; repealed by 81, 1984, s. 25
Section 56:	amended by 115, 1976, s. 16; substituted by 81, 1984, s. 25
Section 56(2):	amended by 24, 1994, s. 11 (Sched.)
Section 57:	amended by 115, 1976, s. 16; substituted by 81, 1984, s. 26
Section 57(1) - (3):	amended by 24, 1994, s. 11 (Sched.)
Section 58:	repealed by 81, 1984, s. 27
Section 59(1):	substituted by 81, 1984, s. 28(a); amended by 24, 1994, s. 11 (Sched.)
Section 59(2):	amended by 81, 1984, s. 28(b); 24, 1994, s. 11 (Sched.)
Section 59(3):	amended by 24, 1994, s. 11 (Sched.)
Section 60:	amended by 24, 1994, s. 11 (Sched.)
Section 60A(1):	amended by 24, 1994, s. 11 (Sched.)
Section 60B:	repealed by 11, 1976, s. 6
Part 7 heading:	amended by 24, 1994, s. 11 (Sched.)
Section 61:	amended by 81, 1984, s. 29, Sched.; 24, 1994, ss. 8, 11 (Sched.)
Section 62:	repealed by 81, 1984, s. 30
Section 63:	amended by 81, 1984, Sched.; 24, 1994, s. 11 (Sched.)
Section 64:	amended by 24, 1994, s. 11 (Sched.)
Sections 65 and 66:	substituted by 81, 1984, s. 31; amended by 24, 1994, s. 11 (Sched.)
Section 67:	substituted by 81, 1984, s. 31
Sections 68 and 69:	substituted by 81, 1984, s. 31; amended by 24, 1994, s. 11 (Sched.)
Part 8 comprising ss. 70 - 77 and heading repealed and s. 70 and heading inserted in its place by 81, 1984, s. 32	
Section 70:	amended by 24, 1994, s. 11 (Sched.)
Part 9 heading:	amended by 24, 1994, s. 11 (Sched.)
Section 78(1):	amended by 24, 1994, s. 11 (Sched.)
Section 78(1)(b):	repealed by 81, 1984, s. 33
Section 78(1)(c):	repealed by 35, 1992, s. 15
Section 78(2):	amended by 24, 1994, s. 9
Sections 80 - 82:	repealed by 81, 1984, s. 34
Section 83:	repealed by 35, 1992, s. 161
Section 84:	substituted by 81, 1984, Sched.; repealed by 24, 1994, s. 11 (Sched.)

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Sections 85 and 86:

Section 87:

Section 88(1):

Section 88(2):

Section 89(1):

Sections 90 and 91:

Section 92:

Schedule 1:

Schedule 2:

Schedule 3:

amended by 24, 1994, s. 11 (Sched.)

repealed by 115, 1976, s. 17

amended by 81, 1984, s. 35(a); redesignated as s. 88 in pursuance of the

Acts Republication Act, 1967; **amended by 24, 1994, s. 11 (Sched.)**

repealed by 81, 1984, s. 35(b)

amended by 24, 1994, s. 10

repealed by 81, 1984, s. 36

amended by 81, 1984, Sched.; 24, 1994, s. 11 (Sched.)

repealed by 81, 1984, Sched.

substituted by *Gaz.* 20 October 1977, p. 1180; *Gaz.* 26 January 1978, p.

368; *Gaz.* 4 October 1984, p. 1035; amended by *Gaz.* 29 November

1984, p. 1700; substituted by *Gaz.* 22 August 1985, p. 510; *Gaz.* 20

August 1992, p. 882; **repealed by 24, 1994, s. 11 (Sched.)**

amended by 11, 1976, s. 7; substituted by 81, 1984, s. 37; amended by

118, 1985, s. 3

APPENDIX 2

DIVISIONAL PENALTIES AND EXPIATION FEES

At the date of publication of this reprint divisional penalties and expiation fees are, as provided by section 28A of the *Acts Interpretation Act 1915*, as follows:

Division	Maximum imprisonment	Maximum fine	Expiation fee
1	15 years	\$60 000	—
2	10 years	\$40 000	—
3	7 years	\$30 000	—
4	4 years	\$15 000	—
5	2 years	\$8 000	—
6	1 year	\$4 000	\$300
7	6 months	\$2 000	\$200
8	3 months	\$1 000	\$150
9	-	\$500	\$100
10	-	\$200	\$75
11	-	\$100	\$50
12	-	\$50	\$25