

South Australia

JURIES ACT 1927

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

*This Act is published under the Legislation Revision and Publication Act 2002 and incorporates all amendments in force as at **24 November 2003**.*

Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.

JURIES ACT 1927

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]
Statutes Amendment (Attorney-General's Portfolio) Act 1996 No. 67 of 1996 [Assented to 15 August 1996]¹¹
Juries (Miscellaneous) Amendment Act 1997 No. 49 of 1997 [Assented to 31 July 1997]¹²
Statutes Amendment (Ministers of the Crown) Act 1997 No. 69 of 1997 [Assented to 11 December 1997]¹³
Juries (Miscellaneous) Amendment Act 2000 No. 44 of 2000 [Assented to 13 July 2000]¹⁴
Statute Law Revision Act 2003 No. 44 of 2003 [Assented to 23 October 2003]¹⁵

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.

¹¹ Came into operation 17 October 1996: *Gaz.* 17 October 1996, p. 1361.

¹² Came into operation 9 March 1998: *Gaz.* 5 March 1998, p. 1062.

¹³ Part 4 (s. 9) came into operation 17 December 1997: *Gaz.* 17 December 1997, p. 1639.

¹⁴ Came into operation 29 October 2000: *Gaz.* 26 October 2000, p. 2786.

¹⁵ **Schedule 1 came into operation 24 November 2003: *Gaz.* 13 November 2003, p. 4048.**

N.B. The amendments effected to this Act by the *Coroners Act 2003* had not been brought into operation at the date of, and have not been included in, this reprint.

NOTE:

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

SUMMARY OF PROVISIONS

Part A1—Preliminary

1. Short title
3. Interpretation

Part 1—General provisions as to trial by jury

5. Civil proceedings not to be tried before a jury
6. Criminal trial to be by jury
- 6A. Additional jurors
7. Trial without jury

Part 2—Jury districts

8. Jury districts

Part 3—Qualification of jurors

11. Qualification of jurors
12. Disqualification from jury service
13. Ineligibility for jury
14. Residence qualification
15. Verdict cannot be challenged on ground of disqualification or ineligibility of juror except in certain cases
16. Power of sheriff or judge to excuse juror or prospective juror from attendance

Part 4—Annual jury lists

20. Duty of sheriff to prepare annual jury lists
21. Number of jurors on each list
23. Selection of names to be included in annual jury list
24. Coming into operation of lists
25. Questionnaire to be completed and returned by prospective jurors

Part 5—Summoning of jurors and jury panels

29. Summoning of jurors
30. Summons
31. Duty of sheriff to keep list of persons summoned
32. Regulations relating to jury panels etc
33. Oath or affirmation

Part 6—Proceedings upon trial

42. Sheriff to return panel with cards
43. Cards to be kept in ballot-box
46. Balloting for trial
47. Constitution of jury
50. Same jury may try several issues if no objection by parties
54. Duty of sheriff to provide for jury
55. Separation of jury
56. Continuation of trial with less than full number of jurors
57. Majority and alternative verdicts
59. Fresh proceedings may be taken
60. Court may order another trial
- 60A. Jury may consist of men or women only

Part 7—Challenge etc

- 61. Challenge
- 63. Peremptory challenges in excess of permitted number
- 64. Time for challenging
- 65. Rights to peremptory challenge where persons jointly charged
- 66. Challenge on ground of ineligibility or disqualification
- 67. Common law rights of challenge preserved
- 68. Trial of challenge for cause
- 69. Power to summon further jurors

Part 8—Fees

- 70. Payment of jurors

Part 9—Offences

- 78. Offence by jurors

Part 10—Miscellaneous

- 85. Jury *de medietate linguae* abolished
- 86. Abolition of jury *de ventre inspiciendo*
- 88. View during trial
- 89. Power to make rules
- 92. Effect of this Act on Coroners Act
- 93. Regulations

Schedule 3—Persons ineligible for jury service

Schedule 5—Summons to juror

Schedule 6—Oath or affirmation

**APPENDIX
LEGISLATIVE HISTORY**

Juries Act 1927

The Parliament of South Australia enacts as follows:

Part A1—Preliminary

Short title

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

* * * * *

Interpretation

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

"**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;

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

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

* * * * *

Part 1—General provisions as to trial by jury

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).

Trial without jury

7. (1) Subject to this section, where, in a criminal trial 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 trial 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 trial 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.

Juries Act 1927

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.

* * * * *

(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.

* * * * *

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

* * * * *

- (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.

(1a) The Commissioner of Police must, at the request of the sheriff, investigate and report on any matter relevant to determining whether or not a person is disqualified from jury service under this section.

(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—

Juries Act 1927

- (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.

* * * * *

Verdict cannot be challenged on ground of disqualification or ineligibility of juror except in certain cases

15. A verdict cannot be challenged 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 or judge to excuse juror or prospective juror from attendance

16. (1) A judge or the sheriff may, on application by or on behalf of a person summoned to render jury service but not serving on a jury in the course of a criminal trial, excuse the person from attendance or further attendance in compliance with the summons.

(2) A person may be excused under this section—

- (a) on the ground that the person has served as a juror within the previous three years;
- (b) on the ground that the person is one of two or more partners from the same partnership, or of two or more persons employed in the same establishment, who have been summoned to attend as jurors on the same days;
- (c) because of ill-health, conscientious objection or a matter of special urgency or importance;
- (d) for any reasonable cause.

(3) Information provided in support of the application may be required to be given on oath or to be in the form of or verified by an affidavit or statutory declaration.

(4) The judge or sheriff may, as a condition of excusing a person under this section, order that—

- (a) the name of the person be included amongst the names of jurors to be summoned for jury service at a specified subsequent time; or
- (b) the person attend in compliance with the summons at a specified subsequent time and specified place or at a time and place to be directed by the sheriff.

(5) If the sheriff declines to excuse a person under this section or excuses the person on conditions, the person may apply to a judge for review of the sheriff's decision and, on such a review, the judge may affirm the decision or quash the decision and substitute a decision that the judge thinks appropriate.

* * * * *

Juries Act 1927

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.

* * * * *

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.

* * * * *

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.

Maximum penalty: \$1 250.

* * * * *

Juries Act 1927

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 trials 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 trials 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 trials 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.

* * * * *

(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 trial, provide him or her with a copy of the list without fee.

* * * * *

Regulations relating to jury panels etc

32. The Governor may make regulations—

- (a) establishing procedures for constituting jury panels;
- (b) making provision for further jury service by a juror included in a jury panel or jury;
- (c) excusing, or making provision for the sheriff or a judge to excuse, such jurors from further jury service in compliance with their summonses;
- (d) otherwise relating to the management of jurors or jury panels.

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.

* * * * *

Juries Act 1927

Part 6—Proceedings upon trial

Sheriff to return panel with cards

42. On the day appointed for the commencement of a criminal trial 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 trial; 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.

* * * * *

Balloting for trial

46. When it is necessary to constitute a jury for the purposes of a criminal trial, 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 trial.

* * * * *

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.

* * * * *

Duty of sheriff to provide for jury

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

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.¹

¹ 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.

* * * * *

Continuation of trial with less than full number of jurors

56. (1) If during the course of a criminal trial 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 trial and for such further period (if any) as the judge determines.

(2) If during the course of a criminal trial a juror dies or is excused under subsection (1), or fails to attend without lawful excuse, the trial 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;

Juries Act 1927

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

* * * * *

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 trial 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 trial

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

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 trial or by the court of its own motion.

* * * * *

Part 7—Challenge etc

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.

* * * * *

Peremptory challenges in excess of permitted number

63. A peremptory challenge above the numbers allowed under this Act is void, and the trial 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 trial 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 trial.

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

Juries Act 1927

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

* * * * *

(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.

Maximum penalty: \$1 250.

(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.

* * * * *

Juries Act 1927

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.

* * * * *

View during trial

88. In any criminal trial, 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.

* * * * *

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.

* * * * *

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.

Regulations

93. The Governor may make such regulations as are contemplated by, or necessary or expedient for the purposes of, this Act.

* * * * *

Schedule 3—Persons ineligible for jury service

The following persons are ineligible for jury service:

- The Governor, the Lieutenant Governor and their spouses;
- Ministers of the Crown 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, or employed by a body prescribed by regulation, 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.

* * * * *

Juries Act 1927

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 a trial commencing during the month of , you are required
to render jury service until discharged by the court before which the trial 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 trial at which I (*or we*) may be required to serve and will render a true and honest verdict in accordance with the evidence.

* * * * *

Juries Act 1927**APPENDIX****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.; amended by 44, 2000, s. 3
Part A1 heading:	inserted by 44, 2003, s. 3(1) (Sched. 1)
Section 1:	substituted by 81, 1984, s. 3
Section 2:	repealed by 81, 1984, s. 4
Section 3(1):	definition of "civil inquest" repealed and definition of "civil trial" inserted in its place by 44, 2000, s. 4 definition of "criminal inquest" amended by 81, 1984, Sched.; repealed and definition of "criminal trial" inserted in its place by 44, 2000, s. 4 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)
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.); substituted by 44, 2000, s. 5
Section 6:	substituted by 81, 1984, s. 5; amended by 24, 1994, ss. 3, 11 (Sched.); substituted by 44, 2000, s. 5
Section 6A:	inserted by 44, 2000, s. 5
Section 7:	substituted by 81, 1984, s. 5
Section 7(1):	amended by 24, 1994, ss. 4(a), 11 (Sched.); 44, 2000, s. 6
Section 7(2):	amended by 24, 1994, s. 4(b)
Section 7(4):	amended by 24, 1994, s. 11 (Sched.); 44, 2000, s. 6
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); repealed by 67, 1996, s. 21
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 12(1a):	inserted by 49, 1997, s. 3
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.); 44, 2000, s. 7
Section 16:	substituted by 81, 1984, s. 11; amended by 24, 1994, s. 11 (Sched.); substituted by 49, 1997, s. 4
Section 16(1):	amended by 44, 2000, s. 8
Section 17:	amended by 81, 1984, s. 12; 24, 1994, s. 11 (Sched.); repealed by 49, 1997, s. 4
Section 18:	amended by 81, 1984, s. 13, Sched.; 24, 1994, s. 11 (Sched.); repealed by 49, 1997, s. 4
Section 19:	amended by 81, 1984, s. 14; 24, 1994, s. 11 (Sched.); repealed by 49, 1997, s. 4
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.); 44, 2000, s. 9
Section 29(1):	amended by 81, 1984, s. 17(a); 24, 1994, s. 11 (Sched.); 44, 2000, s. 10
Section 29(2):	amended by 81, 1984, s. 17(b); 24, 1994, s. 11 (Sched.); 44, 2000, s. 10
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.); 44, 2000, s. 10
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.); 44, 2000, s. 11
Section 31(3) and (4):	repealed by 81, 1984, s. 18
Section 32:	amended by 11, 1976, s. 5; 81, 1984, s. 19; 24, 1994, s. 11 (Sched.); substituted by 49, 1997, s. 5
Section 33:	amended by 24, 1994, s. 11 (Sched.)
Section 42:	amended by 81, 1984, s. 20; 24, 1994, s. 11 (Sched.); 44, 2000, s. 12
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.); 44, 2000, s. 13
Section 47:	amended by 81, 1984, s. 23; 24, 1994, s. 11 (Sched.); 44, 2000, s. 14
Section 54:	substituted by 81, 1984, s. 24; amended by 24, 1994, s. 11 (Sched.)
Section 55:	amended by 81, 1984, Sched.; substituted by 44, 2000, s. 15
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(1):	amended by 44, 2000, s. 16
Section 56(2):	amended by 24, 1994, s. 11 (Sched.); 44, 2000, s. 16
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.); 44, 2000, s. 17
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.); 44, 2000, s. 18
Section 60A(1):	amended by 24, 1994, s. 11 (Sched.)
Section 60A(2):	amended by 44, 2000, s. 19
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.); substituted by 44, 2000, s. 20
Section 62:	repealed by 81, 1984, s. 30
Section 63:	amended by 81, 1984, Sched.; 24, 1994, s. 11 (Sched.); 44, 2000, s. 21

Juries Act 1927

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
Section 68:	substituted by 81, 1984, s. 31; amended by 24, 1994, s. 11 (Sched.)
Section 69:	substituted by 81, 1984, s. 31
Section 69(1):	amended by 24, 1994, s. 11 (Sched.); 44, 2000, s. 22
Section 69(2):	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.); 44, 2000, s. 23
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.)
Sections 85 and 86:	amended by 24, 1994, s. 11 (Sched.)
Section 87:	repealed by 115, 1976, s. 17
Section 88:	amended by 81, 1984, s. 35(a); redesignated as s. 88 in pursuance of the <i>Acts Republication Act 1967</i> ; amended by 24, 1994, s. 11 (Sched.); 44, 2000, s. 24
(previously section 88(1))	
Section 88(2):	repealed by 81, 1984, s. 35(b)
Section 89(1):	amended by 24, 1994, s. 10
Sections 90 and 91:	repealed by 81, 1984, s. 36
Section 92:	amended by 81, 1984, Sched.; 24, 1994, s. 11 (Sched.)
Section 93:	inserted by 49, 1997, s. 6
Schedule 1:	repealed by 81, 1984, Sched.
Schedule 2:	substituted by <i>Gaz.</i> 20 October 1977, p. 1180; <i>Gaz.</i> 26 January 1978, p. 368; <i>Gaz.</i> 4 October 1984, p. 1035; amended by <i>Gaz.</i> 29 November 1984, p. 1700; substituted by <i>Gaz.</i> 22 August 1985, p. 510; <i>Gaz.</i> 20 August 1992, p. 882; repealed by 24, 1994, s. 11 (Sched.)
Schedule 3 heading:	substituted by 44, 2003, s. 3(1) (Sched. 1)
Schedule 3:	amended by 11, 1976, s. 7; substituted by 81, 1984, s. 37; amended by 118, 1985, s. 3; 69, 1997, s. 9; 49, 1997, s. 7
Schedule 5:	amended by 44, 2000, s. 25
Schedule 6:	amended by 44, 2000, s. 26