

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.

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## Legislative history

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

## **Part A1—Preliminary**

### **1—Short title**

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

### **3—Interpretation**

- (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**

### **5—Civil proceedings not to be tried before a jury**

No civil trial is to be held before a jury.

### **6—Criminal trial to be by jury**

- (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.

### **6A—Additional jurors**

- (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, or to consider whether to return a verdict without hearing further evidence, 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; or

- (c) if the jury is retiring to consider whether or not to return a verdict without hearing further evidence—direct that they rejoin the jury in the event that the jury decides that it wishes to hear further evidence before returning a verdict.
- (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).

## **7—Trial without jury**

- (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.
- (3a) Where an information is presented to the District Court or the Supreme Court under section 103 of the *Criminal Procedure Act 1921* and the information includes a charge of a serious and organised crime offence (within the meaning of the *Criminal Law Consolidation Act 1935*), the Director of Public Prosecutions may apply to the court for an order that the accused be tried by judge alone.
- (3b) The court may make an order on an application under subsection (3a) if it considers it is in the interests of justice to do so (and may do so at any time before commencement of the trial of the matter, regardless of whether a jury has been constituted in accordance with this Act to try the issues on the trial).
- (3c) Without limiting subsection (3b), the court may make an order on an application under subsection (3a) if it considers that there is a real possibility that acts that may constitute an offence under section 245 or 248 of the *Criminal Law Consolidation Act 1935* would be committed in relation to a member of a jury.
- (3d) An order of a court on an application under subsection (3a) may be appealed against in the same manner as a decision on an issue antecedent to trial.
- (4) If a criminal trial proceeds without a jury under this section, the judge may make any decision that could have been made by a jury and such a decision will, for all purposes, have the same effect as a verdict of a jury.

## **Part 2—Jury districts**

### **8—Jury districts**

- (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

### 11—Qualification of jurors

Each person residing in South Australia who is enrolled on the roll of electors and who is entitled to vote at the election of members of the House of Assembly is, subject to the exceptions mentioned in this Act, qualified and liable to serve as a juror.

### 12—Disqualification from jury service

- (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.

### **13—Ineligibility for jury**

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.

### **14—Residence qualification**

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.

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

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.

### **16—Power of sheriff or judge to excuse juror or prospective juror from attendance**

- (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.

#### **16A—Judge may excuse juror or prospective juror from attendance on safety or welfare grounds**

- (1) A judge may, by notice in writing, excuse a person summoned to render jury service but not serving on a jury in the course of a criminal trial from attendance or further attendance in compliance with the summons on the ground that the attendance of the person poses or would pose a risk to the safety or welfare of another person.
- (2) A person may be excused under subsection (1) on an application by the sheriff or on the judge's own initiative.
- (3) The judge 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.

#### **17—Right of exemption for persons above the age of 70 years**

- (1) A judge or the sheriff must, 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 if satisfied that the person is above the age of 70 years.
- (2) Information provided in support of an application may be required to be given on oath or to be in the form of or verified by an affidavit or statutory declaration.

### **Part 4—Annual jury lists**

#### **20—Duty of sheriff to prepare annual jury lists**

- (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.

#### **21—Number of jurors on each list**

- (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.

#### **23—Selection of names to be included in annual jury list**

- (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.

## **24—Coming into operation of lists**

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

## **25—Questionnaire to be completed and returned by prospective jurors**

- (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.

## **Part 5—Summoning of jurors and jury panels**

### **29—Summoning of jurors**

- (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.

### **30—Summons**

- (1) A summons under this Part must be in the prescribed form.
- (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.

### **32—Regulations relating to jury panels etc**

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.

### **33—Oath or affirmation**

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.

## **Part 6—Proceedings upon trial**

### **42—Sheriff to return panel with cards**

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.

### **43—Cards to be kept in ballot-box**

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

### **46—Balloting for trial**

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.

### **47—Constitution of jury**

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

### **50—Same jury may try several issues if no objection by parties**

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.

### **54—Duty of sheriff to provide for jury**

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

### **55—Separation of jury**

- (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 or to consider whether to return a verdict without hearing further evidence.

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

**Example—**

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.

### **56—Continuation of trial with less than full number of jurors**

- (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.

### **57—Majority and alternative verdicts**

- (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;
- (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.

### **59—Fresh proceedings may be taken**

- (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.

### **60—Court may order another trial**

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.

### **60A—Jury may consist of men or women only**

- (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 on its own initiative.

## **Part 7—Challenge etc**

### **61—Challenge**

- (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.

### **63—Peremptory challenges in excess of permitted number**

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.

### **64—Time for challenging**

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

### **65—Rights to peremptory challenge where persons jointly charged**

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

### **66—Challenge on ground of ineligibility or disqualification**

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.

### **67—Common law rights of challenge preserved**

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

### **68—Trial of challenge for cause**

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.

### **69—Power to summon further jurors**

- (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.

## **Part 8—Fees**

### **70—Payment of jurors etc**

- (1) If a person summoned to render jury service punctually attends a court in compliance with the summons—
- (a) the person is, unless he or she is paid wages or salary by an employer in respect of the period during which the person attends a court for the purposes of jury service, entitled to be remunerated in accordance with the prescribed scale;

- (b) if the person is paid wages or salary by an employer in respect of the period referred to in paragraph (a), the employer is entitled to be reimbursed an amount equal to the amount of remuneration that the person would have been entitled to under that paragraph had he or she not been paid such wages or salary.
- (2) Any payment to be made under subsection (1) must be made out of the Consolidated Account (which is appropriated to the necessary extent).

## Part 9—Offences

### 78—Offence by jurors

- (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.

## Part 10—Miscellaneous

### 85—Jury *de medietate linguae* abolished

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.

### 86—Abolition of jury *de ventre inspiciendo*

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.

### 88—View during trial

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.

### 89—Power to make rules

- (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.

## 92—Effect of this Act on Coroners Act

Nothing in this Act alters or affects any of the laws in force in the State relating to a coronial inquest.

## 93—Regulations

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

### 1—Interpretation

In this Schedule—

*domestic partner* means a person who is a domestic partner within the meaning of the *Family Relationships Act 1975*, whether declared as such under that Act or not;

*spouse*—a person is the spouse of another if they are legally married.

### 2—Persons ineligible for jury service

The following persons are ineligible for jury service:

The Governor, the Lieutenant Governor and their spouses or domestic partners;

Ministers of the Crown and their spouses or domestic partners;

Members of Parliament;

Members of the judiciary or magistracy and their spouses or domestic partners;

Justices of the peace who perform court duties and their spouses or domestic partners;

Legal practitioners actually practising as such;

Members of the police force and their spouses or domestic partners;

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.

## **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.

## Legislative history

### Notes

- 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.
- Earlier versions of this Act (historical versions) are listed at the end of the legislative history.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or [www.legislation.sa.gov.au](http://www.legislation.sa.gov.au).

### Principal Act and amendments

New entries appear in bold.

Year	No	Title	Assent	Commencement
1927	1805	<i>Juries Act 1927</i>	30.11.1927	6.1.1928 except ss 20—28—30.11.1927: s 1 ( <i>Gazette 5.1.1928 p1</i> )
1937	2356	<i>Juries Act Amendment Act 1937</i>	10.11.1937	10.11.1937
1957	42	<i>Statute Law Revision Act 1957</i>	14.11.1957	14.11.1957
1965	28	<i>Juries Act Amendment Act 1965</i>	25.11.1965	2.12.1965 ( <i>Gazette 2.12.1965 p1953</i> )
1969	74	<i>Juries Act Amendment Act 1969</i>	11.12.1969	31.8.1970 ( <i>Gazette 20.8.1970 p696</i> )
1971	31	<i>Juries Act Amendment Act 1971</i>	22.4.1971	22.4.1971
1972	54	<i>Local and District Criminal Courts Act Amendment Act 1972</i>	27.4.1972	9.11.1972 ( <i>Gazette 9.11.1972 p2252</i> )
1974	30	<i>Juries Act Amendment Act 1974</i>	11.4.1974	12.9.1974 ( <i>Gazette 12.9.1974 p1736</i> )
1976	11	<i>Juries Act Amendment Act 1976</i>	4.3.1976	4.3.1976 ( <i>Gazette 4.3.1976 p940</i> )
1976	115	<i>Statutes Amendment (Capital Punishment Abolition) Act 1976</i>	23.12.1976	23.12.1976
1977		proclamation ( <i>Gazette 20.10.1977 p1180</i> )	—	20.10.1977
1978		proclamation ( <i>Gazette 26.1.1978 p368</i> )	—	26.1.1978
1984		proclamation ( <i>Gazette 4.10.1984 p1035</i> )	—	4.10.1984
1984	81	<i>Juries Act Amendment Act 1984</i>	15.11.1984	2.1.1985 ( <i>Gazette 13.12.1984 p1811</i> )
1984		proclamation ( <i>Gazette 29.11.1984 p1700</i> )	—	29.11.1984
1985		proclamation ( <i>Gazette 22.8.1985 p510</i> )	—	22.8.1985
1985	118	<i>Juries Act Amendment Act 1985</i>	10.11.1985	1.12.1985 ( <i>Gazette 21.11.1985 p1542</i> )
1991	49	<i>Director of Public Prosecutions Act 1991</i>	21.11.1991	6.7.1992 ( <i>Gazette 25.6.1992 p1869</i> )
1992	35	<i>Statutes Amendment and Repeal (Public Offences) Act 1992</i>	21.5.1992	6.7.1992 ( <i>Gazette 2.7.1992 p209</i> )

## Juries Act 1927—1.7.2025

### Legislative history

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1992		proclamation ( <i>Gazette</i> 20.8.1992 p882)	—	20.8.1992
1994	24	<i>Juries (Jurors in Remote Areas) Amendment Act 1994</i>	26.5.1994	26.5.1994
1996	67	<i>Statutes Amendment (Attorney-General's Portfolio) Act 1996</i>	15.8.1996	s 21—17.10.1996 ( <i>Gazette</i> 17.10.1996 p1361)
1997	49	<i>Juries (Miscellaneous) Amendment Act 1997</i>	31.7.1997	9.3.1998 ( <i>Gazette</i> 5.3.1998 p1062)
1997	69	<i>Statutes Amendment (Ministers of the Crown) Act 1997</i>	11.12.1997	Pt 4 (s 9)—17.12.1997 ( <i>Gazette</i> 17.12.1997 p1639)
2000	44	<i>Juries (Miscellaneous) Amendment Act 2000</i>	13.7.2000	29.10.2000 ( <i>Gazette</i> 26.10.2000 p2786)
2003	33	<i>Coroners Act 2003</i>	31.7.2003	Sch (Pt 10)—1.7.2005 ( <i>Gazette</i> 23.6.2005 p1899)
2003	44	<i>Statute Law Revision Act 2003</i>	23.10.2003	Sch 1—24.11.2003 ( <i>Gazette</i> 13.11.2003 p4048)
2004	23	<i>Statutes Amendment (Courts) Act 2004</i>	8.7.2004	Pt 7 (ss 18, 20—22)—1.9.2004 ( <i>Gazette</i> 26.8.2004 p3402) except ss 19 & 23—14.3.2005 ( <i>Gazette</i> 28.10.2004 p4083)
2005	62	<i>Statutes Amendment and Repeal (Aggravated Offences) Act 2005</i>	1.12.2005	Pt 4 (s 26)—15.5.2006 ( <i>Gazette</i> 20.4.2006 p1127)
2006	17	<i>Statutes Amendment (New Rules of Civil Procedure) Act 2006</i>	6.7.2006	Pt 41 (s 143)—4.9.2006 ( <i>Gazette</i> 17.8.2006 p2831)
2006	43	<i>Statutes Amendment (Domestic Partners) Act 2006</i>	14.12.2006	Pt 49 (ss 142 & 143)—1.6.2007 ( <i>Gazette</i> 26.4.2007 p1352)
2012	12	<i>Statutes Amendment (Serious and Organised Crime) Act 2012</i>	10.5.2012	Pt 10 (s 44)—17.6.2012 ( <i>Gazette</i> 14.6.2012 p2756)
2016	28	<i>Statutes Amendment (Attorney-General's Portfolio) Act 2016</i>	16.6.2016	Pt 10 (ss 25 & 26)—16.6.2016: s 2(1)
2017	18	<i>Summary Procedure (Indictable Offences) Amendment Act 2017</i>	14.6.2017	Sch 2 (cill 27 & 41)—5.3.2018 ( <i>Gazette</i> 12.12.2017 p4961)
2025	3	<i>Statutes Amendment (Criminal Proceedings) Act 2025</i>	13.2.2025	Pt 3 (s 4)—1.7.2025 ( <i>Gazette</i> 12.6.2025 p1408)

### Provisions amended since 3 February 1976

- 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.

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
Long title	substituted by 81/1984 Sch	2.1.1985
	amended by 44/2000 s 3	29.10.2000
Pt A1 heading	inserted by 44/2003 s 3(1) (Sch 1)	24.11.2003
s 1	substituted by 81/1984 s 3	2.1.1985
s 2	<i>deleted by 81/1984 s 4</i>	<i>2.1.1985</i>
s 3		
s 3(1)		
<i>civil inquest</i>	<i>deleted by 44/2000 s 4</i>	<i>29.10.2000</i>
civil trial	inserted by 44/2000 s 4	29.10.2000
<i>criminal inquest</i>	<i>amended by 81/1984 Sch</i>	<i>2.1.1985</i>
	<i>deleted by 44/2000 s 4</i>	<i>29.10.2000</i>
criminal trial	inserted by 44/2000 s 4	29.10.2000
<i>District Criminal Court</i>	<i>deleted by 24/1994 s 2(a)</i>	<i>26.5.1994</i>
<i>District Criminal Court district</i>	<i>deleted by 24/1994 s 2(a)</i>	<i>26.5.1994</i>
<i>inquest</i>	<i>deleted by 81/1984 Sch</i>	<i>2.1.1985</i>
<i>Senior Judge</i>	<i>deleted by 24/1994 s 2(a)</i>	<i>26.5.1994</i>
<i>subdivision roll</i>	<i>deleted by 81/1984 Sch</i>	<i>2.1.1985</i>
<i>Supreme Court</i>	<i>deleted by 24/1994 s 2(a)</i>	<i>26.5.1994</i>
s 3(2)	<i>deleted by 24/1994 s 2(b)</i>	<i>26.5.1994</i>
s 4	<i>deleted by 81/1984 Sch</i>	<i>2.1.1985</i>
Pt 1		
s 5	substituted by 81/1984 s 5	2.1.1985
	amended by 24/1994 s 11 (Sch)	26.5.1994
	substituted by 44/2000 s 5	29.10.2000
s 6	substituted by 81/1984 s 5	2.1.1985
	amended by 24/1994 ss 3, 11 (Sch)	26.5.1994
	substituted by 44/2000 s 5	29.10.2000
s 6A	inserted by 44/2000 s 5	29.10.2000
s 6A(2)	amended by 23/2004 s 18(1)	1.9.2004
s 6A(3)	amended by 23/2004 s 18(2)	1.9.2004
s 7	substituted by 81/1984 s 5	2.1.1985
s 7(1)	amended by 24/1994 ss 4(a), 11 (Sch)	26.5.1994
	amended by 44/2000 s 6	29.10.2000
s 7(2)	amended by 24/1994 s 4(b)	26.5.1994
s 7(3a)	inserted by 12/2012 s 44	17.6.2012
	amended by 18/2017 Sch 2 cl 27	5.3.2018
s 7(3b)—(3d)	inserted by 12/2012 s 44	17.6.2012
s 7(4)	amended by 24/1994 s 11 (Sch)	26.5.1994

	amended by 44/2000 s 6	29.10.2000
	substituted by 62/2005 s 26	15.5.2006
Pt 2		
s 8		
s 8(1)	substituted by 24/1994 s 5(a)	26.5.1994
s 8(2)	substituted by 24/1994 s 11 (Sch)	26.5.1994
s 8(3)	<i>substituted by 24/1994 s 5(b)</i> <i>deleted by 67/1996 s 21</i>	<i>26.5.1994</i> <i>17.10.1996</i>
s 8(4)	amended by 24/1994 s 11 (Sch)	26.5.1994
Pt 3		
s 11 before substitution by 28/2016	<i>amended by 81/1984 s 6</i>	<i>2.1.1985</i>
s 11(a1)	<i>amended by 24/1994 s 11 (Sch)</i> <i>deleted by 81/1984 s 6(a)</i>	<i>26.5.1994</i> <i>2.1.1985</i>
s 11	substituted by 28/2016 s 25	16.6.2016
s 12	substituted by 81/1984 s 7	2.1.1985
s 12(1)	amended by 24/1994 s 11 (Sch)	26.5.1994
s 12(1a)	inserted by 49/1997 s 3	9.3.1998
s 13	substituted by 81/1984 s 8 amended by 24/1994 s 11 (Sch)	2.1.1985 26.5.1994
s 14	amended by 81/1984 s 9 amended by 24/1994 ss 6, 11 (Sch)	2.1.1985 26.5.1994
s 14A	<i>deleted by 11/1976 s 3</i>	<i>4.3.1976</i>
s 15	substituted by 81/1984 s 10 amended by 24/1994 s 11 (Sch) amended by 44/2000 s 7	2.1.1985 26.5.1994 29.10.2000
s 16	substituted by 81/1984 s 11 amended by 24/1994 s 11 (Sch) substituted by 49/1997 s 4	2.1.1985 26.5.1994 9.3.1998
s 16(1)	amended by 44/2000 s 8	29.10.2000
<b>s 16A</b>	<b>inserted by 3/2025 s 4</b>	<b>1.7.2025</b>
s 17	<i>amended by 81/1984 s 12</i> <i>amended by 24/1994 s 11 (Sch)</i> <i>deleted by 49/1997 s 4</i>	<i>2.1.1985</i> <i>26.5.1994</i> <i>9.3.1998</i>
s 17	inserted by 28/2016 s 26	16.6.2016
s 18	<i>amended by 81/1984 s 13, Sch</i> <i>amended by 24/1994 s 11 (Sch)</i> <i>deleted by 49/1997 s 4</i>	<i>2.1.1985</i> <i>26.5.1994</i> <i>9.3.1998</i>
s 19	<i>amended by 81/1984 s 14</i> <i>amended by 24/1994 s 11 (Sch)</i> <i>deleted by 49/1997 s 4</i>	<i>2.1.1985</i> <i>26.5.1994</i> <i>9.3.1998</i>
Pt 4		

heading	amended by 81/1984 Sch	2.1.1985
s 20	amended by 81/1984 Sch	2.1.1985
	amended by 24/1994 s 11 (Sch)	26.5.1994
s 21	amended by 24/1994 s 11 (Sch)	26.5.1994
s 22	<i>deleted by 81/1984 Sch</i>	2.1.1985
s 23	substituted by 81/1984 s 15	2.1.1985
s 23(3a)	inserted by 24/1994 s 7	26.5.1994
s 23A	<i>deleted by 81/1984 s 15</i>	2.1.1985
s 24	amended by 81/1984 Sch	2.1.1985
	amended by 24/1994 s 11 (Sch)	26.5.1994
s 25	inserted by 81/1984 s 16	2.1.1985
s 25(2)	amended by 24/1994 s 11 (Sch)	26.5.1994
	amended by 44/2000 s 9	29.10.2000
Pt 5		
s 29		
s 29(1)	amended by 81/1984 s 17(a)	2.1.1985
	amended by 24/1994 s 11 (Sch)	26.5.1994
	amended by 44/2000 s 10	29.10.2000
s 29(2)	amended by 81/1984 s 17(b)	2.1.1985
	amended by 24/1994 s 11 (Sch)	26.5.1994
	amended by 44/2000 s 10	29.10.2000
s 29(3) and (4)	amended by 24/1994 s 11 (Sch)	26.5.1994
s 29(5)	amended by 81/1984 s 17(c), Sch	2.1.1985
	amended by 24/1994 s 11 (Sch)	26.5.1994
	amended by 44/2000 s 10	29.10.2000
s 30		
s 30(1)	amended by 24/1994 s 11 (Sch)	26.5.1994
	amended by 23/2004 s 19	14.3.2005
s 30(2)	<i>deleted by 11/1976 s 4(a)</i>	4.3.1976
s 30(3)	amended by 11/1976 s 4(b)	4.3.1976
	amended by 24/1994 s 11 (Sch)	26.5.1994
<i>s 31 before deletion by 23/2004</i>		
s 31(1)	<i>amended by 24/1994 s 11 (Sch)</i>	26.5.1994
s 31(2)	<i>substituted by 81/1984 s 18</i>	2.1.1985
	<i>amended by 49/1991 Sch 2</i>	6.7.1992
	<i>amended by 24/1994 s 11 (Sch)</i>	26.5.1994
	<i>amended by 44/2000 s 11</i>	29.10.2000
s 31(3) and (4)	<i>deleted by 81/1984 s 18</i>	2.1.1985
s 31	<i>deleted by 23/2004 s 20</i>	1.9.2004
s 32	amended by 11/1976 s 5	4.3.1976
	amended by 81/1984 s 19	2.1.1985
	amended by 24/1994 s 11 (Sch)	26.5.1994

	substituted by 49/1997 s 5	9.3.1998
s 33	amended by 24/1994 s 11 (Sch)	26.5.1994
Pt 6		
s 42	amended by 81/1984 s 20	2.1.1985
	amended by 24/1994 s 11 (Sch)	26.5.1994
	amended by 44/2000 s 12	29.10.2000
s 43	substituted by 81/1984 s 21	2.1.1985
	amended by 24/1994 s 11 (Sch)	26.5.1994
s 46	amended by 81/1984 s 22	2.1.1985
	amended by 24/1994 s 11 (Sch)	26.5.1994
	amended by 44/2000 s 13	29.10.2000
s 47	amended by 81/1984 s 23	2.1.1985
	amended by 24/1994 s 11 (Sch)	26.5.1994
	amended by 44/2000 s 14	29.10.2000
s 54	substituted by 81/1984 s 24	2.1.1985
	amended by 24/1994 s 11 (Sch)	26.5.1994
s 55	amended by 81/1984 Sch	2.1.1985
	substituted by 44/2000 s 15	29.10.2000
s 55(2)	amended by 23/2004 s 21	1.9.2004
s 55A	<i>amended by 115/1976 s 16</i>	<i>23.12.1976</i>
	<i>deleted by 81/1984 s 25</i>	<i>2.1.1985</i>
s 56	amended by 115/1976 s 16	23.12.1976
	substituted by 81/1984 s 25	2.1.1985
s 56(1)	amended by 44/2000 s 16	29.10.2000
s 56(2)	amended by 24/1994 s 11 (Sch)	26.5.1994
	amended by 44/2000 s 16	29.10.2000
s 57	amended by 115/1976 s 16	23.12.1976
	substituted by 81/1984 s 26	2.1.1985
s 57(1)—(3)	amended by 24/1994 s 11 (Sch)	26.5.1994
s 58	<i>deleted by 81/1984 s 27</i>	<i>2.1.1985</i>
s 59		
s 59(1)	substituted by 81/1984 s 28(a)	2.1.1985
	amended by 24/1994 s 11 (Sch)	26.5.1994
	amended by 44/2000 s 17	29.10.2000
s 59(2)	amended by 81/1984 s 28(b)	2.1.1985
	amended by 24/1994 s 11 (Sch)	26.5.1994
s 59(3)	amended by 24/1994 s 11 (Sch)	26.5.1994
s 60	amended by 24/1994 s 11 (Sch)	26.5.1994
	amended by 44/2000 s 18	29.10.2000
s 60A		
s 60A(1)	amended by 24/1994 s 11 (Sch)	26.5.1994
s 60A(2)	amended by 44/2000 s 19	29.10.2000
	amended by 17/2006 s 143	4.9.2006

<i>s 60B</i>	<i>deleted by 11/1976 s 6</i>	4.3.1976
Pt 7		
heading	amended by 24/1994 s 11 (Sch)	26.5.1994
<i>s 61</i>	amended by 81/1984 s 29, Sch	2.1.1985
	amended by 24/1994 ss 8, 11 (Sch)	26.5.1994
	substituted by 44/2000 s 20	29.10.2000
<i>s 62</i>	<i>deleted by 81/1984 s 30</i>	2.1.1985
<i>s 63</i>	amended by 81/1984 Sch	2.1.1985
	amended by 24/1994 s 11 (Sch)	26.5.1994
	amended by 44/2000 s 21	29.10.2000
<i>s 64</i>	amended by 24/1994 s 11 (Sch)	26.5.1994
ss 65 and 66	substituted by 81/1984 s 31	2.1.1985
	amended by 24/1994 s 11 (Sch)	26.5.1994
<i>s 67</i>	substituted by 81/1984 s 31	2.1.1985
<i>s 68</i>	substituted by 81/1984 s 31	2.1.1985
	amended by 24/1994 s 11 (Sch)	26.5.1994
<i>s 69</i>	substituted by 81/1984 s 31	2.1.1985
<i>s 69(1)</i>	amended by 24/1994 s 11 (Sch)	26.5.1994
	amended by 44/2000 s 22	29.10.2000
<i>s 69(2)</i>	amended by 24/1994 s 11 (Sch)	26.5.1994
Pt 8	substituted by 81/1984 s 32	2.1.1985
<i>s 70</i>	amended by 24/1994 s 11 (Sch)	26.5.1994
	substituted by 23/2004 s 22	1.9.2004
Pt 9		
heading	amended by 24/1994 s 11 (Sch)	26.5.1994
<i>s 78</i>		
<i>s 78(1)</i>	amended by 24/1994 s 11 (Sch)	26.5.1994
	amended by 44/2000 s 23	29.10.2000
	(b) deleted by 81/1984 s 33	2.1.1985
	(c) deleted by 35/1992 s 15	6.7.1992
<i>s 78(2)</i>	amended by 24/1994 s 9	26.5.1994
ss 80—82	<i>deleted by 81/1984 s 34</i>	2.1.1985
<i>s 83</i>	<i>deleted by 35/1992 s 161</i>	6.7.1992
<i>s 84</i>	<i>substituted by 81/1984 Sch</i>	2.1.1985
	<i>deleted by 24/1994 s 11 (Sch)</i>	26.5.1994
Pt 10		
ss 85 and 86	amended by 24/1994 s 11 (Sch)	26.5.1994
<i>s 87</i>	<i>deleted by 115/1976 s 17</i>	23.12.1976
<i>s 88</i>	<i>s 88(1) amended by 81/1984 s 35(a)</i>	2.1.1985
	<i>s 88(1) redesignated as s 88 in pursuance of the Acts Republication Act 1967</i>	1.3.1985
	amended by 24/1994 s 11 (Sch)	26.5.1994
	amended by 44/2000 s 24	29.10.2000

s 88(2)	<i>deleted by 81/1984 s 35(b)</i>	2.1.1985
s 89		
s 89(1)	amended by 24/1994 s 10	26.5.1994
ss 90 and 91	<i>deleted by 81/1984 s 36</i>	2.1.1985
s 92	amended by 81/1984 Sch	2.1.1985
	amended by 24/1994 s 11 (Sch)	26.5.1994
	amended by 33/2003 Sch (cl 15)	1.7.2005
s 93	inserted by 49/1997 s 6	9.3.1998
Sch 1	<i>deleted by 81/1984 Sch</i>	2.1.1985
Sch 2	<i>substituted by Gazette 20 October 1977 p 1180</i>	20.10.1977
	<i>substituted by Gazette 26 January 1978 p 368</i>	26.1.1978
	<i>substituted by Gazette 4 October 1984 p 1035</i>	4.10.1984
	<i>amended by Gazette 29 November 1984 p 1700</i>	29.11.1984
	<i>substituted by Gazette 22 August 1985 p 510</i>	22.8.1985
	<i>substituted by Gazette 20 August 1992 p 882</i>	20.8.1992
	<i>deleted by 24/1994 s 11 (Sch)</i>	26.5.1994
Sch 3	heading substituted by 44/2003 s 3(1) (Sch 1)	24.11.2003
cl 1	inserted by 43/2006 s 142(1)	1.6.2007
cl 2	amended by 11/1976 s 7	4.3.1976
	substituted by 81/1984 s 37	2.1.1985
	amended by 118/1985 s 3	1.12.1985
	amended by 69/1997 s 9	17.12.1997
	amended by 49/1997 s 7	9.3.1998
	amended and redesignated as cl 2 by 43/2006 s 142(2), (3)	1.6.2007
Sch 5	<i>amended by 44/2000 s 25</i>	29.10.2000
	<i>deleted by 23/2004 s 23</i>	14.3.2005
Sch 6	amended by 44/2000 s 26	29.10.2000

## **Transitional etc provisions associated with Act or amendments**

### ***Juries (Jurors in Remote Areas) Amendment Act 1994***

#### **12—Transitional provision**

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.

### ***Statutes Amendment (Domestic Partners) Act 2006***

#### **143—Transitional provision**

An amendment made by this Act to the *Juries Act 1927* does not affect the eligibility of a person to serve on a jury empanelled before the commencement of the amendment.

## ***Summary Procedure (Indictable Offences) Amendment Act 2017, Sch 2 Pt 14***

### **41—Transitional provision**

The amendments made by this Act apply to proceedings relating to an offence that are commenced after the commencement of this Act, regardless of when the offence occurred (and the Acts amended by this Act, as in force before the commencement of this Act, continue to apply to proceedings that were commenced before the commencement of this Act).

### **Historical versions**

Reprint—1.3.1985

Reprint No 1—15.8.1991

Reprint No 2—6.7.1992

Reprint No 3—20.8.1992

Reprint No 4—26.5.1994

Reprint No 5—17.10.1996

Reprint No 6—17.12.1997

Reprint No 7—9.3.1998

Reprint No 8—29.10.2000

Reprint No 9—24.11.2003

1.9.2004

14.3.2005

1.7.2005

15.5.2006

4.9.2006

1.6.2007

17.6.2012

16.6.2016

5.3.2018