



# **JURIES (JURORS IN REMOTE AREAS) AMENDMENT ACT 1994**

**No. 24 of 1994**

## **SUMMARY OF PROVISIONS**

1. Short title
2. Amendment of s. 3—Interpretation
3. Amendment of s. 6—Criminal Inquests to be tried by jury
4. Amendment of s.7—Trial without a jury
5. Amendment of s. 8—Jury districts
6. Amendment of s. 14—Residence qualification
7. Amendment of s. 23—Selection of names to be included in annual jury list
8. Amendment of s. 61—Challenge
9. Amendment of s. 78—Offence by jurors
10. Amendment of s. 89—Power to make rules
11. Statute law revision amendments
12. Transitional provision

## **SCHEDULE**

*Statute Law Revision Amendments*



ANNO QUADRAGESIMO TERTIO

**ELIZABETHAE II REGINAE**

A.D. 1994

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No. 24 of 1994

An Act to amend the Juries Act 1927.

[Assented to 26 May 1994]

The Parliament of South Australia enacts as follows:

**Short title**

1. (1) This Act may be cited as the *Juries (Jurors in Remote Areas) Amendment Act 1994*.
- (2) The *Juries Act 1927* is referred to in this Act as "the principal Act".

**Amendment of s. 3—Interpretation**

2. Section 3 of the principal Act is amended—

- (a) by striking out from subsection (1) the definitions of "District Criminal Court", "District Criminal Court district", "Senior Judge" and "Supreme Court";
- (b) by striking out subsection (2).

**Amendment of s. 6—Criminal Inquests to be tried by jury**

3. Section 6 of the principal Act is amended by striking out "a District Criminal Court" and substituting "the District Court".

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

4. Section 7 of the principal Act is amended—

- (a) by striking out from subsection (1) "a District Criminal Court" and substituting "the District Court";
- (b) by striking out from subsection (2) "a District Criminal Court" and substituting "the District Court".

**Amendment of s. 8—Jury districts**

5. Section 8 of the principal Act is amended—

(a) by striking out subsection (1) and substituting the following subsection:

(1) The following jury districts are constituted:

The Adelaide Jury District;

The Northern Jury District;

The South-Eastern Jury District.;

(b) by striking out subsection (3) and substituting the following subsection:

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

**Amendment of s. 14—Residence qualification**

6. Section 14 of the principal Act is amended by striking out "for that court" and substituting "in which the jury is to be empanelled";

**Amendment of s. 23—Selection of names to be included in annual jury list**

7. Section 23 of the principal Act is amended by inserting after subsection (3) the following subsection:

(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.

**Amendment of s. 61—Challenge**

8. Section 61 of the principal Act is amended by striking out "in the Supreme Court or a District Criminal Court".

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

9. Section 78 of the principal Act is amended by striking out from subsection (2) "a District Criminal Court" and substituting "the District Court".

**Amendment of s. 89—Power to make rules**

10. Section 89 of the principal Act is amended by striking out from subsection (1) "Senior Judge of the Central District Criminal Court" and substituting "Chief Judge of the District Court".

**Statute law revision amendments**

11. The principal Act is further amended as set out in the schedule.

**Transitional provision**

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.

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**SCHEDULE**  
*Statute Law Revision Amendments*

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Provision Amended	How Amended
Sections 5 and 6	Strike out "shall" (twice occurring) and substitute, in each case, "will".
Section 7(1) and (4)	Strike out "shall" (twice occurring) and substitute, in each case, "will".
Section 8(2)	Strike out this subsection and substitute:  (2) The jury districts constituted under subsection (1) consist of the subdivisions declared by the Governor by proclamation.
Section 8(4)	Strike out "shall be unaffected" and substitute "is not affected".
Section 11	Strike out "Every" and substitute "Each".  Strike out "shall" and substitute "is".  Strike out "be".
Section 12(1)(a) and (b)	Insert "or she" after "he" (twice occurring).
Section 12(1)(c) and (d)	Insert ", he or she" after "relevant date" (twice occurring).
Section 12(1)(c)(i)-(iii)	Strike out "he" (wherever occurring).
Section 12(1)(d)(i) and (ii)	Strike out "he" (twice occurring).
Section 12(1)(e)	Insert "or she" after "he".  Strike out "bound by a recognizance" and substitute "subject to a bond".
Section 12(1)(f)	Insert "or she" after "he".
Section 13	Insert "he or she" after "if".  Strike out "he" (wherever occurring).
Section 13(b)	Insert "or her" after "him".
Section 13(c)	Strike out "the third schedule" and substitute "schedule 3".
Section 14	Strike out "shall not be" and substitute "is not".

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	Insert "or she" after "he".
Section 15	Strike out "No" and substitute "A". Strike out "shall" and substitute "cannot".
Section 16(1)	Strike out "he" and substitute "the sheriff".
Section 17	Insert "or her" after "his". Strike out "co-partnership" and substitute "partnership".
Section 18	Redesignate to read as section 18(1). Strike out "pursuant to" and substitute "under". Strike out "When any such order is made, the judge shall notify the sheriff and the applicant shall be summoned as a juror in accordance with the order."
Section 18(2)	Insert the following subsection after subsection (1):  (2) The sheriff must comply with an order made under subsection (1).
Section 19	Strike out "any" and substitute "a". Insert "or she" after "he".
Section 20(1)	Strike out "shall" and substitute "must". Strike out "the thirty-first day of December" and substitute "31 December".
Section 20(2)	Strike out "It shall be the duty of the Electoral Commissioner and his deputy, officers and servants to render" and substitute "The electoral commissioner must give".
Section 21(1)	Strike out "Every" and substitute "The". Strike out "shall" and substitute "must".
Section 21(2)	Strike out "Every" and substitute "The". Strike out "a jury district other than the Adelaide Jury District shall" and substitute "any other jury district must".
Section 24	Strike out "Every" and substitute "An". Strike out "shall come" and substitute "comes". Strike out "the first day of January" and substitute "1 January".

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- Section 25(2) Strike out "shall be guilty of an offence and liable to a penalty not exceeding one thousand dollars" and substitute "is guilty of an offence".
- Insert at the foot of subsection (2) the following:
- "Penalty: Division 8 fine."
- Section 29(1) and (2) Strike out "shall" (twice occurring) and substitute, in each case, "must".
- Section 29(3) and (4) Strike out "shall" (twice occurring) and substitute, in each case, "will".
- Section 29(5) Strike out "shall be again" and substitute "must again be".
- Section 30(1) Strike out "shall" and substitute "must".
- Strike out "the fifth schedule" and substitute "schedule 5".
- Section 30(3) Strike out "Every such summons" and substitute "A summons must be served".
- Section 30(3)(a) Strike out "shall be served".
- Insert "or her" after "his".
- Section 30(3)(b) Strike out "shall be served".
- Section 31(1) Strike out "shall" and substitute "must".
- Insert "or her" after "his".
- Section 31(2) Strike out "shall" and substitute "must".
- Insert "or her" after "him".
- Section 32(1) Strike out "shall" (twice occurring) and substitute, in each case, "will".
- Section 32(2), (3), (4), (5) and (7) Strike out "shall" (wherever occurring) and substitute, in each case, "must".
- Section 33 Strike out "shall" and substitute "must".
- Strike out "the sixth schedule" and substitute "schedule 6".
- Section 42 Strike out "Upon" and substitute "On".
- Strike out "shall" and substitute "must".
- Section 43 Strike out "shall" and substitute "must".
- Section 46 Strike out "shall" (twice occurring) and substitute, in each case, "must".

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Section 47	Strike out "shall" and substitute "will".
Section 54	Strike out "shall" and substitute "must".
Section 56(2)	Strike out "shall" and substitute "will".
Section 57(1)(a)	Strike out "shall" and substitute "will".
Section 57(2)	Strike out "shall" and substitute "can".
Section 57(3)	Strike out "he" and substitute "the person".
Section 57(3)(a)	Strike out "shall" and substitute "must". Insert "or she" after "he".
Section 57(3)(b)(i)	Strike out "shall" and substitute "must".
Section 59(1)	Strike out "Whenever" and substitute "If".
Section 59(2)	Strike out "shall" and substitute "will". Strike out "deemed" and substitute "taken".
Section 59(3)	Strike out "shall" and substitute "will". Strike out "shall have" and substitute "has".
Section 60	Strike out "any such discharge" and substitute "discharging a jury". Strike out "first mentioned" and substitute "previous". Strike out "shall be qualified to" and substitute "may".
Section 60a(1)	Strike out "notwithstanding anything contained in" and substitute "despite any other provision of".
Part VII heading	Strike out "AND TALES" and substitute ", ETC.".
Section 61	Strike out "Crown" and substitute "prosecution".
Section 63	Strike out "Every" and substitute "A". Strike out "shall be" and substitute "is". Strike out "shall" (second occurring) and substitute "will".
Section 64	Strike out "Every" and substitute "A". Strike out "shall" and substitute "must". Insert "or her" after "his". Insert "or she" after "he".

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Section 65	Strike out "shall be" and substitute "is".
Section 66	Insert "or she" after "he".  Strike out "shall" and substitute "must".
Section 68	Insert "or she" after "he".  Strike out "shall" and substitute "will".
Section 69(1)	Strike out "shall" and substitute "must".
Section 69(2)	Strike out "shall" and substitute "will".
Section 70(1)	Strike out "Every" and substitute "A".  Insert "or her" after "his".
Section 70(2)	Strike out "shall" and substitute "will".  Strike out "General Revenue of the State" and substitute "Consolidated Account".
Part IX heading	Strike out "AND PENALTIES".
Section 78(1)(a)	Strike out "thrice called" and substitute "called three times".  Insert "or her" after "his".
Section 78(1)(d)	Insert "or she" after "he".
Section 78(1)	Strike out "shall be guilty of an offence and liable to a penalty not exceeding one thousand dollars" and substitute "is guilty of an offence".  Insert at the foot of subsection (1) the following:  "Penalty: Division 8 fine."
Section 84	Strike out this section.
Section 85	Strike out "shall be" (twice occurring) and substitute, in each case, "is".  Strike out "he" (first occurring).  Insert "or she" after "he" (second occurring).
Section 86	Strike out "be" (first occurring) and substitute "is".  Strike out "shall" and substitute "may".

**Section 88**

Strike out "upon" and substitute "binding on".

Strike out "shall" and substitute "will".

**Section 92**

Strike out "shall alter or affect" and substitute "alters or affects".

Strike out "coroners inquests" and substitute "a coroner's inquest".

**Second schedule**

Strike out this schedule.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

**BASIL S. HETZEL, Governor's Deputy**