



JURIES AMENDMENT ACT 1990

Act No. 14 of 1990

An Act to amend the *Juries Act 1960*

[Assented to 2 August 1990]

BE IT ENACTED by the Legislative Assembly of Norfolk Island as follows —

Short title

1. This Act may be cited as the *Juries Amendment Act 1990*.

Principal Act

2. The *Juries Act 1960* is in this Act referred to as the Principal Act.

Juries in criminal cases

3. Section 5 of the Principal Act is amended by omitting subsection (2) and substituting —

“ (2) The jury is to consist of 12 jurors.”.

Right of women to claim exemption from jury service

4. The Principal Act is amended by omitting section 10A.

Power of Judge to discharge or excuse person summoned as a juror

5. Section 14 of the Principal Act is amended by omitting “ill-health or any matter of special urgency or importance” and substituting “ill-health, pregnancy, the need for the juror to care for a child or for an aged or ill person, or any other matter of special urgency or importance”.

Jury list

6. Section 16 of the Principal Act is amended by omitting subsection (4) and substituting —

“ (4) As soon as practicable after the Sheriff has prepared the jury list, the Sheriff is to —

- (a) publish in the Gazette a notice in the form specified in the First Schedule, stating that the list will be revised by the Registrar at a public hearing to be held in the Court House on a date specified in the notice; and
- (b) make available, at the places specified in the notice, a copy of the list for public inspection.”.

Jurors to be chosen by lot

7. The Principal Act is amended by omitting section 23 and substituting —

Choosing of jurors

“23. (1) When a jury precept is delivered to the Sheriff, the Sheriff is to choose the jurors to be summoned by —

- (a) selecting in accordance with subsection (2) as many numbers as are equal to the number of jurors required by the precept; and
- (b) matching the numbers with the numbers prefixing, in accordance with subsection 16(3), the names on the jury list.

(2) The selection is to be conducted by the generation by a computer, from all of the numbers included in the arithmetical series referred to in subsection 16(3), of a random numerical sequence.

(3) If the operation of subsection (1) results in —

- (a) the choosing of the name of a person who has been removed from the jury list under section 17; or
- (b) the choosing of the name of a person whom the Sheriff knows to be dead, to have left the Territory or to be not qualified to serve, or to be exempt from serving, as a juror,

the Sheriff is to repeat the process described in subsection (1) until the number of jurors required by the jury precept has been chosen.”.

Striking jury in criminal cases

8. Section 31 of the Principal Act is amended by omitting subsection (1) and substituting —

“ (1) At a criminal trial, the proper officer is to draw the jury cards out of the ballot-box one at a time, and call aloud the name, address and occupation on each card, until 12 persons appear and remain approved as indifferent, and those persons, on being duly sworn, are to be the jury to try the issues at the trial.”.

First Schedule

9. The First Schedule to the Principal Act is amended by omitting paragraph (b) and substituting —

“(b) copies of the list are available for public inspection at the following places —
;”.

Minor and consequential amendments

10. The Principal Act is amended in accordance with the Schedule.

SCHEDULE		Section 10
Item	Provision amended	Amendment
1	Section 3	Omit the section
2	Section 4	Omit the definition of “Judge”, substitute “ ‘Judge’ means a Judge of the Supreme Court, and includes the Chief Justice;”
3	Subparagraph 10(j)(iii)	Omit “Legal Adviser to the Administrator”, substitute “Crown Solicitor to the Administration”
4	Subparagraph 10(r)(ii)	Omit “Accountant for the Territory”, substitute “Finance Manager within the Norfolk Island public service”
5	Subparagraph 10(r)(iii)	Omit the subparagraph
6	Subparagraph 10(r)(v)	Omit “Legal Adviser to the Administrator”, substitute “Crown Solicitor to the Administration”
7	Subparagraph 10(r)(vii)	Omit “Manager for the Territory of the Overseas Telecommunications Commission”, substitute “an employee of OTC Limited”

Item	Provision amended	Amendment
8	Subparagraph 10(r)(viii)	Omit “Officer-in-Charge for the Territory of the Department of Transport”, substitute “principal officer in the Territory (however described) of the Department of Transport and Communications or Civil Aviation Authority”
9	Subparagraph 10(r)(x)	Omit “Roads and Works Foreman”, substitute “Works Manager within the Norfolk Island public service”
10	Subparagraph 10(r)(xi)	Omit “Technical Officer-in-Charge of the electricity undertaking for the Territory”, substitute “Electricity Manager within the Norfolk Island public service”
11	Section 13	Omit “The Judge”, substitute “A Judge”
12	Section 14	Omit “the Judge” (first occurring), substitute “a Judge”
13	Section 15	Omit “The Judge”, substitute “A Judge”
14	Paragraph 27(c)	Omit “paragraph 23(1)(c)”, substitute “paragraph 23(3)(b)”
15	Subsection 28(2)	Omit “the Judge”, substitute “a Judge”
16	Subsection 31(2)	Omit “before 12 men or 6 men, as the case requires,”, substitute “before 12 persons”
17	Subsection 31(2)	Omit “good and lawful men”, substitute “good and lawful persons”
18	Subsection 31(2)	Omit “to make up 12 men or 6 men, as the case requires,”, substitute “to make up 12 persons”
19	Paragraph 43(a)	Omit “the Judge”, substitute “a Judge”

Notified Gazette No. 36, 9 August 1990.

Commenced on notification (9 August 1990).

This enactment amends Act No. 7 of 1960 as previously amended by Act No. 1 of 1971, Act No. 4 of 1974, Act No. 13 of 1979, Act No. 6 of 1980, Act No. 31 of 1980 and Act No. 9 of 1985.

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