

TASMANIA

---

**JURIES AMENDMENT BILL 2004**

---

**CONTENTS**

1. Short title
2. Commencement
3. Principal Act
4. Section 29 substituted  
    29. Empanelment
5. Section 31 amended (Peremptory challenges in civil trials)
6. Section 34 amended (Standing aside jurors in criminal trials)
7. Section 35 amended (Peremptory challenges in criminal trials)
8. Section 38 amended (Oath or affirmation by jurors)



# **JURIES AMENDMENT BILL 2004**

*(Brought in by the Minister for Justice and Industrial Relations, the Honourable Judith Louise Jackson)*

## **A BILL FOR**

### **An Act to amend the *Juries Act 2003***

Be it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

#### **Short title**

1. This Act may be cited as the *Juries Amendment Act 2004*.

#### **Commencement**

2. This Act commences on the day on which the *Juries Act 2003* commences.

#### **Principal Act**

3. In this Act, the *Juries Act 2003*\* is referred to as the Principal Act.

---

\*No. 48 of 2003

**Section 29 substituted**

**4.** Section 29 of the Principal Act is repealed and the following section is substituted:

**Empanelment**

**29. (1)** The court is to authorise a person to select persons to be empanelled for a jury for a trial.

**(2)** For a criminal trial, before the selection of persons to be empanelled for the jury, the judge or a person authorised by the judge is to inform the person arraigned that –

- (a)** the persons whose names are about to be called may become jurors for the trial; and
- (b)** once those persons have taken their place in the jury box, the person arraigned will be asked whether he or she wants to challenge any of them.

**(3)** The authorised person is to select from a panel a sufficient number of persons to be empanelled for a jury for a trial.

**(4)** The authorised person is to call out the names of the persons selected or, if the court makes a direction under subsection (7), their number.

**(5)** The persons called are to take a seat in the jury box.

**(6)** If 2 or more persons have the same name, the authorised person is to call out their occupations and, if 2 or more persons have the same name and occupation, their dates of birth.

**(7)** If the court considers that for security reasons or for any other reason the name of any person selected should not be read out in open court, the court, before or after that person is present in the court, may direct that the person be identified by number only.

**(8)** In a criminal trial, when the persons selected to be empanelled are together in the jury box –

- (a) counsel for the Crown is to be invited to announce those it wishes to stand aside or challenge for cause; and
- (b) the person arraigned, or his or her counsel, is to be invited to make his or her challenges; and
- (c) the persons stood aside or challenged are to be replaced by others selected from the panel.

**(9)** In a civil trial, when the persons selected to be empanelled are together in the jury box –

- (a) the parties or their counsel are to be invited to make their challenges; and
- (b) the persons challenged are to be replaced by others selected from the panel.

**(10)** The process initiated in accordance with subsection (8) or (9) is to continue until no more persons are stood aside or challenged.

**(11)** Those persons who have been selected and not stood aside or challenged are thereby empanelled and constitute the jury for that trial.

**(12)** A person empanelled for a jury, without reasonable excuse, must not fail to attend as a juror until discharged by the court.

Penalty: Fine not exceeding 60 penalty units or imprisonment for a term not exceeding 6 months.

**Section 31 amended (Peremptory challenges in civil trials)**

**5.** Section 31 of the Principal Act is amended by omitting subsection (2).

**Section 34 amended (Standing aside jurors in criminal trials)**

**6.** Section 34 of the Principal Act is amended by omitting subsection (2).

**Section 35 amended (Peremptory challenges in criminal trials)**

**7.** Section 35 of the Principal Act is amended by omitting subsection (2).

**Section 38 amended (Oath or affirmation by jurors)**

**8.** Section 38 of the Principal Act is amended by inserting after subsection (4) the following subsection:

**(4A)** All jurors taking an oath may do so at the same time and all jurors making an affirmation may do so at the same time.