



New South Wales

Criminal Appeal Amendment (Jury Verdicts) Bill 2004

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the *Criminal Appeal Act 1912* (the *Principal Act*) with respect to appeals against jury verdicts.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent.

Clause 3 is a formal provision that gives effect to the amendments to the Principal Act set out in Schedule 1.

Schedule 1 Amendments

Schedule 1 [1] inserts proposed section 6AAA into the Principal Act which provides that the court may only grant an appeal against the verdict of a jury on grounds of miscarriage of justice arising from prejudicial material being published or broadcast in relation to the case where the court is satisfied that a juror had read, seen or heard the prejudicial material relating to the case and was influenced by the material.

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Schedule 1 [2] inserts a transitional provision which provides that the proposed amendment does not apply to appeals the hearing of which commenced before the commencement of the proposed Act.

Introduced by Mr A A Tink, MP

First print



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Criminal Appeal Amendment (Jury Verdicts) Bill 2004

No. , 2004

A Bill for

An Act to amend the *Criminal Appeal Act 1912* with respect to appeals against jury verdicts.

The Legislature of New South Wales enacts:	1
1 Name of Act	2
This Act is the <i>Criminal Appeal Amendment (Jury Verdicts) Act 2004</i> .	3
2 Commencement	4
This Act commences on the date of assent.	5
3 Amendment of Criminal Appeal Act 1912 No 16	6
The <i>Criminal Appeal Act 1912</i> is amended as set out in Schedule 1.	7

Schedule 1	Amendments	1
	(Section 3)	2
[1]	Section 6AAA	3
	Insert after section 6:	4
6AAA	Appeals concerning miscarriage of justice	5
(1)	Despite section 6, the court must not allow an appeal against the verdict of a jury on the ground that there was a miscarriage of justice due to prejudicial material published or broadcast relating to the case, unless it is satisfied that the material actually influenced an opinion or conclusion formed by the jury or a member of the jury causing a miscarriage of justice.	6 7 8 9 10 11
(2)	For the purpose of making a decision under subsection (1), the court may examine a juror on oath to determine:	12 13
(a)	whether the juror read, saw or heard alleged prejudicial material published or broadcast relating to the case, and	14 15
(b)	whether the juror was influenced by the material.	16
(3)	Subsection (2) applies despite any provision of the <i>Jury Act 1977</i> .	17
[2]	Schedule 1 Savings and transitional provisions	18
	Insert at the end of the Schedule with appropriate numbering:	19
	Criminal Appeal Amendment (Jury Verdicts) Act 2004	20
	Section 6AAA, as inserted by the <i>Criminal Appeal Amendment (Jury Verdicts) Act 2004</i> , does not apply in respect of an appeal the hearing of which commenced before the commencement of that section.	21 22 23 24