



New South Wales

Jury Amendment (Majority 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 *Jury Act 1977* to provide for majority verdicts by juries in criminal trials.

The Bill inserts a new provision in the Act (proposed section 55F) to enable juries in criminal trials to deliver a majority verdict if, in the case of a jury of 12 persons, 11 of the jurors agree on the verdict.

The Bill also inserts a new provision in the Act (proposed section 56) to enable a court to discharge a jury of 12 persons after 6 hours of deliberations if it finds that the jury is not likely to reach either a unanimous or majority verdict. The provisions relating to the discharge of juries in existing section 56 are re-enacted for juries consisting of fewer than 12 persons.

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 day occurring 3 months after the date of assent, unless commenced sooner by proclamation.

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Clause 3 is a formal provision that gives effect to the amendments to the *Jury Act 1977* set out in Schedule 1.

Schedule 1 makes the amendments described in the Overview above.

Introduced by Mr A A Tink, MP

First print



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Contents

	Page
1 Name of Act	2
2 Commencement	2
3 Amendment of Jury Act 1977 No 18	2
Schedule 1 Amendments	3



New South Wales

Jury Amendment (Majority Verdicts) Bill 2004

No. , 2004

A Bill for

An Act to amend the *Jury Act 1977* to provide for majority verdicts by juries in criminal trials; and for other purposes.

The Legislature of New South Wales enacts:	1
1 Name of Act	2
This Act is the <i>Jury Amendment (Majority Verdicts) Act 2004</i> .	3
2 Commencement	4
This Act commences on the day occurring 3 months after the date of assent, unless commenced sooner by proclamation.	5 6
3 Amendment of Jury Act 1977 No 18	7
The <i>Jury Act 1977</i> is amended as set out in Schedule 1.	8

Schedule 1 Amendments 1

(Section 3) 2

[1] Section 55F 3

Insert after section 55E: 4

55F Majority verdicts in criminal proceedings tried by 12 member juries 5
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(1) In this section: 7

majority decision of a jury means a decision of 11 of the 12 jurors. 8
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(2) This section applies only to juries in criminal proceedings consisting of 12 persons. 10
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(3) If the jury have retired for more than 6 hours and they are unable to agree on their verdict, a majority decision is to be taken to be the verdict of all (*a majority verdict*). 12
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(4) The court may refuse to accept a majority verdict if it appears to it that the jury have not had a period of time for deliberation that the court thinks reasonable having regard to the nature and complexity of the criminal proceedings. 15
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(5) A verdict that the accused is guilty of an offence against the law of the Commonwealth must be unanimous. 19
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(6) If: 21

(a) a jury can return a verdict of not guilty of the offence charged but guilty of another offence with which the person has not been charged, and 22
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(b) the jury reaches a verdict (either unanimously or by majority verdict) that the accused is not guilty of the offence charged, and 25
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(c) the jury are unable to agree on their verdict on the alternative offence after a cumulative total of at least 6 hours deliberation on both offences, 28
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the majority decision of the jury of guilty of the alternative offence may be taken as a verdict of all. 31
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[2] Section 56

Omit the section. Insert instead:

56 Discharge of jury that disagree in criminal proceedings

Where the jury in criminal proceedings have retired, the court in which the proceedings are being tried:

- (a) if the jury is constituted by 12 persons and has retired for more than 6 hours—may discharge them if it finds, after examination on oath of one or more of them, that they are not likely to agree on a unanimous verdict or a majority verdict under section 55F, or
- (b) if the jury is constituted by fewer than 12 persons—may discharge them if it finds, after examination on oath of one or more of them, that they are not likely to agree on a unanimous verdict.

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