

1997
THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Attorney-General)

Juries (Amendment) Bill 1997

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SCHEDULE 1

FORM 3

SCHEDULE 2

SCHEDULE TO BE INSERTED IN PRINCIPAL ACT

1997
THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Attorney-General)

Juries (Amendment) Bill 1997

**A BILL
FOR**

**An Act to amend the *Juries Act 1967* and for related
purposes**

The Legislative Assembly for the Australian Capital Territory enacts as follows:

Short title

1. This Act may be cited as the *Juries (Amendment) Act 1997*.

5 **Commencement**

2. (1) This Act, other than sections 12, 21, 26, 28 and 33, commences on the day on which it is notified in the *Gazette*.

(2) Sections 12 and 21 commence on a day, or respective days, fixed by the Minister by notice in the *Gazette*.

10 (3) Sections 26, 28 and 33 commence on a day fixed by the Minister by notice in the *Gazette*.

(4) If a provision referred to in subsection (2) has not commenced before the end of the period of 6 months commencing on the day on which this Act is notified in the *Gazette*, that provision, by force of this subsection, commences on the first day after the end of that period.

5 **Principal Act**

3. In this Act, “Principal Act” means the *Juries Act 1967*.¹

Repeal

4. Section 5 of the Principal Act is repealed.

Interpretation

10 5. Section 6 of the Principal Act is amended—

(a) by omitting the definitions of “ballot-box”, “the City Area”, “the Court”, “the proper officer”, “the Registrar” and “the Sheriff”; and

(b) by inserting the following definitions:

15 “ ‘ballot-box’ means a box approved by a Judge for use in the random selection of a jury;

‘Court’ means the Supreme Court;

‘jury list’ means the list prepared from time to time under subsection 19 (1),

20 ‘proper officer’, in relation to the exercise of a power or the performance of a duty under this Act, means a person appointed by the Court to be the proper officer for the exercise of the power or the performance of the duty,

‘Registrar’ means the Registrar of the Supreme Court;

‘Sheriff’ means the Sheriff of the Territory;”.

25 **Persons not qualified to serve as jurors**

6. Section 10 of the Principal Act is amended by omitting all the words after “juror” (last occurring).

Exempt persons

7. Section 11 of the Principal Act is amended—

30 (a) by omitting “and the name of that person shall not be included in the jury list”,

(b) by omitting paragraph (q) and substituting the following paragraph:

- “(q) persons who live in the Jervis Bay Territory;”;
- (c) by omitting from paragraph (s) “judges” and substituting “Judges”;
- (d) by inserting after paragraph (s) the following paragraph:
- 5 “(sa) members of the Legislative Assembly and members of their staff who are advisers or private secretaries;”;
- (e) by omitting paragraphs (x) and (y) and substituting the following paragraphs:
- 10 “(x) the public servant holding, or performing the duties of, the office of Director of Family Services;
- (y) public servants performing the duties of social workers responsible to the Director of Family Services;
- 15 (ya) a public servant holding a delegation under section 19 of the *Children’s Services Act 1986* whose principal duty is to direct and control the provision of juvenile justice services in the Territory;”;
- and
- (f) by adding at the end the following paragraphs:
- “(zd) persons holding appointments as—
- (i) a Royal Commission under section 5 of the *Royal Commissions Act 1991*;
- 20 (ii) a Board of Inquiry under section 5 of the *Inquiries Act 1991*; or
- (iii) a member of a Judicial Commission under section 6 of the *Judicial Commissions Act 1994*;
- (ze) 25 public servants during the period they are made available to a Royal Commission, a Board of Inquiry or a Judicial Commission;
- (zf) the public servant holding, or performing the duties of, the office of Director of Corrective Services;
- (zg) 30 the public servants holding, or performing the duties of, an office of manager of a detention centre under the *Periodic Detention Act 1995*;
- (zh) the public servants holding, or performing the duties of, an office of Superintendent under the *Remand Centres Act 1976*;

- (zi) the public servants holding, or performing the duties of, an office of custodial officer under the *Remand Centres Act 1976* or the *Periodic Detention Act 1995*,
- 5 (zj) persons employed at an attendance centre, an institution or a shelter, established or declared by the Minister under section 157 of the *Children's Services Act 1986*."

Excusing of jurors

8. Section 14 of the Principal Act is amended by omitting "the Judge" (first occurring) and substituting "a Judge".

10 **Partners or co-workers as jurors**

9. Section 15 of the Principal Act is amended by omitting "the Judge" (first occurring) and substituting "a Judge".

Discharge because of comprehension difficulty or disability

15 10. Section 16 of the Principal Act is amended by omitting "the Judge" (first occurring) and substituting "a Judge".

Excusing person where liability in doubt

11. Section 17 of the Principal Act is amended by omitting "the Judge" (first occurring) and substituting "a Judge".

Substitution

20 12. Section 18A of the Principal Act is repealed and the following section substituted:

Relief from jury service

25 "18A. (1) A person who has, during the currency of a jury list, been summoned or appointed to attend to serve as a juror is excused from serving as a juror until a jury list is next prepared in accordance with section 19.

30 "(2) Despite subsection (1), if at the conclusion of a civil trial or a criminal trial, the Judge is of the opinion that the trial was of sufficient length to justify so doing, the Judge may order that each of the jurors for that trial shall be excused from serving as a juror for a specified further period.

35 "(3) Subject to subsection (4), where a person has been excused from serving as a juror under subsection (1) or (2), the Sheriff shall take such steps as are necessary to ensure that the person is not summoned or appointed to attend to serve as a juror before the expiration of the period for which the person is excused.

“(4) Where a person who has been excused from serving as a juror under subsection (1) or (2) notifies the Sheriff in writing that he or she wishes to be included on the jury list, the person ceases to be excused from serving as a juror and the Sheriff shall include the person on the jury list.”

5 **Substitution**

13. Sections 19 and 20 of the Principal Act are repealed and the following section is substituted:

Jury list

10 “19. (1) The Sheriff shall, at the prescribed times and at such other times as the Sheriff considers necessary, prepare a list of the names of persons liable to serve as jurors.

15 “(2) In preparing the jury list under subsection (1), the Sheriff shall remove from the Roll of electors for the Territory the name of each person who, to the knowledge of the Sheriff, is dead, is not qualified to serve as a juror or is exempt or excused from so serving.

“(3) The jury list may be kept electronically.

“(4) For the purposes of subsection (1), the following times are prescribed:

- 20 (a) as soon as practicable after the commencement of this section;
(b) once in each 2 year period thereafter.”

Jury precepts

14. Section 22 of the Principal Act is amended by omitting “the Judge” and substituting “a Judge”.

Terms of precept

25 15. Section 23 of the Principal Act is amended by omitting “the Second Schedule” and substituting “Schedule 1”.

Choosing jurors

16. Section 24 of the Principal Act is amended—

30 (a) by omitting subsection (1) and substituting the following subsection:

35 “(1) Where a jury precept is delivered to the Sheriff, the Sheriff shall choose from the names on the jury list as many persons as he or she considers necessary to ensure that the number of persons that the jury precept requires to attend to serve as jurors will be in attendance at the Court at the time specified in the precept.”;

- (b) by inserting at the end of paragraph (2) (a) “or”;
- (c) by omitting paragraph (2) (b);
- (d) by omitting from subsection (2) “by lot”;
- (e) by inserting after subsection (2) the following subsection:

5 “(2A) The choosing of names of persons under subsection (1) or (2) shall be by lot or by use of a computer programmed to make a random selection.”;

- (f) by omitting from subsection (3) “the Commissioner” and substituting “a police officer”;

10 (g) by omitting subsection (4) and substituting the following subsection:

15 “(4) A police officer may make such inquiries as he or she thinks fit in an endeavour to ascertain whether any person whose name is included on the list referred to in subsection (3) is a disqualified person and the officer shall report in writing the result of any such inquiries to the Sheriff”;

- (h) by omitting from subsection (6) all the words after “that list and shall” and substituting “remove the person’s name from the jury list”; and

20 (i) by omitting subsections (7), (8), (9) and (10) and substituting the following subsections:

 “(7) Where it appears to the Sheriff, after considering a report made under subsection (4)—

25 (a) that a person whose name is included on the list referred to in subsection (3) is not a disqualified person but has been convicted of an offence punishable on summary conviction; and

30 (b) that, having regard to the nature and number of the offences committed by the person, when they were committed and any penalties imposed in respect of them, the person would be unable to adequately perform the functions of a juror;

35 the Sheriff shall remove the name of the person from that list and shall, by notice in writing sent by post addressed to the person at his or her last known place of residence, advise the person that his or her name has been removed and that he or she may object to the removal by written application to a Judge.

“(8) Where a person makes an application referred to in a notice under subsection (7), the Judge shall fix a date and time for the hearing of the application and shall cause the applicant and the Sheriff to be notified accordingly.

5 “(9) Where the Judge decides that an applicant’s name should not have been removed from the list referred to in subsection (3), the Sheriff shall put the applicant’s name back on the list.

10 “(10) The Sheriff shall cause to be served on each person whose name was chosen under subsection (1) or (2), as the case requires, and whose name was not, in pursuance of subsection (6) or (7), removed from the list referred to in subsection (3), a summons in accordance with Form 2 in Schedule 1 together with a notice that contains—

15 (a) a statement of the grounds on which, under section 10, persons are not qualified to serve as jurors;

(b) a request that if the person believes he or she is not qualified to serve as a juror on such a ground, or is exempt or excused from so serving, the person inform the Sheriff to that effect; and

20 (c) a statement that—

(i) if the person believes he or she is not qualified to serve as a juror on such a ground, or is exempt or excused from so serving, and informs the Sheriff accordingly; and

25 (ii) the Sheriff refuses to withdraw the summons;

the person may apply in writing to a Judge for a review of the decision.

30 “(11) An action or proceeding, civil or criminal, does not lie against a police officer personally for or in respect of any act done by the officer in good faith in connection with the making of a report under subsection (4).”.

Repeal

17. Section 25 of the Principal Act is repealed.

Insertion

35 18. After section 26 of the Principal Act the following section is inserted:

Application for withdrawal of summons

5 “26A. (1) Where a person has been served with a jury summons and has informed the Sheriff that the person believes he or she is not qualified to serve as a juror or is exempt or excused from jury service, the Sheriff shall—

(a) if the Sheriff believes that the person is not qualified to serve as a juror or is exempt or excused from jury service—withdraw the summons; or

(b) refuse to withdraw the summons.

10 “(2) Where the Sheriff has refused to withdraw a summons under paragraph (1) (b), the person summoned may apply in writing to a Judge for a review of the decision.

15 “(3) The Judge shall fix a date and time for the hearing of the application and shall cause the applicant and the Sheriff to be notified accordingly.

“(4) The Sheriff shall revise the jury list so that it accords with the decision of the Judge.”.

Sheriff’s return to precept

20 19. Section 28 of the Principal Act is amended by omitting from subsection (2) “approved by the Judge”.

Inspection of jury panels

20. Section 29 of the Principal Act is amended by omitting from subsection (1) “Judge” and substituting “Court”.

Insertion

25 21. After section 31 of the Principal Act the following section is inserted:

Expanded juries in some criminal trials

30 “31A. (1) Where a Judge considers it appropriate, he or she may direct that a specified number of jurors, greater than 12 and less than 17, be empanelled for a criminal trial.

“(2) Where a Judge gives a direction under subsection (1), this Act (other than this section) applies in relation to the trial as if references to 12 jurors or persons were references to as many jurors or persons as are equal to the number of jurors directed to be empanelled.

35 “(3) Where a Judge gives a direction under subsection (1), section 34 applies in relation to the trial as if references in paragraphs 34 (1) (b) and (2) (b) to 8 peremptory challenges were—

- (a) where the Judge directs that 13 or 14 jurors be empanelled—references to 9 peremptory challenges;
- (b) where the Judge directs that 15 jurors be empanelled—references to 10 peremptory challenges; or
- 5 (c) where the Judge directs that 16 jurors be empanelled—references to 11 peremptory challenges.

“(4) Where, immediately before a jury is to retire to consider its verdict, the jury consists of more than 12 jurors, the proper officer shall select the jurors to be discharged by drawing the jury cards out of a ballot-box 1 at a
10 time until 12 jurors remain unselected.

“(5) Where a juror is selected under subsection (4)—

- (a) the Judge may, if he or she thinks fit, make an order under subsection 18A (2) in relation to the juror as if the trial had concluded; and
- 15 (b) the juror is discharged from jury service.”.

Striking a jury at a civil trial

22. Section 32 of the Principal Act is amended by omitting from subsection (3) “the Judge” and substituting “a Judge”

Disagreement at criminal trials

20 23. Section 38 of the Principal Act is amended by omitting from paragraph (b) “judge” and substituting “Judge”.

Substitution

24. Sections 41 and 42 of the Principal Act are repealed and the following sections substituted.

25 Non-attendance

“41. (1) A person who has been served with a jury summons shall not, without a valid and sufficient reason, fail to attend in accordance with the summons.

Penalty: 5 penalty units.

30 “(2) Subsection (1) does not apply to a person—

- (a) who has subsequently been excused from jury service; or
- (b) in relation to whom the jury summons has been withdrawn.

Leaving without permission

“42. A person—

- (a) who attends in accordance with a jury summons;
- (b) who has been appointed to attend to serve as a juror; or
- (c) who is a juror;

5 shall not leave the Court premises before being discharged or excused by a Judge or the Sheriff unless permitted to do so by the Sheriff.

Penalty: 5 penalty units.

Failing to comply with conditions

“42A. (1) A person—

- (a) who attends in accordance with a jury summons;
- 10 (b) who has been appointed to attend to serve as a juror; or
- (c) who is a juror;

15 shall not, without reasonable excuse, fail to comply with the conditions (if any) imposed by a Judge or the Sheriff on the person before being excused by the Judge or Sheriff or permitted to leave the Court premises by the Sheriff

Penalty: 5 penalty units

“(2) The conditions that may be imposed by a Judge or the Sheriff include but are not limited to—

- 20 (a) a condition that the person return to the Court premises by a particular time; and
- (b) a condition that the person is or is not to remain with another person.

“(3) Subject to a condition of the kind described in paragraph (2) (b), a jury may separate at any time before or after it retires to consider its verdict.

25 **Disposal by Judge**

“42B (1) Where a Judge considers that a person may have contravened section 41, 42 or 42A the Judge may issue a warrant in accordance with Form 3 of Schedule 1 requiring the Sheriff to apprehend the person and bring him or her before the Court.

30 “(2) Where a person is brought before the Court in accordance with a warrant issued under subsection (1), a Judge may, if satisfied that the person committed the offence, without service of process impose on the person a fine not exceeding 5 penalty units.

“(3) If a person has been dealt with under subsection (2) in respect of an offence, proceedings do not lie against him or her in respect of that offence.

Confidentiality of jury deliberations and identities

5 “42C. (1) This section applies in relation to juries in criminal, civil or coronial proceedings in a court of the Territory, the Commonwealth, a State or another Territory whether instituted before or after the commencement of this section.

10 “(2) A person must not disclose protected information if the person is aware that, in consequence of the disclosure, the information will, or is likely to, be published.

Penalty:

- (a) in the case of a natural person—50 penalty units or imprisonment for 6 months, or both;
- 15 (b) in the case of a body corporate—250 penalty units.

“(3) A person must not solicit or obtain protected information with the intention of publishing or facilitating the publication of that information.

Penalty:

- 20 (a) in the case of a natural person—50 penalty units or imprisonment for 6 months, or both;
- (b) in the case of a body corporate—250 penalty units.

“(4) A person must not publish protected information.

Penalty:

- 25 (a) in the case of a natural person—50 penalty units or imprisonment for 6 months, or both;
- (b) in the case of a body corporate—250 penalty units.

“(5) Subsection (2) does not prohibit disclosing protected information—

- (a) to a court;
- 30 (b) to a Royal Commission or a Board of Inquiry;
- (c) to the Director of Public Prosecutions, a member of the staff of the Director’s Office or a police officer for the purpose of an investigation concerning an alleged contempt of court or alleged offence relating to jury deliberations or a juror’s identity;

- (d) as part of a fair and accurate report of an investigation referred to in paragraph (c), or
- (e) to a person in accordance with an authorisation granted by the Attorney-General to conduct research into matters relating to juries or jury service.

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“(6) Subsection (3) does not prohibit soliciting or obtaining protected information—

- (a) in the course of proceedings in a court;
- (b) by a Royal Commission or a Board of Inquiry,
- (c) by the Director of Public Prosecutions, a member of the staff of the Director’s Office or a police officer for the purpose of an investigation concerning an alleged contempt of court or alleged offence relating to jury deliberations or a juror’s identity; or
- (d) by a person in accordance with an authorisation granted by the Attorney-General to conduct research into matters relating to juries or jury service.

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“(7) Subsection (4) does not prohibit publishing protected information—

- (a) in accordance with an authorisation granted by the Attorney-General to conduct research into matters relating to juries or jury service; or
- (b) as part of a fair and accurate report of—
 - (i) proceedings in respect of an alleged contempt of court, an alleged offence against this section or an alleged offence otherwise relating to jury deliberations or a juror’s identity;
 - (ii) proceedings by way of appeal from proceedings referred to in subparagraph (i); or
 - (iii) if the protected information relates to jury deliberations— proceedings by way of appeal from the proceedings in the course of which the deliberations took place if the nature or circumstances of the deliberations is an issue relevant to the appeal.

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“(8) This section does not prohibit a person—

- (a) during the course of proceedings, publishing or otherwise disclosing, with the leave of the court or otherwise with lawful excuse, information that identifies, or is likely to identify, the person or another person as, or as having been, a juror in the proceedings; or

35

(b) after proceedings have been completed, publishing or otherwise disclosing—

(i) information that identifies, or is likely to identify, the person as having been a juror in the proceedings; or

5 (ii) information that identifies, or is likely to identify, another person as, or as having been, a juror in the proceedings if the other person has consented to the publication or disclosure of that information.

10 “(9) This section does not apply in relation to information about a prosecution for an alleged offence against this section if, before the prosecution was instituted, that information had been published generally to the public.

15 “(10) A prosecution for an alleged offence against this section is not to be instituted except with the written consent of the Director of Public Prosecutions or a person authorised by the Director for that purpose.

“ (11) In this section—

‘protected information’ means—

20 (a) particulars of statements made, opinions expressed, arguments advanced and votes cast by members of a jury in the course of their deliberations, other than anything said or done in open court; or

(b) information that identifies, or is likely to identify, a person as, or as having been, a juror in particular proceedings;

25 ‘publish’, in relation to protected information, means communicate or disseminate the information in such a way or to such an extent that it is available to, or likely to come to the notice of, the public or a section of the public.”.

Insertion

30 **25.** After section 44AA of the Principal Act, the following section is inserted in Part IX:

Conduct of directors, servants and agents

35 “44AB. (1) Where, for the purposes of a prosecution for an alleged offence against this Act, it is necessary to establish the state of mind of a body corporate or a natural person in relation to particular conduct, it is sufficient to show—

(a) that a director, servant or agent of the body, or a servant or agent of the person, had that state of mind; and

(b) that the conduct was engaged in by that director, servant or agent within the scope of his or her actual or apparent authority.

“(2) A reference in subsection (1) to the state of mind of a body or person is to be read as including a reference to—

5 (a) the knowledge, intention, opinion, belief or purpose of the body or person; and

(b) the body’s or person’s reasons for the intention, opinion, belief or purpose.

10 “(3) Any conduct engaged in on behalf of a body corporate or a natural person by a director, servant or agent of the body, or a servant or agent of the person, within the scope of his or her actual or apparent authority is to be taken, for the purposes of a prosecution for an alleged offence against this Act, to have been engaged in also by the body or person unless the body or person establishes that reasonable precautions were taken and due diligence
15 was exercised to avoid the conduct.

“(4) Where—

(a) a natural person is convicted of an offence against this Act; and

(b) the person would not have been convicted of the offence if subsections (1) and (3) had not been enacted;

20 the person is not liable to be punished by imprisonment for that offence.

“(5) A reference in this section to a director of a body corporate is to be read as including a reference to a member of a body corporate incorporated for a public purpose by a law of the Territory, the Commonwealth, a State or another Territory.

25 “(6) A reference in this section to engaging in conduct is to be read as including a reference to failing or refusing to engage in conduct ”.

Substitution

26. Sections 45 and 46 of the Principal Act are repealed and the following sections substituted.

30 **Oath by jurors**

“45. Before serving as a juror, a person shall in open Court make an oath or affirmation in accordance with the form specified in Part I of Schedule 2.

Oath by person in charge of jury

35 “46. The person in charge of a jury shall make an oath or affirmation in accordance with the form specified in Part II of Schedule 2.”.

Insertion

27. Before section 47 of the Principal Act the following section is inserted:

Information for jurors

5 “46A. After a jury has been sworn, the Judge shall ensure that the jury is informed generally as to the duty of each member in relation to the confidentiality of jury deliberations and identities.”.

View during trial

10 28. Section 47 of the Principal Act is amended by omitting subsection (2) and substituting the following subsection:

“(2) Where a view is ordered—

- (a) the person in charge of the jury shall make an oath or affirmation in accordance with the form specified in Part III of Schedule 2; and
- 15 (b) each person appointed by the Judge to conduct the view shall make an oath or affirmation in accordance with the form specified in Part IV of Schedule 2.”.

Repeal

29. Sections 48 and 50 of the Principal Act are repealed.

Payment of juror’s expenses

20 30. Section 51A of the Principal Act is amended by omitting from subsection (3) “Magistrate” and substituting “Judge”.

Repeal

31. The First Schedule to the Principal Act is repealed.

Second Schedule

25 32. The Second Schedule to the Principal Act is amended—

- (a) by omitting the heading and substituting the following heading:

“**SCHEDULE 1**”; and

- (b) by omitting Form 3 and substituting the form in Schedule 1 to this Act.

30 **Addition**

33. The Principal Act is amended by adding at the end the Schedule in Schedule 2 to this Act.

Consequential amendment—*Supreme Court Act 1933*

34. Section 37B of the *Supreme Court Act 1933* is amended—

- (a) by omitting from subparagraph (2) (c) (viii) “or”;
- (b) by adding at the end of subparagraph (2) (c) (ix) “or”; and
- 5 (c) by adding at the end the following subparagraph:
 - “(x) on an application referred to in subsection 24 (10),
26A (2) or 51A (3) of the *Juries Act 1967*”.

SCHEDULE 1

Paragraph 32 (b)

FORM 3

Subsection 42B (1)

WARRANT

Authority and directions

To the Sheriff of the Territory.

You must apprehend the person named in this warrant and bring that person before the Court to be dealt with according to the law

Personal details of person to be apprehended

Name

Address

Reason for apprehension of person

The person—

- was served with a jury summons on [day/month/year] and failed to attend in accordance with the summons
- attended in accordance with a jury summons but left the Court premises before being discharged or excused by a Judge or the Sheriff without the permission of the Sheriff
- was appointed to attend to serve as a juror but left the Court premises before being discharged or excused by a Judge or the Sheriff without the permission of the Sheriff.
- is a juror who left the Court premises before being discharged or excused by a Judge or the Sheriff without the permission of the Sheriff.

This warrant is issued by the Supreme Court for the purposes of the *Juries Act 1967*.

SIGNED AT CANBERRA ON THE [day] DAY OF [month and year] BY

JUDGE OF THE SUPREME COURT

SCHEDULE 2

Section 33

SCHEDULE TO BE INSERTED IN PRINCIPAL ACT

SCHEDULE 2

Part I

Section 45

Juror's oath

I swear by Almighty God that I shall give a true verdict according to the evidence

Juror's affirmation

I solemnly and sincerely declare and affirm that I shall give a true verdict according to the evidence.

Part II

Section 46

Oath by person in charge of jury

I swear by Almighty God that I shall keep this jury in my charge, that I shall not allow anyone to speak to any juror and that I shall not speak to any juror myself concerning the issues before the Court.

Affirmation by person in charge of jury

I solemnly and sincerely declare and affirm that I shall keep this jury in my charge, that I shall not allow anyone to speak to any juror and that I shall not speak to any juror myself concerning the issues before the Court

Part III

Paragraph 47 (2) (a)

Oath by person in charge of jurors on a view

I swear by Almighty God that I shall faithfully attend this jury to the place (*or* property) that the jury has been ordered by the Judge to view, that I shall not allow anyone to speak to any juror concerning the issues before the Court, other than the persons appointed and sworn to show that place (*or* property) to this jury, and that I shall not speak to any juror myself concerning the issues before the Court.

Affirmation by person in charge of jurors on a view

I solemnly and sincerely declare and affirm that I shall faithfully attend this jury to the place (*or* property) that the jury has been ordered by the Judge to view, that I shall not allow anyone to

SCHEDULE 2—continued

speak to any juror concerning the issues before the Court, other than the persons appointed and sworn to show that place (*or* property) to this jury, and that I shall not speak to any juror myself concerning the issues before the Court.

Part IV

Paragraph 47 (2) (b)

Oath by person appointed to conduct a view

I swear by Almighty God that I shall attend this jury and faithfully show this jury the place (*or* property) that this jury has been ordered by the Judge to view and that I shall not speak to any juror concerning the issues before the Court otherwise than to describe that place (*or* property).

Affirmation by person appointed to conduct a view

I solemnly and sincerely declare and affirm that I shall attend this jury and faithfully show this jury the place (*or* property) that this jury has been ordered by the Judge to view and that I shall not speak to any juror concerning the issues before the Court otherwise than to describe that place (*or* property).

NOTES

Principal Act

1. Reprinted as at 30 November 1996

Penalty units

See section 33AA of the *Interpretation Act 1967*.