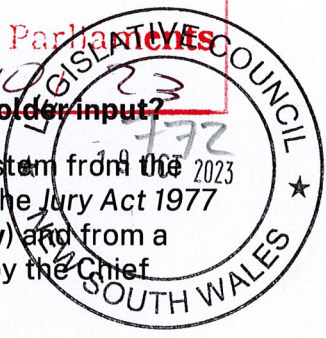


tabled, by leave,
Mr Buttage
Clerk of the Parliament
19/10/23
772



JURY AMENDMENT BILL 2023
STATEMENT OF PUBLIC INTEREST

Need: Why is the policy needed based on factual evidence and stakeholder input?

The amendments contained in the Jury Amendment Bill 2023 (the Bill) stem from the 2023 recommendation of the Statutory Review of the amendments made to the Jury Act 1977 (Jury Act) by the *Jury Amendment (Verdicts) Act 2006 (Statutory Review)* and from a review of indictable processes in the District and Supreme Court's led by the Chief Judge of the District Court, the Honourable Justice Derek Price.

Section 80 of the Jury Act requires that the majority verdict amendments that were introduced by the *Jury Amendment (Verdicts) Act 2006* are to be reviewed to determine whether the policy objectives of the amendments remain valid and that the terms of the amendments remain appropriate for securing those objectives.

The Statutory Review concluded that the policy objectives of the majority verdicts amendments remain valid and that the terms of the amendments are largely appropriate for securing the policy objectives. The review made one recommendation, that the minimum period of deliberation for a majority verdict to be returned be reduced from eight hours to four hours.

Item 8 of the Bill implements this recommendation. This amendment aims to ensure the efficient operation of juries, to increase juror safety and wellbeing, and will bring NSW into line with the majority of other Australian jurisdictions with similar provisions, where the minimum deliberation period is four hours or less.

All other amendments in the Bill were identified through the indictable process review as a means of streamlining jury processes and ensuring that juries in NSW operate and are managed in the most efficient and effective way.

Objectives: What is the policy's objective couched in terms of the public interest?

The jury system is one of the crucial pillars of the justice system. Jurors play a critical role in ensuring that trials are conducted in a fair and just manner.

There is a strong public interest in ensuring that:

- juries are empanelled correctly and operate efficiently;
- jurors are supported and protected to ensure they can fulfill their duty; and
- verdicts can be delivered where fair and appropriate, avoiding additional stress for victims and witnesses, uncertainty for accused persons, and unnecessary expenditure, including of public resources.

The various amendments in the Bill are intended to help to achieve these aims.

Options: What alternative policies and mechanisms were considered in advance of the Bill?

The implementation of the recommendations arising from the Statutory Review and the indictable process review can only be achieved through legislative amendment.

Analysis: What were the pros/cons and benefits/costs of each option considered?

The amendments will improve the efficiency of jury empanelment, provide enhanced support for jurors to perform their role, and reduce the expenditure of resources on trials that are ultimately aborted or result in hung juries, where possible, fair, and appropriate.

If these recommendations are not implemented, improvements to the operation of juries will not be made and the status quo will be maintained. If the recommendation of the Statutory Review is not implemented, the underlying purpose of the review and section 80 of the Jury Act will not be fulfilled.

Pathway: What are the timetable and steps for the policy's rollout and who will administer it?

The Bill will commence by proclamation. While the amendments will change the operation of juries, no resourcing impacts are anticipated. The stakeholders responsible for overseeing and managing jury selection and operation support the amendments and will oversee their implementation.

Consultation: Were the views of affected stakeholders sought and considered in making the policy?

DCJ consulted Heads of Jurisdiction and other members of the judiciary as well as Government and key legal stakeholders during both the Statutory Review and the indictable process review. This included extensive consultation with the NSW Sheriff's Office, the District Court, and the Supreme Court.

Targeted consultation was also undertaken with legal stakeholders, including Legal Aid NSW, the Law Society of NSW, the NSW Bar Association, the Public Defenders, the Aboriginal Legal Service, the NSW Police Force, and the Office of the Director of Public Prosecutions.

Stakeholders broadly supported the amendments in the Bill.

In relation to the Statutory Review recommendation, some legal stakeholders submitted that the eight-hour rule should be maintained, and others suggested different appropriate minimum periods. On balance, the amendment should be progressed as the anticipated benefits outweighed the concerns raised and the amendment reflects the ultimate recommendation of the Statutory Review.

Key stakeholders were also consulted on the drafting and final form of the Bill.