



THE LAW SOCIETY
OF NEW SOUTH WALES

Our Ref: InMM1310843
Direct Line: 9926 0310

27 October 2010

The Honourable John Hatzistergos MLC
New South Wales Attorney General
GPO Box 5341
Sydney NSW 2001

Dear Attorney General,

Empanelment of additional jurors

Thank you for your letter dated 23 August 2010 and for the opportunity to provide our views on the proposal to regulate under section 19(2)(a) of the *Jury Act 1977 (NSW)* to allow for the empanelment of additional jurors.

The Criminal Law Committee ('Committee') has considered the issue and, in principle, supports the proposal to make a regulation as set out in your recent letter. However, the Committee is concerned that unless additional space in the courthouses is allocated to jurors, the change in the law will exacerbate an existing shortage of jury rooms in the State. At present the space allocated to juries within courthouses is inadequate, and it is inevitable that this unsatisfactory circumstance will worsen with an increase in juror numbers. It is accordingly imperative in the view of the Committee that consideration be given to the practical consequences of regulating in the manner proposed, by making arrangements for new rooms to be built or, where appropriate, for existing space to be appropriately refurbished and allocated as space for juror assembly and jury deliberations.

The Committee is also of the view that, due to the doubts that surround the validity of a verdict made by a jury composed of less than 10 people in Commonwealth trials, the need to regulate in the manner proposed is more pressing with respect to Commonwealth matters than with respect to New South Wales matters. However, the Committee notes that 3 months, being the relevant period for a State trial to be a proceeding to which s19(3) of *Jury Act 1977 (NSW)* applies, is a lengthy period of time and the risk of losing jurors within this period is not inconsequential. In the opinion of the Committee, this risk lends support to the case for allowing additional jurors to be empanelled in New South Wales matters, as well as with respect to Commonwealth matters.

I hope that these observations may be of some assistance, and should you have any queries in relation to this correspondence, please do not hesitate to contact the Executive Member for the Criminal Law Committee, Rachel Geare, on 9926 0310.

Yours sincerely,


Mary Macken
President

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170 Phillip Street, Sydney NSW 2000, DX 362 Sydney T +61 2 9926 0333 F +61 2 9231 5809
ACN 000 000 699 ABN 98 696 304 966 www.lawsociety.com.au

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