

## LEGISLATIVE COUNCIL

## TERRORISM (COMMUNITY PROTECTION) AMENDMENT BILL 2021

(Amendments and New Clauses to be proposed in Committee by Ms SYMES)

1. Clause 1, page 2, after line 17 insert—
  - "(ba) to amend the **Juries Act 2000** to provide for the Juries Commissioner to exempt a person or a class of persons from selection to be summoned for jury service based on health, safety or welfare concerns; and".
2. Clause 2, line 22, after "Part 4," insert "Part 4A".
3. Page 146, after line 9 insert the following new Part heading—

**"Part 4A—Amendment of the Juries Act 2000".**

## NEW CLAUSES

4. Insert the following New Clauses to follow clause 30 and the Part heading proposed by amendment 3—

**'30A Questionnaire**

In section 20(1) of the **Juries Act 2000**, after "period" insert "or whether the person may be exempted under section 27(4) from being summoned for jury service".

**30B Summons**

- (1) After section 27(3) of the **Juries Act 2000** insert—

"(4) The Juries Commissioner, in the Commissioner's discretion, may exempt a person or class of persons from being summoned if, in the Commissioner's opinion, there is good cause to do so based on health, safety or welfare concerns relating to the person, that class of persons or the community.

- (5) In deciding whether there is good cause to make an exemption under subsection (4), the Juries Commissioner—

- (a) may consult with the Chief Health Officer within the meaning of section 3(1) of the **Public Health and Wellbeing Act 2008**; and
- (b) may make any enquiries and request any documents or other information the Commissioner considers necessary to determine whether a person or class of persons should be exempt from being summoned for good cause based on health, safety or welfare concerns relating to the person, that class of persons or the community.

- (6) If the Juries Commissioner exempts a person or a class of persons under subsection (4), the Commissioner must notify the person or any person who belongs to that class of persons about the exemption.
- (7) The Juries Commissioner—
  - (a) is not required to issue a summons to a person or class of persons exempted under subsection (4); and
  - (b) may recall and cancel any summons issued to a person who is exempted under subsection (4) after the issue of a summons to that person, whether the summons was issued before, on or after the commencement of this subsection and regardless of when the decision to exempt is made.
- (8) An exemption under subsection (4) may be made at any time before a person becomes a member of a panel.
- (9) For the avoidance of doubt, a person cannot waive an exemption made under subsection (4)."

### **30C Obligation to answer questions or produce document**

In section 68(2) of the **Juries Act 2000**, after "jury service" insert ", whether the person may be exempted under section 27(4) from being summoned for jury service or whether a summons should be recalled or cancelled under section 27(7)(b)".

### **30D New section 101 inserted**

After section 100 of the **Juries Act 2000** insert—

#### **"101 Repeal of powers to exempt from being summoned**

- (1) On 26 October 2022—
  - (a) in section 20(1), **omit** "or whether the person may be exempted under section 27(4) from being summoned for jury service";
  - (b) in section 27, subsections (4) to (9) are **repealed**;
  - (c) in section 68(2), **omit** ", whether the person may be exempted under section 27(4) from being summoned for jury service or whether a summons should be recalled or cancelled under section 27(7)(b)".
- (2) This section is **repealed** on 27 October 2022.".

#### **AMENDMENT OF LONG TITLE**

- 5. Long Title, after "other Acts" insert ", to amend the **Juries Act 2000** to provide for the Juries Commissioner to exempt persons or classes of person from being summoned for jury service".