



**LEGISLATIVE ASSEMBLY**  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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STANDING COMMITTEE ON JUSTICE AND COMMUNITY SAFETY

Mr Peter Cain MLA (Chair), Dr Marisa Paterson (Deputy Chair), Mr Andrew Braddock MLA

## Submission Cover Sheet

### Inquiry into Crime Legislation Amendment Bill 2023

**Submission Number: 004**

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30 November 2023

Standing Committee on Justice and Community Safety  
ACT Legislative Assembly  
GPO Box 1020  
Canberra ACT 2601

By email: [LACommitteeJCS@parliament.act.gov.au](mailto:LACommitteeJCS@parliament.act.gov.au)

Dear Committee,

### **Inquiry into the Crimes Legislation Amendment Bill 2023**

The ACT Law Society (the Society) welcomes the opportunity to provide a submission to the Committee as part of the inquiry into the Crimes Legislation Amendment Bill 2023 (the Bill).

The Society is the peak professional association that represents, advances, and defends the interests of an independent legal profession in the ACT, and lobbies for 'good law' in the ACT region through engagement in law reform processes. The Society has established a range of committees with relevant subject matter expertise and experience to support our purpose and strategic goals. In relation to this Bill, the Society has engaged with its Criminal Law Committee. Further, the Society notes its appreciation for the ongoing consultation during the development of the Bill by the ACT Justice and Community Safety Directorate (JACS).

This submission focusses on the proposed amendments to the *Juries Act 1967* (the Juries Act), in particular, the introduction of majority verdicts for territory offences (clause 14 of the Bill, proposed section 38).

The Society maintains its view that the current model of unanimous verdicts should remain. Nevertheless, the Society is pleased that the proposed section 38 includes important safeguards including:

- *Majority verdict* being defined as meaning a verdict agreed by 11 jurors (out of a jury of 12).
- That the judge is satisfied that a reasonable period (of at least six hours) has passed, taking into account the complexity and nature of the trial.
- That the examination of one or more jurors by the judge (to determine if the jury is not likely to reach a unanimous decision) is done under oath.

As a matter of practice, the Society considers that juries should be given a direction (as per *Black v The Queen* (1993) 179 CLR 144, 51), effectively suggesting they persevere to reach a unanimous verdict, prior to the judge being satisfied that the preconditions in proposed subsection 38(2) are met.

Finally, the Society notes that the Bill does not set any limits in relation to the offences for which a majority verdict may be accepted. In some Australian jurisdictions, majority verdicts cannot be utilised in relation to certain offences (for example, murder, drug trafficking or treason in Victoria, and murder in Queensland). The Society encourages the Committee to consider whether majority verdicts should be excluded from certain offences, such as those that carry a maximum penalty of life imprisonment.

Yours sincerely,

Simone Carton  
Chief Executive Officer