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## JURY EMPANELMENT - SERVING ON A JURY TEACHER AND STUDENT RESOURCE

This resource is for both teachers and students to use for future reference after the FBLEP 'Jury Empanelment' empty court activity.

What is a jury and what does a jury do?

**A jury is a group of 12 people randomly chosen from the community who listen to the facts in a criminal trial in the Supreme Court or the District Court. After listening to the facts of the case the jury will discuss it amongst themselves and return a verdict of guilty or not guilty to the court.**

**In WA a unanimous verdict is required for murder and manslaughter matters as well as for Federal/Commonwealth matters. For all other charges a majority verdict of 10 of the 12 jurors will be accepted after the jury has deliberated for a minimum of 3 hours.**

**Jury duty is a civic responsibility and requires the co-operation of all to ensure it functions correctly within our democracy.**

**Completing jury duty involves giving your time and effort for the period of time you have been summonsed.**

How will I know if I have to attend for jury duty?

**The Sheriff's Office of Western Australia normally sends a summons to all potential jurors several weeks in advance to give you plenty of time to arrange personal matters so you can complete your jury duty.**

**It is vital that you keep your postal address up to date with the Western Australian Electoral Commission as this is the source database for juror selection.**

What happens if I do not attend?

**You may be fined if you do not comply with a summons that has been issued to you or if you change your address and do not notify the WAEC of your new address and consequently, you do not comply with the summons.**

**If this penalty is not paid then your driver's license could be suspended or subject to other enforcement actions.**

How are jurors selected? What is the empanelment process?

**Selection of jury pools, jury panels and the jury is done by random ballot.**

**For each trial that requires a jury, the Jury Supervisor will randomly select approximately 30-50 people from the jury pool to form the jury panel for that trial. Once the jury panel has been formed, cards with a number assigned to each juror are placed in a ballot box. The Judge's Associate will randomly select a card from the ballot box and call out the number on the card. The person who's number has been selected from the ballot box. Stands and walks to the jury box.**

**As the juror approaches the jury box they might hear a lawyer 'challenge' them meaning that you will not serve on the jury. Please do not be offended. Challenging**

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jurors is a part of the process to create a balanced jury. If you are not challenged the Judge's Associate will ask you to take an oath or an affirmation.

This process is repeated until the jury is empanelled.

What excludes some people from sitting on a jury?

**Which group of people may be *excused* from jury duty?**

- Persons with a mental impairment, physical disability, or poor physical health;
- Persons who have served on a jury within the last 5 years;
- Persons who's service would cause undue hardship or serious inconvenience to the person, the person's family or the general public;
- Persons who have a special or pressing commitment;
- Persons subject to the nature of their business or occupation;
- Other circumstances personal to the person; and
- If a person would not be indifferent as to the parties in the trial.

**Who is *not eligible* for jury duty?**

- Judicial officers;
- Police officers;
- Lawyers;
- Members of Parliament;
- Sheriff;
- Certain officers at the Corruption and Crime Commission;
- People aged 75 years or older.

**Who is *not qualified* to serve on a jury?**

- Persons who have been convicted of an offence and sentenced to death, life imprisonment or imprisonment for a term exceeding two years;
- Persons who in the relevant period (5 years) in WA or elsewhere:
  - have been subject to a sentence of imprisonment or been on parole in respect of any such sentence
  - have been found guilty of an offence and detained in a juvenile detention centre;
  - have been subject of a parole order or a community order;
- Persons who have in the relevant period (5 years) in WA:
  - been convicted of 2 or more offences the statutory penalty for which includes imprisonment;
  - been convicted of 3 or more offences against the *Road Traffic Act, 1974*.

I have heard that I can be 'challenged'. What does this mean?

**Peremptory challenges allow parties to challenge the selection of potential jurors without having to give a reason. Each party (the prosecution and defence) may challenge up to three jurors peremptorily. In addition, the prosecution or an accused may challenge a juror for cause. The party making the challenge will be required to provide a reason for the challenge. The trial Judge decides on the facts in such a challenge.**

**When a juror is challenged, they return to a seat in the public gallery and cannot be selected on that particular jury. Any challenge must be issued before a juror is sworn.**

Do I have to stay for the whole trial?

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**Jurors are required to attend for the whole trial and for the deliberation and the handing down of the verdict.**

I don't believe in God. Do I have to take an oath?

**A juror takes an oath as a way of swearing before God that s/he will give a true verdict according to the evidence and the issues to be tried by him/her. You are not required to take the Christian oath and there are specific oaths and holy books for the different recognized religions in our community, e.g. Christian oath/Bible, Muslim oath/Koran, Hebrew oath/Pentateuch, Buddhist oath.**

**People who do not have any religious beliefs swear by way of an affirmation, by which they promise, without any religious connection, to give a true verdict according to the evidence and the issues to be tried by him/her.**

What does the Sheriff's Office do?

**The Sheriff prepares jury books for the State's 17 jury districts which lists those citizens available for jury duty. In addition, the office summonses people to act as jurors in the Perth Supreme and District courts and investigates the failure of a juror to attend court. When metropolitan juries are sitting, the Sheriff has responsibility for jurors.**

What do I do if I know someone who is involved in the trial?

**Prior to the empanelment of the jury, both the State and the Defence will inform the jury panel of the names of any witnesses that might be potentially called to give evidence. If you recognise a name on the list and your number is called to join the jury, inform the Judge that you may know someone who is involved in the trial. The judge may ask you some questions to clarify the situation further.**

**If at any time you become aware that you know someone who is involved in the trial you have a duty to inform the court.**