



## **Women Influencing Policy**

*Affiliated to the International Council of Women*

**24 May 2011**

**S11.08**

### **Submission to the Law and Order Committee on the Juries (Jury Service and Protection of Particulars of Jury List Information) Amendment Bill 278-1**

The National Council of Women of New Zealand (**NCWNZ**) is an umbrella organisation representing 51 nationally organised societies and national members. It has 23 branches throughout the country attended by representatives of those societies and some 150 other societies as well as individual members. NCWNZ's function is to serve women, families and the community through research, study, discussion and action.

This submission has been prepared by the NCWNZ Justice and Law Reform Standing Committee and the Parliamentary Watch committee after consultation with the membership of NCWNZ.

#### **Introduction**

NCWNZ supports the purpose of the Bill as set out in the General Policy Statement in the Explanatory Note of the Bill. However there are some reservations in regard to the proposed change for the age limit for being excused from jury service permanently.

#### **Other Comments**

##### **Part 1**

##### **Jury Service**

##### **Clause 4 Purpose of this Part**

##### **Clause 4 (a)**

The majority of members agree with the proposal to disqualify from jury service a person who, at any time within the preceding 5 years, has been sentenced to home detention for a period that is, or is more than, 3 months.

A minority disagree with the proposal and some suggested that the preceding period should be longer and some proposed that the preceding period should be shorter. One member considers that people sentenced to home detention were being given a chance to redeem themselves and participating in jury service could be part of the redeeming process.

## **Clause 10**

### **New Clause 15A Registrar's discretion and duty to excuse from jury service permanently**

#### **Clause 10 (1)**

The majority of members agree with the proposal that the Registrar may excuse a person from jury service because of the person's disability or state of health.

However some members stated that "disability" and "state of health" should be defined because these terms are very wide, and some conditions might not necessarily impact on performing jury service.

#### **Clause 10 (2)**

Many members are concerned that the Registrar must excuse a person summoned to attend as a juror, on written application by or on behalf of, the person, because the person is of or over the age of 65 years. There were several comments that with the aging population many people over the age of 65 years have their health and capacity, and they also have life experience plus the time available to perform jury service. Department of Labour's *Ageing Workforces and Ageing Occupations: A discussion Paper* states that "between 2004 and 2051, New Zealand's population is expected to increase by nearly one million people, going beyond the five million mark by 2041. The largest growth period will occur between 2011 and 2037, when the baby-boomers (born 1946-1966) move into the 65+ age group adding at least 100,000 to this age group every five years. A recent report notes that the increase of those over 65 years continuing in the workforce continues to rise. Several expressed the observation that 70 years would be a preferable age limit.

## **Part 2**

### **Protection of particulars of jury list information**

#### **Clause 17**

##### **14 AB Inspection of protected particulars of jury list information excluded from panel**

##### **14 AC Counsel to inspect protected particulars, and exercise rights of challenge, for litigant in person**

A predominant majority of members agree with the proposal to protect particulars of a juror and regard the protection as most important for the safety and security of jurors.

## Conclusion

NCWNZ generally supports the Bill with one reservation as to the age limit for being excused from jury service permanently. NCWNZ believes women's access to justice is critically important and an efficient and functional jury system is important for obtaining justice by women as victim and as defendant and for women participating in the justice system as jurors.



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