



Quiz

Appeals Against the Discharge of a Whole Jury

1. What section of the *Jury Act 1977* (NSW) enables a court to discharge a juror if it appears to the court that the juror is not able to give impartial consideration to the case?
 - a. Section 53B
 - b. Section 53C
 - c. Section 5F
 - d. Section 5G

2. What is the test under s 53C of the *Jury Act 1977* (NSW)?
 - a. The court or coroner must discharge the jury if the court or coroner is of the opinion that to continue the trial or coronial inquest with the remaining jurors would give rise to a substantial miscarriage of justice
 - b. The court or coroner must discharge the jury if there is a situation of compelling, immediate necessity to discharge
 - c. The court or coroner must discharge the jury if the court or coroner is of the opinion that to continue the trial or coronial inquest with the remaining jurors would give rise to the *risk* of a substantial miscarriage of justice
 - d. None of the above

3. Why did the trial judge in *R v Lamb; R v Mason; R v Hill* [2016] NSWCCA 135 decide to discharge the jury?
- a. The approach and the offences with which the accused were charged both involved a component of intimidation
 - b. The ambiguity of the foreman's answers to questions about the impact of the approach on the jury
 - c. There were no other alternative options
 - d. Both a. and b.
4. Which case states that, when there is an appeal against a discretionary decision, it is not for the appeal court to decide what they think should have happened but rather they have to show either that there was a clear error or that the decision was so unreasonable that it must have involved an error of principle?
- a. *Crofts v R* (1996) 186 CLR 427
 - b. *R v Lamb; R v Mason; R v Hill* [2016] NSWCCA 135
 - c. *House v The King* (1936) 55 CLR 499
 - d. None of the above
5. What was the result of *R v Lamb; R v Mason; R v Hill* [2016] NSWCCA 135?
- a. The Court of Appeal found it was not unreasonable for the trial judge to discharge the jury
 - b. The Court of Criminal Appeal found it was not necessary to evaluate the legal relationship between *Crofts'* common law test and the test identified in s 53C
 - c. The Court of Criminal Appeal found that the Crown did not satisfy the test in *House v The King* (1936) 55 CLR 499
 - d. All of the above

Answers:

1. a 2. c 3. d 4. c 5. d