

IN THE HIGH COURT OF THE COOK ISLANDS
HELD AT RAROTONGA
(CRIMINAL DIVISION)

Hearing date: 30 August 2013

FINES ORDERED PURSUANT TO SECTION 31 OF THE JURIES ACT

[FTR 09:11:48]

The Court: At the beginning of the trial session I made comment at the number of persons who did not answer their jury summons and come to Court. I made specific comment that it is important that everyone answers their jury summons. Many people did come and of course we were able to get a jury; in fact we got two juries. I announced at the time, and I have done this before when I have been presiding over jury trials, that it is not fair to those people who do answer their jury summons to sit and listen to people's names being called out of the ballot for jury service to hear they haven't appeared; and it is too prevalent.

It is for that reason I have caused the Registrar to have a further notice to attend today served on each of those persons who were in that non appearance category and whose names were called from the ballot.

I have the power to deal with contempt of this Court. Non answering of a summons is in that category. There is a specific power under Section 31 of the Juries Act which allows the Court to do this:

"If any person having been duly summonsed to attend on any jury does not attend in pursuance of that summons or [for some other things], the Court shall impose such fine upon every such person so making default as the Court thinks fit."

There is a proviso to that and it says this:

"Provided that no fine shall be imposed on any person until that person has been advised of his default and given a reasonable opportunity of appearing before the Court and explaining it"

and that is the reason that I caused the Registrar to write and I have a list of those written together with a date when the Police served the letter relating to today. So everyone is going to have the opportunity of appearing before the Court and giving me any explanation.

What I intend to do is to have the Registrar call through the list of those who did not appear and who received notice of this hearing today and I will deal with them accordingly. They will have a right of audience to tell me their side of the story.

NAME	FINE
AKAVA Paul Tearoa	\$100
AKAVA Rosehill Emily Purotu	\$100
ANITEREA Ngamata	\$100
BAXTER Keith	\$100
COWAN Anita Jean	\$100
HARMON Lee	\$100
IRO Tepou Kelly	\$100
MANUELA Minora	\$200
WILLIAM Tuikairoro	\$100
YEKITEA Walevaka	\$100
TEUTU Likotangata	\$100

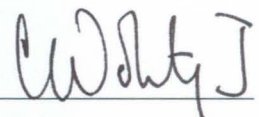
The Court: The level of fine that I have set here has taken into account two things. The apologies that everyone has offered which is a factor and, secondly, whether there has been an inadvertent non-attendance, those who genuinely forgot or say they genuinely forgot. That is one category, the other category is of one person who genuinely made a decision not to come.

The levels of fine have been set relatively low but I expect that from now on this Court will look very seriously again at those who do not attend and next time around there's likely to be a more deterrent aspect than this.

I hope that this series of hearings today is reported, I see a reporter here, so that the community understands that this is a very important civic obligation.

Under Cook Islands law every individual citizen who is charged with certain offences has the ability to ask his fellow citizens to judge them. Not me, or someone like me, but is his or her fellow citizens and that is a very serious obligation. But it cuts both ways, if the citizens really want to be involved in dealing with justice in this way which is a very historic way of doing it, then they have to respond. And it is not just an option, it is an obligation because of the system. So I hope that there won't ever be another one of these hearings in this Court again.

I thank you all for coming this time at least and that is also to your credit, thank you.



Colin Doherty J