

Compulsory Female Jury Service.

Efforts to achieve full participation by women in the judicial process in New Zealand were much longer and difficult than one might expect. In contrast to the UK, which included female jury service in the 'Sex Disqualification Removal Act of 1919', in New Zealand it was a much more gradual process. It took until 1942 before 'Women's Juries Act' allowed women to volunteer to be registered for duty. The 1962 'Juries Amendment Act', which required women to serve on juries in almost the same capacity as men (And incidentally, it also required Maori to serve in the same capacity as Pakeha) however, this act wasn't strictly compulsory service as it allowed Women the option to opt out on the basis of gender. This option was removed in 1976.

Despite being listed in Kate Sheppard's farewell address and numerous remits in previous years there was very little progress made during the interwar years. The NCW repeatedly stated the need for Women Jurors as a principle goal of the organization, typically mentioned in conjunction with the need for women police officers and justice of the peace, most of the discussion during this time was directed toward:

- Attempts to achieve equal pay for equal work
- More effective and less discriminatory screening and treatment for VD
- Supporting the League of Nations and attempts to prevent further war
- And electing a woman to parliament.

It appears there wasn't full support for women serving on juries, not just in comparison to more pressing issues. Many women did not see the value of Jury service and saw it as a potential cause of domestic neglect and an unnecessary burden on their already busy lives. In 1927 after some discussion in response to this attitude the NCW made an official note:

*'That Women ought to be educated on this remit. Many men are exempt. A man secures an exemption because he is a solicitor, Dentist, or in fact if he has any work. Women should be on an equal footing with men and many women would be exempt. In asking for the right to sit on juries they were not asking for more than what men received.'*¹

In 1942 alteration were made to the law to allow women to volunteer to be registered as a juror. However, they had to be between the ages of 25-60, live within 15 miles of the local court house and not be a

- A. Teacher at university, teacher training college, school teacher, inspector of schools.
- B. Barrister or solicitor.
- C. Registered medical practitioner (including dentist)
- D. Chemist
- E. Serving member of her majesty's Navy, Military or Air force on full pay.²

¹ National Council of Women Report of Seventh Annual Meeting 1927

² NZ Women in Council: Journal Of NCW Vol 9 no 2 July 1961 Pg 2

However, actual service was still very rare. Even if a woman was called from the ballot they were typically challenged before they could take their seat. By 1960 only four women has successfully served on a jury.³

A major break through was achieved in 1953. The Justice Minister asked his department to investigate 'compulsory jury duty in other countries where in operation'. This investigation led to formal discussions, later in the year, with the Secretary of Justice Mr S.T. Barnett. Mr Barnett out lined the governments position asking:

- Is jury service desired by all women?
- Were women prepared to accept all disadvantages?
- And if the council visualised exceptions, what type of exception would be involved?

And finally concluding that the government was not against it, but saw the immense practical difficulties.⁴

At the next years NCW dominion executive meeting (as it was known at the time) some insisted that the council must stand on previous principle whilst others conceded that it was right in principle, but generally not ready and it was up to the council to prove it spoke for all women. Two motions were carried that day.

The first,

'That dominion officers prepare a brief statement on jury service for the information of member branches and nationally organised societies'

and the second,

*'That the NCW reply to Mr Barnett re-affirming the council's policy on jury service and stating that it speaks for the affiliated societies with a membership of 133,000.'*⁵

Over the next 8 years significant effort was made to educate women not only on the necessity of jury service but also on the practicalities of service including exception. A lot of time and energy was also spent encouraging women to serve under the current voluntary system noting that *'compulsory service for women will continue to be ignored if only a handful of women show their willingness'*. Suitable application forms were distributed (no formal forms existed) along with instruction throughout affiliated societies.⁶

³ NZ Women in Council: Journal Of NCW Vol 9 no 3 Sept 1961 Pg 12

⁴ Minutes: Dominion Executive NCW-NZ Meeting 1953 Pg 14

⁵ Minutes: Dominion Executive NCW-NZ Meeting 1954 Pg 4

⁶ NZ Women in Council: Journal Of NCW October 1953 Pg 2

Also, the magazine '*Women's Viewpoint*' also printed informative double page articles in February, March and September of 1961. The first two were originally a report presented to the NCW in 1956 by the Christchurch branch. They outlined the differences in jury service across the world with a particular emphasis comparing New Zealand and the UK. and addressed the reasons for some women's reluctance to serve citing custom, apathy and ignorance as the main causes. The third was written by Mrs W.F. Wistone, who had successfully served on a jury in Auckland, and related her experiences on the jury as well as her arguments in support of why Women should support civic duty.

By 1962, in response to a ministerial response promising 'very serious consideration' to a petition of 2000 signatures, The Dominion Executive passed a motion,

*'That a petition praying for compulsory jury service for women on the same basis as men, be presented to the Ministry of Justice, such a petition to be sent to NCW branches for the signatures of women supporting jury service on a compulsory basis'*⁷

The law changed later that year.

The struggle to achieve civic participation in jury service was long and hard. It is much harder, especially when there are much more glamorous, urgent or rewarding matters at hand, to motivate grassroots support on an issue that is principled but considered an inconvenience or unpleasant by the larger body. As with anything difficult, the struggle to achieve full participation in judicial process contains valuable lessons that can be applied to future efforts. Challenges of apathy or reluctance can be overcome through persistence and education as well as the example of others.

⁷ Minutes: Dominion Conference NCW-NZ Meeting 1962 Pg 5

Bibliography.

Page Dorothy, *The National Council of Women, A Centennial History*, Auckland University Press, Auckland New Zealand 1996.

National Council of Women Report of First Annual Meeting 1921
National Council of Women Report of Third Annual Meeting 1923
National Council of Women Report of Seventh Annual Meeting 1927
Minutes: Dominion Executive NCW-NZ Meeting 1946
Minutes: Dominion Executive NCW-NZ Meeting 1952
Minutes: Dominion Executive NCW-NZ Meeting 1953
Minutes: Dominion Executive NCW-NZ Meeting 1954
Minutes: Dominion Executive NCW-NZ Meeting 1956
Minutes: Dominion Executive NCW-NZ Meeting 1959
Minutes: Dominion Executive NCW-NZ Meeting 1960
Minutes: Dominion Conference NCW-NZ Meeting 1962
Minutes: NCW-NZ National Conference 1964
Minutes: NCW-NZ National Executive Meeting 1965

NCW Quarterly September 1968

Women's Viewpoint Vol 1 no 7 August 1960
Women's Viewpoint Vol 2 no 1 February 1961
Women's Viewpoint Vol 2 no 2 March 1961
Women's Viewpoint Vol 2 no 4 May 1961
Women's Viewpoint Vol 2 no 8 September 1961

NZ Women in Council: Journal Of NCW October 1953
NZ Women in Council: Journal Of NCW July 1956
NZ Women in Council: Journal Of NCW May 1960
NZ Women in Council: Journal Of NCW Vol 9 no 2 July 1961
NZ Women in Council: Journal Of NCW Vol 9 no 3 Sept 1961