



ELIZABETHAE SECUNDAE REGINAE

No. 39 of 1976

**An Act to amend the Jury Act 1929–1972, the District Courts
Act 1967–1976 and The Criminal Code each in
certain particulars**

[ASSENTED TO 5TH MAY, 1976]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

PART I—PRELIMINARY

1. Short title and citation. This Act may be cited as the *Jury Act and other Acts Amendment Act 1976*.

2. Commencement. (1) Subject to subsection (2), this Act shall come into operation on a date to be fixed by Proclamation.

(2) Paragraph (a) of section 7 shall come into operation on a date to be fixed by Proclamation which date may be the same date as or a different date from the date fixed pursuant to subsection (1) and which Proclamation may be the same Proclamation as or a different Proclamation from that referred to in subsection (1).

3. Parts of Act. This Act is divided into Parts as follows:—

PART I—PRELIMINARY (ss. 1-3);

PART II—AMENDMENTS OF THE JURY ACT 1929-1972 (ss. 4-32);

PART III—AMENDMENTS OF THE DISTRICT COURTS ACT 1967-1976 (ss. 33-36);

PART IV—AMENDMENTS OF THE CRIMINAL CODE (ss. 37-39).

PART II—AMENDMENTS OF THE JURY ACT 1929-1972

4. Citation. (1) The *Jury Act* 1929-1972 is in this Part referred to as the Principal Act.

(2) The Principal Act as amended by this Part may be cited as the *Jury Act* 1929-1976.

5. Savings. Notwithstanding the provisions of this Part, the annual jury list for a jury district existing pursuant to the Principal Act immediately prior to the commencement of this Act shall continue in force until the first effective day (as defined in section 13 (5) of the Principal Act as amended by this Part) for that jury district and the provisions of the Principal Act shall apply thereto as if this Part had not been enacted.

6. Amendment of s. 3. Section 3 of the Principal Act is amended by—

(a) omitting from the definition “Crown Law Officer” the word “of” and substituting the word “for”;

(b) omitting from the term “Jury list” or “Jury book” or “List” the words “Jury book” or “”.

7. Amendment of s. 6. Section 6 of the Principal Act is amended by—

(a) omitting from paragraph (b) of subsection (1) all words from and including the words “in the case of a male” to and including the word “female”;

(b) omitting from subsection (2) the words “an annual” and substituting the word “a”.

8. Amendment of s. 8. Section 8 of the Principal Act is amended by—

(a) in subsection (1),

(i) adding to paragraph (vii) the words “and members of any Ambulance Transport Brigade within the meaning of the *Ambulance Services Act* 1967-1975”;

(ii) omitting from paragraph (viii) the words “and the Registrar of the University” and substituting the words “, registrars of universities”;

(iii) adding to paragraph (viii) the words “, directors, principals, registrars and academic staff of colleges of advanced education, and principals, secretaries and instructional staff of rural training schools”;

(iv) adding to paragraph (xiii) the words “, the Chairman and other members of The Totalisator Administration Board of Queensland, and officers of the Parliamentary Commissioner for Administrative Investigations”;

(v) adding to paragraph (xv) the words “, and buyers, managers, and other persons who by reason of their employment in a primary industry are frequently required to travel outside the relevant jury district to remote places”;

(vi) renumbering the existing paragraph (xix) as paragraph (xx);

(vii) inserting after paragraph (xviii) the following paragraph:—

“(xix) members of a Fire Brigade provided and maintained pursuant to section 9 of the *Fire Brigades Act 1964–1973*”;

(b) in subsection (2),

(i) omitting from provision (ii) of the first paragraph the expression “(xviii)” and substituting the expression “(xix)”;

(ii) omitting from the fourth paragraph the words “is to be construed as of none” and substituting the words “shall be of no”;

(iii) inserting in the fifth paragraph after the word “fourteen” where it first occurs the word “sitting”;

(c) in subsection (4),

(i) omitting the word “annual” where it first occurs;

(ii) omitting the words “an annual” and substituting the word “a”;

(d) inserting in subsection (5) after the words “indicated by him” the words “or by the prescribed officer”;

(e) inserting in subsection (6) after the words “furnished by him” the words “or forwarded by the prescribed officer”.

9. New s. 8A. The Principal Act is amended by inserting after section 8 the following section:—

“**8A. Persons selected as jurors and prospective jurors temporarily exempted.** (1) No person who serves on a jury shall be required to serve as a juror during the 12 months following the completion of the sittings in which he so serves unless he elects to do so.

(2) In a jury district to which section 13 (2) applies, a person who has been selected as a prospective juror shall not again be so selected during the currency of the jury list from which his name was selected.”.

10. Amendment of s. 10. Section 10 of the Principal Act is amended by omitting subsections (3) and (4).

11. Amendment of s. 12. Section 12 of the Principal Act is amended by—

(a) omitting paragraph (b) from subsection (1) and substituting the following paragraph:—

“(b) The Principal Electoral Officer shall, as soon as practicable after the last day of April, August and December respectively in each year, or such other date as may be substituted by Order in Council for the last day of such one or more of the said months, furnish to the sheriff a list for each jury district, compiled to such day or date, showing, in respect of each jury district, the names, in alphabetical order, of all electors, within the meaning of the *Elections Act 1915–1976*, who are apparently qualified to serve, and not exempt from serving, as jurors for that jury district.”;

(b) omitting paragraph (b) from subsection (2) and substituting the following paragraph:—

“(b) The Principal Electoral Officer shall, as soon as practicable after the last day of April, August and December respectively in each year, or such other date as may be substituted by Order in Council for the last day of such one or more of the said months, furnish to the sheriff information specifying the number for each jury district, to such day or date, of all electors, within the meaning of the *Elections Act* 1915–1976, who are apparently qualified to serve, and not exempt from serving, as jurors for that jury district.”;

(c) adding the following subsection:—

“(4) Section 28A of the *Acts Interpretation Act* 1954–1971 applies with respect to Orders in Council made for the purposes of this section and, for the purposes of such application, that section shall be read and construed as if references to regulations therein were references to Orders in Council made for the purposes of this section.”.

12. Amendment of s. 13. Section 13 of the Principal Act is amended by—

(a) omitting from paragraph (b) of subsection (2) the words “twenty thousand” and substituting the expression “10 000”;

(b) adding to paragraph (i) of subsection (2) after the words “first instance,” the words “save that the first number prefixed pursuant to paragraph (f) to a name so selected shall not be the number 1 but shall be the number following the number prefixed to the last name on the jury list.”;

(c) omitting subsection (5) and substituting the following subsection:—

“(5) In this subsection, the expression “effective day” means the first day of March, July or November, as the case requires, in each year but, where a date is substituted pursuant to paragraph (b) of section 12 (1) or paragraph (b) of section 12 (2), the effective day shall not be the first day of the calendar month aforesaid that next follows the substituted date but in lieu thereof shall be the first day of the calendar month next following a period of four weeks after the substituted date.

The compilation of a jury list shall be completed before each effective day.

Each jury list shall be brought into use on the effective day next following the compilation of that list and shall be used from and including that effective day until the next duly compiled jury list is brought into use pursuant to this Act.”;

(d) omitting from subsection (8) the words “24A and 26A of this Act” and substituting the words “8, 14A and 24A”;

(e) omitting the word “annual” wherever occurring.

13. New s. 14A. The Principal Act is amended by inserting after section 14 the following section:—

“14A. Sheriff to notify Principal Electoral Officer of certain matters. (1) When, pursuant to section 13 (1) (b) or section 13 (2) (h), the sheriff strikes out the name of a person from a list furnished or forwarded to him pursuant to section 12 (1) (b)

or section 13 (2) (g), he shall within 14 days from that date notify the Principal Electoral Officer, in writing, of the name of that person.

(2) Upon receipt of a notification pursuant to subsection (1) the Principal Electoral Officer shall take all steps necessary to ensure that the name of that person is not indicated by him or the prescribed officer to the sheriff as the name of a person apparently qualified, and not exempt, to serve as a juror for the jury district in question.

(3) With respect to the list furnished or forwarded to the sheriff pursuant to section 12 (1) (b) or section 13 (2) (g), the sheriff shall within fourteen days after the completion of every sittings of a Court notify the Principal Electoral Officer of the name of every person on that list who is exempted or has been excused from serving as a juror or from selection as a prospective juror and the period of that exemption or excusal and whose name has not been notified to the Principal Electoral Officer pursuant to subsection (2).

(4) Upon receipt of a notification pursuant to subsection (3) the Principal Electoral Officer shall take all steps necessary to ensure that during the period of exemption or excusal the name of the person in question is not indicated by him or by the prescribed officer to the sheriff as the name of a person apparently qualified, and not exempt, to serve as a juror.”

14. Amendment of s. 20. Section 20 of the Principal Act is amended by omitting the first paragraph thereof and substituting the following paragraph:—

“ Save as is otherwise provided by Rules of Court, in every civil trial in which a jury is required by a party or the Court that party (or where the court requires a jury, the plaintiff) shall pay to the registrar of the Court in which the trial is pending the sum prescribed from time to time by Rules of Court before the trial is commenced or proceeded with.”

15. Amendment of s. 22. Section 22 of the Principal Act is amended by—

(a) in subsection (1),

(i) omitting paragraph (a) and substituting the following paragraph:—

“(a) It shall be lawful for the Supreme Court or a Circuit Court to issue jury precepts and make orders to summon jurors from time to time and as often as the occasion demands.”;

(ii) inserting in the Jury Precept form prescribed in paragraph (b) after the words “ *of the Court*] Court ” the words “ exercising its criminal or as the case may be civil jurisdiction ”;

(b) omitting subsections (2) to (9) and substituting the following subsections:—

“(2) Every jury precept or order shall be delivered by the registrar or associate by whom it is signed to the sheriff or other person to whom it is directed not less than thirty-five days before it is returnable and shall require the sheriff or other person to summon at least—

(a) thirty six persons to appear and serve as jurors at each Court exercising its criminal jurisdiction; or

(b) twelve persons to appear and serve as jurors for a civil sittings of a court,

unless the Court or a Judge otherwise orders.

(3) Where a number of persons greater than the number specified in paragraph (a) or (b) of subsection (2) is summoned, the Court or a Judge may before a jury is empanelled excuse any of the number for such period during the sittings for which such persons were summoned as it or he orders and the persons to be so excused shall be determined by ballot.

Where, in any special circumstances, a Judge deems it necessary he may make an order amalgamating any two or more panels into a single panel for such period of that sittings for which such panels were summoned as he orders.

A panel of jurors compiled for a Court may be assigned by a Judge to another Court."

16. Amendment of s. 23. Section 23 of the Principal Act is amended by omitting from subsection (2) the word "two" and substituting the word "five".

17. Amendment of s. 24. Section 24 of the Principal Act is amended by omitting from subsection (2) the word "annual" where it twice occurs.

18. Amendment of s. 24A. Section 24A of the Principal Act is amended by—

(a) in subsection (2),

(i) numbering the existing provisions as paragraph (a);

(ii) in paragraph (a) as so numbered inserting after the word "determine" the words "for criminal and civil sittings respectively";

(iii) adding the following paragraphs:—

"(b) For the purposes of subsection (3) (a), the number of persons determined by the sheriff in respect of a criminal sittings or, as the case may be, a civil sittings shall be the total of the numbers determined in accordance with paragraph (a) in respect of all precepts and orders received by him which relate to that particular sittings.

(c) Where the sheriff is of the opinion that a further order or further orders to summon jurors is or are likely to be made during a sittings he may add to the number determined by him pursuant to paragraph (a) or (b), as the case requires, such number of persons that he deems sufficient to comply with any such order, if made, and the number arrived at shall in either case be deemed to be the number determined by him for the purposes of subsection (3) (a).";

(b) in subsection (3),

(i) omitting the words "on such determination" and substituting the words "with respect to each number determined";

(ii) adding at the end of subparagraph (a) the following words:—

"after deducting from that number the number of persons (if any) previously selected during the currency of that jury list as prospective jurors";

- (c) omitting subsection (4);
- (d) omitting from subparagraph (b) of subsection (5) the words “ or subsection (4) of this section, as the case requires ”;
- (e) in subsection (6),
- (i) inserting after the words “ as prospective jurors ” the words “ for the criminal or, as the case may be, the civil sittings ”;
- (ii) adding at the end of subparagraph (a) the following words:—
“ excluding those names (if any) previously selected during the currency of that jury list as prospective jurors ”;
- (iii) omitting from subparagraph (b) the words “ or subsection (4) of this section, as the case requires, ”;
- (f) omitting the word “ annual ” wherever occurring.

19. Amendment of s. 25. Section 25 of the Principal Act is amended by—

- (a) in subsection (1),
- (i) inserting at the end of the first paragraph the words “ which panel shall consist of at least the number of persons demanded in the precept or order ”;
- (ii) omitting from the second paragraph all words from and including the words “ take the names ” to the end of the paragraph and substituting the words “ determine the names by ballot and cause the names appearing in the panel to be in alphabetical order ”;
- (b) adding to subsection (1), at the end thereof, the following paragraph:—
“ Where more than one panel of jurors is required in respect of the same criminal or civil sittings the sheriff shall determine by ballot the sequence in which the panels shall be compiled.”.

20. Amendment of s. 26. Section 26 of the Principal Act is amended by—

- (a) inserting in subsection (2) after the words “ the sheriff shall ” the words “, if so ordered by the Court or a Judge, ”;
- (b) omitting from the first paragraph of subsection (5) all words from and including the words “ the next name ” to the end of the paragraph and substituting the words “ a name (and the prescribed particulars) determined by ballot, from the names remaining on the prospective jurors’ list and which does not appear on the panel of jurors ”;
- (c) adding at the end of subsection (5) the following paragraph:—
“ Where the Court excuses a person from attendance as a juror the addition of a name to the end of the panel shall be made only if so ordered by the Court or a Judge thereof.”.

21. Amendment of s. 26A. Section 26A of the Principal Act is amended by—

- (a) omitting from the heading thereto the words “ and adjusting certain lists ”;
- (b) omitting from subsection (1) the words “ of this section ” and substituting the words “ of section 13 ”;
- (c) omitting subsection (2);
- (d) omitting the word “ annual ” wherever occurring.

22. Amendment of s. 26B. Section 26B of the Principal Act is amended by omitting from subsection (5) the word “annual”.

23. Amendment of s. 27. Section 27 of the Principal Act is amended by—

(a) omitting from the heading thereto the word “book” and substituting the word “list”;

(b) omitting the words “book or ” wherever occurring;

(c) omitting the word “year” where twice occurring and substituting in each case the word “period”.

24. Amendment of s. 28. Section 28 of the Principal Act is amended by omitting the words “book or”.

25. Amendment of s. 29. Section 29 of the Principal Act is amended by—

(a) numbering the existing provisions as subsection (1);

(b) inserting in subsection (1) as so numbered after the word “amending” the words “by reducing”;

(c) inserting after subsection (1) as so numbered the following subsection:—

“(2) **Where order made for additional jurors or an extra panel.**

Where an order is made by the Court or a Judge for additional jurors or an extra panel of jurors to be summoned to attend on a date during a sittings of the Court in respect of which a prospective jurors’ list has been prepared and on which remains the names of prospective jurors the names of a sufficient number of persons to comply with the order may be determined by ballot from amongst those names so remaining.

The persons whose names are so determined shall be summoned to attend as jurors and shall be deemed to have been duly so summoned notwithstanding that the summonses were not served within the time prescribed.”.

26. Amendment of s. 31. Section 31 of the Principal Act is amended by—

(a) inserting after the word “precept” in the heading thereto and wherever occurring therein the words “or order”;

(b) omitting from the first paragraph the words “in open Court”.

27. Amendment of s. 32. Section 32 of the Principal Act is amended by adding at the end of subsection (1) the following paragraph:—

“It shall be the duty of the proper officer on each day on which a panel of jurors attends the Court to notify the sheriff forthwith in writing of the number and names appearing on the panel of those jurors who—

(a) have been empanelled on a jury;

(b) have been excused from attendance at the sittings and the period of such excusal; or

(c) have failed to attend and if fined for non-attendance, the amount of the fine, and to furnish to the sheriff in writing details of every order made for replacement of any juror excused and the date upon which the remaining jurors have been directed to again attend the Court.”

28. Amendment of s. 47. Section 47 of the Principal Act is amended by omitting the words “be less than thirty dollars” and substituting the words “exceed \$100”.

29. Amendment of s. 48. Section 48 of the Principal Act is amended by—

- (a) omitting from subparagraph (i) the words “jury book.”;
- (b) omitting from subparagraph (ii) the word “book.”.

30. Amendment of s. 49. Section 49 of the Principal Act is amended by—

- (a) omitting the words “court of petty sessions” where twice occurring and substituting in each case the words “Magistrates Court”;
- (b) omitting the words “twenty dollars” and substituting the expression “\$100”.

31. Amendment of s. 50. Section 50 of the Principal Act is amended by omitting the words “ten dollars” and substituting the expression “\$50”.

32. Amendment of s. 51. Section 51 of the Principal Act is amended by omitting from subparagraph (ii) of the second paragraph the words “or jury books”.

PART III—AMENDMENTS OF THE DISTRICT COURTS ACT 1967–1976

33. Citation. (1) The *District Courts Act 1967–1976* is in this Part referred to as the Principal Act.

(2) The Principal Act as amended by this Part may be cited as the *District Courts Act 1967–1976*.

34. Amendment of s. 52. Section 52 of the Principal Act is amended by omitting from the second paragraph the words “books or” where they twice occur.

35. Amendment of s. 53. Section 53 of the Principal Act is amended by omitting the words “books or” where they twice occur.

36. Amendment of s. 55. Section 55 of the Principal Act is amended by—

- (a) in subsection (1),
 - (i) inserting in the heading thereto after the word “precept” the words “or order”;
 - (ii) inserting after the word “precepts” where twice occurring the words “and orders”;
 - (iii) inserting after the word “precept” the words “or order”;

- (b) omitting subsection (2);
- (c) omitting subsection (3) and substituting the following subsection:—

“(3) **Number to be empanelled.** In respect of a District Court exercising its criminal jurisdiction, unless a Judge of the District Court otherwise orders the number required to be summoned to appear and serve as jurors shall be at least thirty-six persons.”;
- (d) omitting subsections (4) and (5).

PART IV—AMENDMENTS OF THE CRIMINAL CODE

37. Construction. This Part shall be read as one with *The Criminal Code*.

38. Amendment of s. 622. Section 622 of *The Criminal Code* is amended by omitting all the words from and including the words “necessary fire and lights” to the end thereof and substituting the words “with such accommodation, meals and refreshment as the Court may allow”.

39. Amendment of s. 628. Section 628 of *The Criminal Code* is amended by omitting the words “at the request of the accused person, and with the consent of the Crown,”.