

Queensland



# **JURY AMENDMENT ACT 1996**

**Act No. 80 of 1996**



# Queensland



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### TABLE OF PROVISIONS

Section	Page
1 Short title .....	4
2 Act amended .....	4
3 Amendment of s 4 (Qualification to serve as juror) .....	4
4 Amendment of s 12 (Duty of police) .....	5
5 Amendment of s 29 (List of persons summoned for jury service) .....	5
6 Amendment of s 36 (Sheriff to arrange for attendance of jury panel) .....	5
7 Amendment of s 51 (Jury to be informed of charge in criminal trial) .....	6
8 Replacement of s 78 (Transitional provision) .....	6
78 Transitional provision .....	6



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## **Jury Amendment Act 1996**

**Act No. 80 of 1996**

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**An Act to amend the *Jury Act 1995***

***[Assented to 12 December 1996]***

**The Parliament of Queensland enacts—****Short title**

1. This Act may be cited as the *Jury Amendment Act 1996*.

**Act amended**

2. This Act amends the *Jury Act 1995*.

**Amendment of s 4 (Qualification to serve as juror)**

3. Section 4(3)—

*omit, insert—*

‘(3) The following persons are not eligible for jury service—

- (a) the Governor;
- (b) a member of Parliament;
- (c) a local government mayor or other councillor;
- (d) a person who is or has been a judge or magistrate (in the State or elsewhere);
- (e) a lawyer actually engaged in legal work;
- (f) a person who is or has been a police officer (in the State or elsewhere);
- (g) a person who is or has been a correctional officer;
- (h) a person who is 70 years or more, if the person has not elected to be eligible for jury service under subsection (4);
- (i) a person who is not able to read or write the English language;
- (j) a person who has a physical or mental disability that makes the person incapable of effectively performing the functions of a juror;
- (k) a person who has been convicted of an indictable offence,

whether on indictment or in a summary proceeding;

- (1) a person who has been sentenced (in the State or elsewhere) to imprisonment.

‘(4) A person who is 70 years or more may elect to be eligible for jury service in the way prescribed under a regulation.’.

#### **Amendment of s 12 (Duty of police)**

4. Section 12, ‘sheriff of Queensland’—

*omit, insert—*

‘sheriff’.

#### **Amendment of s 29 (List of persons summoned for jury service)**

5. Section 29(5) and (6)—

*omit, insert—*

‘(5) A person who has received a copy of the list must return the copy to the sheriff as soon as practicable after the jury for the trial is selected, unless the person has disposed of it in the way directed by a judge under subsection (6).

Maximum penalty—10 penalty units or 2 months imprisonment.

‘(6) A judge may direct a person who has received a copy of the list to dispose of it as the judge directs.

‘(7) The sheriff must destroy copies of the list returned to the sheriff.’.

#### **Amendment of s 36 (Sheriff to arrange for attendance of jury panel)**

6. Section 36(3)—

*omit, insert—*

‘(3) The panel must be formed by selection from among the relevant prospective jurors in a way decided by the sheriff subject to any relevant direction issued by the Senior Judge Administrator under section 13(c).<sup>1</sup>’.

### **Amendment of s 51 (Jury to be informed of charge in criminal trial)**

7. Section 51(b), before ‘the jury’s’—

*insert—*

‘of’.

### **Replacement of s 78 (Transitional provision)**

8. Section 78—

*omit, insert—*

#### **‘Transitional provision**

‘78.(1) This section applies for all juries for which prospective juror notices were forwarded or given under the repealed Act, whether or not the juries had been formed before the repeal.

‘(2) The old law applies to the juries as if this Act had not been passed.

‘(3) Without limiting subsection (2), the old law applies to the following—

- (a) qualifications and liability of persons to serve as the jurors;
- (b) exemptions from serving as the jurors;
- (c) selection, notification, excusal and summoning of prospective jurors;
- (d) the jurors;
- (e) all proceedings for which the juries are formed.

‘(4) In this section—

“old law” means the statutory law of the State as in force immediately before the repeals and amendments made by this Act.

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<sup>1</sup> Section 13 (Practice directions)



**“prospective juror notice”** means notice forwarded or given by the sheriff under the repealed Act under a jury precept or court order or direction issued or made before the commencement.

**“repealed Act”** means the *Jury Act 1929* as in force immediately before its repeal.

**(5)** This section expires 6 months after it commences.’.