

Queensland



# JURY ACT 1929

**Reprinted as in force on 26 March 1994  
(includes amendments up to Act No. 40 of 1992)**

## **Reprint No. 1**

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the Office of the Queensland Parliamentary Counsel  
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# Information about this reprint

This Act is reprinted as at 26 March 1994. As required by section 5 of the Reprints Act 1992, it—

- shows the law as amended by all amendments that commenced on or before that day; and
- incorporates all necessary consequential amendments, whether of punctuation, numbering or another kind.

As required by section 6 of the Reprints Act 1992, the reprint includes a reference to the law by which each amendment was made—see List of legislation and List of annotations in Endnotes.

The opportunity has also been taken, under section 7 of the Reprints Act 1992, to do the following—

- use citations and references permitted by Division 2 of that Act;
- use updated references permitted by Division 3 of that Act;
- express gender specific provisions in a way consistent with current legislative drafting practice as permitted by section 24 of that Act;
- use gender neutral office names as permitted by section 25 of that Act;
- correct spelling, and use different spelling consistent with current legislative drafting practice, as permitted by section 26 of that Act;
- use punctuation and expressions consistent with current legislative drafting practice as permitted by sections 27 and 29 of that Act;
- use conjunctives and disjunctives consistent with current legislative drafting practice as permitted by section 28 of that Act;
- relocate marginal or cite notes as permitted by section 34 of that Act;
- use aspects of format and printing style consistent with current legislative drafting practice as permitted by section 35 of that Act;
- omit provisions that are no longer required as permitted by sections 36 and 39 of that Act;
- omit unnecessary referential words as permitted by section 41 of that Act;
- omit the enacting words as permitted by section 42A of that Act;
- use the numbering and renumbering of provisions and references permitted by section 43 of that Act.

Also see Endnotes for—

- **details about when provisions commenced; and**
- **any provisions that have not commenced and are not incorporated in the reprint.**

# Queensland



## JURY ACT 1929

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## **JURY ACT 1929**

[as amended by all amendments that commenced on or before 26 March 1994<sup>2</sup>]

### **An Act to consolidate and amend the law relating to juries**

## **PART 1—PRELIMINARY**

### **Short title and commencement of Act**

1. This Act may be cited as the *Jury Act 1929*, and shall, save as is hereinafter provided, commence and take effect on a date to be proclaimed by the Governor in Council by proclamation published in the Gazette<sup>3-9</sup>.

### **Interpretation**

3. In this Act—

“**card**”, with reference to the contents of a box prescribed by section 15, includes a parchment;

“**civil trial**” means a trial before a Court sitting in the exercise of any jurisdiction other than its criminal jurisdiction;

“**Court**” means the Supreme Court or a Judge thereof, and also, when necessary, includes a Circuit Court;

“**Court town**” means a city or town at which a Court is for the time being appointed to be held;

“**criminal trial**” means a trial before a Court, sitting in the exercise of its criminal jurisdiction, of any issue joined upon an indictment;

“**indictment**” means a written charge preferred against a person accused of a crime or misdemeanour in order to the person’s trial before a Court;

“**Judge**” means a Judge of the Supreme Court;

**“jury district”** means a jury district constituted under this Act;

**“jury list”** means a list of persons qualified and liable to serve on juries;

**“list”** means a jury list;

**“parchment”**, with reference to the contents of a box prescribed by section 15, includes a card;

**“random selection by computer”** means selected by computer in such manner as is determined from time to time by the sheriff of Queensland;

**“registrar”** means a registrar or deputy registrar of the Supreme Court;

**“senior male person”** means a male person who is not under 65 years of age but who is under 70 years of age;

**“sheriff”** means the sheriff, under sheriff, or deputy sheriff, or other officer for the time being required to perform or performing any of the duties of the sheriff under this Act, and includes any person performing any of the duties of a sheriff in the event of such sheriff being a party to a cause;

**“trial”** means any trial, issue, inquiry, or other proceeding, whether civil or criminal, for which a jury may lawfully be required.

### **General duties of sheriff**

**5.(1)** Subject to this Act, for the jury district of Brisbane, the sheriff of Queensland or, subject to the sheriff’s directions, the under sheriff, for the jury district of Townsville the northern sheriff appointed under the *Supreme Court Act 1895*, and for the jury district of Rockhampton the central sheriff appointed under the said Act, shall exercise and perform all the powers and duties by this Act conferred and imposed upon the sheriff.

**(2)** For the purposes of this Act, the Governor in Council may from time to time appoint for any other jury district an officer, to be called deputy sheriff, who shall exercise and perform all the powers and duties by this Act conferred and imposed upon the sheriff.

## **PART 2—QUALIFICATION AND EXEMPTION**

### **Qualification**

**6.(1)** Every person who is—

- (a) resident in Queensland; and
- (b) under 70 years; and
- (c) entitled to vote, pursuant to the *Elections Act 1915* (save pursuant to section 10 thereof) and to compliance therewith, as an elector at the election of a member of the Legislative Assembly;

shall, subject to this Act, be qualified and liable to serve as a juror at any trial within the jury district in which the person in question is shown by the rolls or other records for the time being kept in accordance with the said Elections Act to reside.

**(2)** Every person whose name is included in a jury list as a juror shall be liable to serve as such, notwithstanding that he or she may have been entitled by reason of some disqualification or exemption to claim that his or her name ought not to be included in such list as a juror.

**(3)** The provisions of subsection (2) shall not be construed to prevent the discharge by the sheriff or the Court from attendance as a juror of any person who establishes to the sheriff or, as the case may be, the Court that the person is disqualified or exempt from serving as a juror.

**(4)** When a person whose name appears on a panel of jurors is discharged from attendance on the ground that the person is disqualified or exempt from serving as a juror the provisions of section 26(5) to (7) shall operate and apply as if such person had been excused from attendance as a juror.

### **Disqualification**

**7.(1)** Subject to subsections (3) and (4), the undermentioned persons are not qualified to serve on any jury in any Court or on any occasion—

- (a) anyone who is not a natural-born or a naturalised subject of Her Majesty;
- (b) anyone convicted in any case specified in subsection (2) unless

the person has received a free pardon;

- (c) anyone who is an undischarged insolvent or bankrupt;
- (d) anyone who is not able to read and write the English language;
- (e) anyone who is of bad fame or repute.

(2) The cases to which subsection (1)(b) refer are—

- (a) conviction in Queensland or indictment of a crime or conviction elsewhere than in Queensland on indictment in respect of an act or omission that if done or made by a person in Queensland would have constituted a crime;
- (b) conviction in Queensland on indictment of an offence other than a crime or conviction elsewhere than in Queensland on indictment in respect of an act or omission that if done or made by a person in Queensland would have constituted an offence other than a crime punishable on indictment;
- (c) conviction in summary proceedings in Queensland of an indictable offence or conviction in summary proceedings elsewhere than in Queensland in respect of an act or omission that if done or made by a person in Queensland would have constituted an indictable offence that may have been dealt with in summary proceedings.

(3) Subject to subsection (4)—

- (a) conviction in a case referred to in subsection (2)(a) disqualifies the person convicted from serving on any jury in any Court or on any occasion absolutely;
- (b) conviction in a case referred to in subsection (2)(b) disqualifies the person convicted from serving on any jury in any Court or on any occasion for a period of 10 years from the date of conviction;
- (c) conviction in a case referred to in subsection (2)(c) disqualifies the person convicted from serving on any jury in any Court or on any occasion for a period of 5 years from the date of conviction.

(4) Conviction in a case referred to in subsection (2)(a), a case referred to in subsection (2)(b) or a case referred to in subsection (2)(c) where the Court makes a probation order in respect of the person convicted pursuant to section 17(1)(a) of the *Offenders Probation and Parole Act 1980*

disqualifies the person convicted from serving on any jury in any Court or on any occasion for a period—

- (a) in a case referred to in subsection (2)(a) or in a case referred to in subsection (2)(b)—of 5 years from the date of conviction;
- (b) in a case referred to in subsection (2)(c)—of 2 years from the date of conviction;

and, in relation to any such case and for the purposes of this subsection, the provisions of section 33 of the *Offenders Probation and Parole Act 1980* do not apply.

### **Exemption**

**8.(1)** The undermentioned persons are exempt from serving on any jury, and their names shall not be inserted in any jury list, and they shall not be summoned as jurors—

- (a) members of the Executive Council;
- (b) Members of Parliament;
- (c) Judges; members of the Land Court;
- (d) ministers of religion; officers of the Salvation Army who are lawfully authorised to celebrate marriages; monks, nuns and other members under vows of any religious community which requires its members to be under vows and postulants for membership of such a community;
- (e) barristers-at-law, solicitors, and conveyancers, and their clerks;
- (f) officers of Her Majesty's navy or army or of the defence force of Australia on full pay;
- (g) medical practitioners, dentists, pharmaceutical chemists, nurses, nursing aides and physiotherapists, all being duly registered or enrolled and in actual practice and members of the Queensland Ambulance Service within the meaning of the *Ambulance Service Act 1991*;
- (h) university professors and lecturers, registrars of universities, inspectors of schools, schoolmasters and schoolteachers actually employed as such, directors, principals, registrars and academic

staff of colleges of advanced education, and principals, secretaries and instructional staff of rural training schools;

- (i) chief executive of a department and any other persons who hold an office or a position in the public service that is equal to or higher than chief executive of a department;
- (j) persons employed in the Department of Justice;
- (k) commissioners, officers and employees of the Corrective Services Commission and persons appointed (otherwise than as volunteers) under the *Corrective Services Act 1988*;
- (l) persons employed in the Police Department;
- (m) persons employed in the Department of the Attorney-General;
- (n) masters and crews of vessels actually trading, and pilots duly licensed;
- (o) mining managers and engine-drivers, all being actually employed as such;
- (p) officers of Parliament, household officers and servants of the Governor, the chairperson and other members of the Totalisator Administration Board, and officers of the Parliamentary Commissioner for Administrative Investigations;
- (q) members of local governments;
- (r) commercial travellers actually employed as such, and journalists bona fide actually employed in court reporting, 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;
- (s) persons who are blind, deaf, or dumb, or are of unsound mind or are otherwise incapacitated by disease or infirmity;
- (t) senior male persons or female persons who have informed the sheriff, as prescribed by this Act, that they desire to be exempt from serving on any jury and whose exemption thus obtained continues in force as prescribed by this Act;
- (u) aircraft pilots regularly employed as such on Australian aircraft used in a public aerial transport service;

- (v) members of a Fire Brigade provided and maintained pursuant to section 9 of the *Fire Brigades Act 1964*;
- (w) such other persons as are exempted from service on juries by the Governor in Council by order in council published in the Gazette.

(2) The Governor in Council may from time to time by order in council—

- (a) exempt any person, or any persons included in any class of persons, specified in the order in council from service on juries; or
- (b) revoke or modify the exemption from service on juries prescribed in respect of any persons, or persons included in any class of persons, by an order in council under this subsection or by any provision of subsection (1)(a) to (v).

(3) A senior male person or a female person may, at any time (except while he or she is required to attend as a juror at the Court upon any day of the sittings in question of the Court) and from time to time by writing under his or her hand, inform the sheriff that he or she desires to be exempt from serving on any jury.

(3A) Upon receipt by the sheriff of such a writing the informant shall be exempt and, for so long as such exemption continues in force, shall continue to be exempt from serving on any jury within the jury district within which he or she was hitherto liable to so serve and within every other jury district within which he or she may thereafter be shown by the rolls or other records for the time being kept in accordance with the *Elections Act 1915* to reside.

(3B) An exemption obtained, pursuant to subsections (3) and (3A) shall continue in force for the period specified in the writing informing the sheriff as aforesaid and, if such a period is not specified, shall continue in force until the informant otherwise indicates as prescribed by subsection (6).

(4) Upon receipt by the sheriff of a writing referred to in subsection (3) the sheriff shall forthwith strike out (but not obliterate) the name and other particulars of the informant from such of them the current jury list, the prospective jurors' list and the panel of jurors intended to be summoned as contain the informant's name and shall take all steps necessary to ensure that the informant's name does not, during the period his or her exemption continues in force, appear in a jury list, a prospective jurors' list or a panel

of jurors intended to be summoned made or completed for his or her jury district after the date of the receipt by the sheriff of such writing.

(5) Where it appears to the sheriff of Queensland that an exemption of a senior male person or a female person obtained pursuant to subsections (3) to (3B) is of indefinite period the sheriff of Queensland shall take all steps necessary to ensure that until that person informs the sheriff in accordance with subsection (6) the name of that person is not included in any jury list prepared under section 13.

(6) A person exempt for an indefinite period pursuant to subsections (3) to (3B) may, at any time, inform the sheriff by writing under the person's hand that he or she no longer desires to be so exempt and shall furnish to the sheriff such particulars as the sheriff requires of the person for the purposes of this subsection.

(7) If the sheriff is satisfied that the person in question is otherwise qualified and liable to serve as a juror the sheriff (if the sheriff is not the sheriff of Queensland) shall forthwith notify the sheriff of Queensland that the person is no longer exempt from serving on any jury.

(8) Thereupon the sheriff of Queensland shall take all steps necessary to ensure that the person's name is included in the jury list in question as the name of a person apparently qualified, and not exempt, to serve as a juror.

### **Persons selected as jurors and prospective jurors temporarily exempted**

**8A.** 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 the person so serves unless the person elects to do so.

### **Disqualified person serving as juror not ground for questioning verdict**

**9.** The fact that a disqualified or exempted person has served as a juror in any trial shall not be a ground for questioning the verdict.

### **Court may excuse juror**

**10.(1)** The Court before which any person is summoned as a juror may, upon application, order that he or she shall be excused from attendance on any day on which it appears that he or she has to perform any duty requiring his or her personal attendance as candidate, returning officer, presiding officer, poll clerk, or scrutineer at any election of a member of Parliament of the State or of the Commonwealth, or at any election or poll in connection with any local government, water authority, or harbour board.

### **Special power of Court to excuse female**

**(2)** The Court before which any female is summoned as a juror may, upon her application, excuse her from attendance as a juror during a particular trial by reason of the issues to be tried thereat or the nature of the evidence likely to be given thereon.

### **General power**

**(5)** And, generally, the Court before which any person is summoned as a juror may, upon application made in open Court or in chambers by or on behalf of such person or the person's employer, in its discretion discharge such person from further attendance at such Court, or excuse the person from attendance for any period during the sittings of such Court.

## **PART 3—JURY DISTRICT**

### **Jury districts**

**11.(1)** For every Court town there shall be a jury district.

**(2)** The jury district in the case of Brisbane shall consist of such electoral districts or divisions of electoral districts as are determined by order in council.

**(3)** The jury district in the case of Ipswich shall be all that area that is within a radius of 10 km from the courthouse of that city less such part of that area as is determined by order in council to be excluded therefrom.

**(4)** The jury district in the case of Cairns shall be all that area that is determined by order in council to constitute such jury district, which area

may be identified in such manner as the Governor in Council thinks fit.

(5) The jury district of each other Court town is—

- (a) the area prescribed by regulation to be the jury district for the town; or
- (b) if no area is prescribed—all that area inside a radius of 13 km from the courthouse of the town.

## **PART 4—JURY LISTS**

### **Duty of Electoral Commissioner**

12. The Electoral Commissioner shall—

- (a) furnish to the sheriff of Queensland such information obtained in the course of duty by the Electoral Commissioner or the Electoral Commissioner's officers employed in the administration of the *Electoral Act 1992*; and
- (b) permit the sheriff of Queensland to have such access to that information;

as is required by the sheriff of Queensland for the purposes of this Act.

### **Jury lists**

13.(1) The sheriff of Queensland, from information furnished or obtained under section 12, before 31 December in each year and otherwise as the sheriff of Queensland considers necessary for the purposes of this Act, shall prepare for each jury district a jury list of persons who are apparently qualified to serve, and not exempt from serving, as jurors for that district.

(2) The sheriff of Queensland shall forward to each other sheriff the jury list for the other sheriff's jury district.

(3) From time to time as the sheriff considers necessary, the sheriff shall make or cause to be made such inquiries as appear to the sheriff to be reasonable and practicable for the purpose of ascertaining whether persons

whose names are on any list prepared under subsection (1) for the sheriff's jury district are not qualified or are exempt from serving as jurors for the jury district.

**(4)** The sheriff shall strike out from a list prepared under subsection (1) the name of any person whom the sheriff knows or ascertains under subsection (3) to be a person who is not qualified to serve, or is exempt from serving, as a juror for the jury district in question.

**(5)** Subsection (5A) does not apply to—

- (a) the jury district of Brisbane; and
- (b) any other jury district prescribed under section 24A(1)(b).

**(5A)** The sheriff—

- (a) shall cause the names of persons contained in the jury list for the sheriff's jury district to be numbered and for each of those numbers to be printed or written on separate cards of the same size and shape and having thereon respectively the name of the Court town for which the jury list has been made; and
- (b) shall put all those cards by themselves in the jurors in use box and there safely keep them to be used as prescribed.

**(5B)** The sheriff shall lock and seal the box and keep it and the jury list so that no person has access to the box or list except as prescribed.

**(6)** The sheriff on ceasing to be sheriff—

- (a) shall deliver the jury list; and
- (b) if the sheriff is sheriff for a jury district other than one referred to in subsection (5)—shall also deliver all boxes and cards relating to the jury list;

to the succeeding sheriff.

**(7)** Where, pursuant to subsection (4) or section 8(4), the sheriff strikes out from a list the name of any person, the sheriff of Queensland shall within 14 days from that date notify the Electoral Commissioner, in writing, of the name of that person.

### **Duty of police**

**14.(1)** It shall be the duty of police officers to render every assistance in the making of the jury lists and to undertake any inquiries that the sheriff or the Electoral Commissioner may require in the administration of this Act.

**(2)** In order to facilitate any such inquiries being undertaken, the sheriff or the Electoral Commissioner shall furnish to the police officers in question as early as practicable, and notwithstanding any other provision of this Act, such information in his or her possession as he or she considers will assist them to undertake the inquiries.

### **Boxes for cards**

**15.(1)** For every Court town, the sheriff shall provide and keep in the sheriff's office the following boxes, namely—

- (a) a box called the **“Jurors in Use”** box;
- (b) a box called the **“Jurors in Reserve”** box.

**(2)** Every such box shall have legibly painted thereon the name of the Court town for which it is provided and kept and the name of the box.

**(3)** Every such box—

- (a) shall be of substantial construction;
- (b) shall be of circular or octagonal shape with flat ends and an axle on each of such ends;
- (c) shall have an aperture, which aperture shall be provided with a lid capable of being locked, be equidistant from each end of the box, and be of sufficient size to admit the hand.

**(4)** The sheriff shall provide and keep in the sheriff's office a frame of substantial construction so that when placed horizontally on such frame the jurors in use box can easily be made to revolve on its axles in the manner and for the purposes prescribed.

**(5)** The sheriff shall cause every box which the sheriff is required by this section to provide and keep in the sheriff's office to be at all times securely locked, and shall keep the keys thereof in safe custody, so that no person shall have access to the contents of the box except as prescribed.

(6) This section does not apply to Court towns in respect of jury districts referred to in section 24A(1).

## **PART 5—NUMBER AND FEES OF JURORS**

### **Number of jurors in criminal cases**

**17.(1)** Subject to this Act and to section 628 of the Criminal Code relating to the discharge of a juror upon a criminal trial and the trial proceeding with the remaining jurors, every criminal trial shall be had before a jury of 12 persons.

(2) The Court in which a criminal trial is to be held may direct that, in addition to the 12 jurors, not more than 3 persons shall be chosen and returned as reserve jurors.

(3) Reserve jurors—

- (a) shall have the same qualifications; and
- (b) shall be called and empanelled in the same manner; and
- (c) shall be subject to the same challenges and liability to be stood by and to be discharged; and
- (d) shall take the same oath; and
- (e) shall have the same functions, powers, facilities, entitlements and privileges;

as jurors and for that purpose the law in respect of jurors shall apply to and in relation to reserve jurors with such modifications as are required by this section.

(4) A juror who, prior to the time the jury retires to consider its verdict, dies or becomes incapable of or disqualified from or is discharged from performing his or her duties shall be replaced by a reserve juror who if there is more than 1 reserve juror available, shall then be determined by lot in such manner as the Court determines.

(4A) Section 628 of the Criminal Code does not apply prior to that time if there are sufficient reserve jurors to have a jury of 12 persons including

replacements.

(5) When a reserve juror, who has not replaced a juror, dies or becomes incapable of or disqualified from or discharged from performing his or her duties, the trial is not affected thereby.

(6) Immediately before the jury retires to consider its verdict, a reserve juror who has not replaced a juror shall be discharged.

### **Number of jurors in civil cases**

18. Subject to this Act, every civil trial had before a jury shall be had before a jury of 4 persons.

### **Fee for jury in civil cases**

20.(1) 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.

(2) In any case where such sum has been duly paid and no trial is held and no juror duly summoned attends the Court for service as a juror at the trial, that sum less the amount (if any) necessarily expended by the sheriff in notifying jurors that their attendance will not be required at the trial shall on demand be returned to the party who paid the same.

### **Compensation to jurors**

21.(1) Every juror duly summoned who attends the Court for the purpose of a jury being chosen and every tales whose name has been added to the panel shall be entitled, whether or not he or she actually serves on a jury, to receive compensation for attendance and for travelling expenses.

(2) A juror shall be entitled to—

- (a) compensation referred to in subsection (1) at a rate prescribed from time to time by rules of court for each day on which he or she is required to attend and actually attends the Court; and
- (b) being a juror to whom a rule of court authorised by subsection (3)

applies, compensation in accordance with that rule.

(3) A rule of court may prescribe that, where a jury has sat on a trial that has continued for 20 days (exclusive of Saturdays and Sundays), whether or not in the presence of the jury for the whole of that period—

- (a) a juror on that jury shall be entitled to compensation at the rate and subject to the conditions prescribed by rules of court for each day (other than Saturday or Sunday) of any period, being not longer than 5 days, for which the trial is thereafter adjourned or for which the juror is thereafter not required to attend the Court during the continuance of the trial;
- (b) a juror on that jury shall be entitled to such compensation as the trial Judge or, in the trial Judge's absence, another Judge of like jurisdiction considers just and so orders for each period (exclusive of Saturdays and Sundays), being longer than 5 days, for which the trial is thereafter adjourned or for which the juror is thereafter not required to attend the Court during the continuance of the trial.

### **Additional compensation in certain cases**

**21A.** In addition to the compensation to which a juror is entitled pursuant to section 21, he or she is entitled to receive compensation as follows if the circumstances referred to are applicable to him or her that is to say—

- (a) for each day for which the juror is paid compensation (excluding compensation for travelling expenses) after the 60th day up to and including the 120th day, an amount equal to 10% of the amount of compensation so paid;
- (b) for each day for which the juror is paid compensation (excluding compensation for travelling expenses) after the 120th day up to and including the 180th day, an amount equal to 15% of the amount of compensation so paid;
- (c) for each day for which the juror is paid compensation (excluding compensation for travelling expenses) after the 180th day, an amount equal to 20% of the amount of compensation so paid.

**Governor in Council may authorise ex gratia payments to jurors in certain cases**

**21B.(1)** A juror who has sat on a trial that has continued for 30 days or more (exclusive of Saturdays and Sundays) may make application to the Minister for authorisation by the Governor in Council of payment to him or her of a nominated sum of money representing, in whole or in part, financial loss suffered by that juror because of his or her inability to carry on his or her business or follow his or her occupation whilst sitting on that trial.

(2) An application under subsection (1) shall be in writing and accompanied by full details and documentation of the financial loss claimed to have been suffered.

(3) On receipt of an application, the Minister shall cause to be made such inquiries as the Minister thinks necessary or desirable to ascertain the accuracy of the financial loss claimed to have been suffered and, upon the completion of the inquiries, the Minister shall recommend to the Governor in Council whether or not a payment should be made to the applicant and, if so, the amount of such payment.

(4) If the Minister recommends that an amount should be paid in the circumstances, the Minister shall take into account any compensation received by the applicant pursuant to sections 21 and 21A.

(5) Upon a consideration of the recommendation of the Minister and the details, documentation and other matters relevant, in the opinion of the Governor in Council, to the recommendation, including compensation received by the applicant pursuant to sections 21 and 21A, the Governor in Council may in the Governor in Council's absolute discretion—

- (a) authorise that an ex gratia payment of an amount determined by the Governor in Council be made to the applicant for or towards financial loss suffered; or
- (b) determine that an ex gratia payment shall not be made.

(6) The applicant may be a reserve juror or a tales where he or she has suffered financial loss in the circumstances referred to in this section.

**Jury precepts**

**22.(1)** 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.

**(1A)** The form of a jury precept may be prescribed by rules of court and thereupon such a precept shall be in or to the effect of the prescribed form.

**(1B)** Until the form thereof is so prescribed a jury precept shall be in or to the effect of the following form—

**THE JURY ACT 1929**

*Jury precept*

To the sheriff of Queensland or his or her deputy.

Pursuant to the abovementioned Act you are required to cause to attend before the [*insert the style of the Court*] Court exercising its criminal or as the case may be civil jurisdiction at the courthouse at , on [*here insert the day of the week*], the day of , 19 , and from day to day thereafter, persons of the jury district of aforesaid, duly qualified according to law as jurors to make a jury for all such matters as shall be required of them during such attendance.

You are further required to produce this precept with a panel annexed thereto containing the names of those jurors as by law is required of you.

Dated this day of , 19 .

By the Court,

A.B., Registrar [*or associate*].

**(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 35 days before it is returnable and shall require the sheriff or other person to summon at least—

- (a) 36 persons to appear and serve as jurors at each Court exercising its criminal jurisdiction; or
- (b) 12 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 subsection (2)(a) or (b) 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 the Court or a Judge orders and the persons to be so excused shall be determined by ballot.

(4) Where, in any special circumstances, a Judge deems it necessary the Judge may make an order amalgamating any 2 or more panels or part or parts thereof into a single panel for such period of that sittings for which such panels were summoned as the Judge orders.

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

### **Information regarding prospective jurors prohibited**

**23.(1)** A person shall not—

- (a) give notice of the day or time on or at which the sheriff will proceed to draw the names of persons as prospective jurors;
- (b) give any information concerning the names or the order of names appearing on a prospective jurors' list;
- (c) give notice of the day or time on or at which the sheriff will proceed to compile a panel of jurors intended to be summoned.

### **Panel of jurors to be published**

(2) Not more than 5 days before the jury precept is returnable or, where jurors have been summoned pursuant to an order of the Court to summon jurors, before the date upon which such persons are required to first attend as jurors at the Court the sheriff shall cause the panel of jurors to be published in some conspicuous place in the courthouse where the jurors summoned are thereby required to appear.

### **Prospective jurors' list**

**24.(1)** Upon receipt of a jury precept or upon the making by the Court of an order to summon jurors the sheriff shall proceed to draw the names of persons as prospective jurors at the Court for which such precept or order

has been issued.

(1A) Such drawing shall be conducted in the presence of a registrar or, where the sheriff is a registrar, in the presence of another officer of the Supreme Court or of the Magistrates Court.

(2) For the purpose of such drawing the sheriff shall cause the jurors in use box for the proper jury district to revolve on its axles for a convenient time and immediately thereafter shall draw out of such box such number of cards, one after another, as, having regard to possible excusals pursuant to this Act, the sheriff considers sufficient to provide a panel of persons to be summoned as jurors to be annexed to such precept or order upon its return.

(2A) As each card is so drawn from the box the sheriff shall—

- (a) refer to the corresponding number in the jury list then current; and
- (b) read aloud the name designated by such number; and
- (c) then and there cause such number and name together with the place of abode and the occupation or description of the person so named (as shown on the jury list) to be entered on a list called the **“prospective jurors’ list”** for the purpose of providing such panel.

(3) When the prospective jurors’ list has been made as prescribed the sheriff shall—

- (a) sign such list and seal the same with the sheriff’s seal of office; and
- (b) keep in a safe place the cards drawn from the jurors in use box for the purpose of such list until after the return date of such precept or, in the case of an order of the Court, until after the date upon which the persons whose names appear on such list may be required to first attend as jurors; and
- (c) cause to be given to each person whose name appears on such list a notice that the person may be required to attend as a juror at the Court specified therein.

(3A) Such notice shall be in or to the effect of the prescribed form and shall incorporate or be accompanied by a form of questionnaire calculated to elicit from the person to whom such notice is directed—

- (a) whether the person is qualified and liable to serve as a juror and, if

the person claims to be not so qualified and liable, the reason therefor; and

- (b) whether the person applies to be excused from service as a juror and, if the person does so, the ground upon which the person so applies; and
- (c) where such person is a senior male person or a female person, whether he or she seeks exemption from serving on any jury without assigning any reason therefor.

(4) A person to whom a notice is given pursuant to subsection (3) shall truthfully complete the form of questionnaire incorporated therein or given therewith and shall return such form to the sheriff within the time allowed therefor by the sheriff in such notice.

(4A) If a person contravenes or fails to comply with the foregoing provision, the person is guilty of an offence and liable to a penalty not exceeding \$100.

(4B) Where such person, being a senior male person or a female person, indicates in such form of questionnaire that he or she seeks exemption from serving on any jury such form so completed, shall be deemed to be a writing given to the sheriff under section 8(3) and the provisions of section 8(3) to (8) shall apply in respect of such writing and of the senior male person or the female person in question accordingly.

(5) This section does not apply in respect of jury districts referred to in section 24A.

### **Prospective jurors' lists in Brisbane etc. districts**

**24A.(1)** This section applies to—

- (a) the jury district of Brisbane; and
- (b) any other jury district to which this section is prescribed, by order in council, to apply.

(2) Upon receipt of a jury precept or upon the making by the Court of an order to summon jurors, the sheriff shall determine for criminal and civil sittings respectively the number of persons as prospective jurors that the sheriff deems sufficient, having regard to possible excusals pursuant to this Act, to provide a panel of persons to be summoned as jurors to be annexed

to the precept or order upon its return.

(2A) 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 the sheriff may add to the number determined by the sheriff under subsection (2) such number of persons that the sheriff considers sufficient to comply with such further order or orders.

(2B) The number determined under subsection (2) together with the number added thereto under subsection (2A) is to be taken to be the number determined under subsection (2) in lieu of the number first determined under that subsection.

(3) The sheriff (other than the sheriff of Queensland) shall forward to the sheriff of Queensland each number determined under subsections (2) to (2B).

(4) The sheriff of Queensland with respect to each number determined under subsections (2) to (2B) shall cause a random selection by computer to be made from information furnished or obtained under section 12 for each jury district in order to prepare a jury list, called the “**prospective jurors’ list**”.

(4A) The random selection by computer is to be made from the names of electors for each jury district who are apparently qualified to serve, and not exempt from serving, as jurors for that district for the criminal or, as the case may be, the civil sittings of the Court for which the precept or order has been issued.

(5) In the preparation of the prospective jurors’ list, the sheriff of Queensland shall cause—

- (a) the name of each person selected together with the place of abode and the occupation or description of the person (as shown on the jury list) to be entered on the prospective jurors’ list;
- (b) to be produced a notice, addressed to each person whose name appears on the list, that the person may be required to attend as a juror at the Court specified therein.

(6) The notice referred to in subsection (5)(b) shall be in or to the effect of the form prescribed and shall incorporate a form of questionnaire calculated to elicit from the person to whom it is directed—

- (a) whether the person is qualified and liable to serve as a juror and, if

the person claims to be not so qualified and liable, the reason therefor; and

- (b) whether the person applies to be excused from service as a juror and, if so, the ground upon which the application is made; and
- (c) where the person is a senior male person or a female person, whether exemption from serving on any jury is applied for without giving any reason therefor.

(7) The sheriff of Queensland shall cause each notice produced to be forwarded to the person named in the notice at the address shown therein.

(8) The sheriff of Queensland shall sign the prospective jurors' list, seal it with his or her seal of office and forward it to the sheriff.

(9) A person to whom a notice is given pursuant to subsection (7) shall truthfully complete the form of questionnaire incorporated therein and return it to the sheriff within the time specified in the notice.

(9A) A person who contravenes or fails to comply with subsection (9) commits an offence against this Act.

Maximum penalty—2 penalty units.

(10) A person referred to in subsection (9) who is a senior male person or a female person may indicate in the form of questionnaire that application is made for exemption from serving on any jury.

(11) Such a form, so completed, is to be given the same effect as if it were a writing given to the sheriff under section 8(3) and the provisions of section 8(3) to (8) apply to the form and the senior male person or female person accordingly.

### **Summoning of jurors**

**25.(1)** Upon the expiration of the time allowed for the return to the sheriff of the forms of questionnaire referred to in sections 24 and 24A the sheriff shall strike out (but not obliterate) from the prospective jurors' list the name of each person—

- (a) who, in the sheriff's opinion, cannot be located or is not qualified and liable to serve as a juror; or
- (b) who is, pursuant to this Act, excused from service as a juror; or

- (c) who, being a senior male person or a female person, is exempted from serving on any jury under section 8(3) to (3B);

and shall then, in accordance with the jury precept or order of the Court, compile from the names remaining on that list a panel of jurors intended to be summoned which panel shall consist of at least the number of persons demanded in the precept or order.

**(1A)** Such a panel shall contain the names, places of abode and the occupations or descriptions of the jurors intended to be summoned and, for the purpose of compiling such panel, the sheriff shall determine the names by ballot or random selection by computer and cause the names appearing in the panel to be in alphabetical order.

**(1B)** Where more than 1 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.

**(2)** If, at any time before the return of the jury precept or, in the case of an order of the Court to summon jurors, before the date upon which the jurors are required to first attend as jurors, it appears to the sheriff that there are insufficient names remaining on the prospective jurors' list to duly complete a panel of jurors intended to be summoned the sheriff may, in any case to which section 24 applies, add, subject to section 24(1) to (2A), such number of names as the sheriff considers sufficient for the purpose of duly completing the panel.

**(2AA)** In respect of the persons whose names are so added the sheriff shall proceed as prescribed by section 24(3) and (3A).

**(2A)** If at any time before the return of the jury precept or, in the case of an order of the Court to summon jurors, before the date upon which the jurors are required to first attend as jurors, it appears to the sheriff that there are insufficient names remaining on the prospective jurors' list to duly complete a panel of jurors intended to be summoned, the sheriff may, in any case to which section 24A applies, determine the number of persons as prospective jurors that the sheriff deems sufficient, having regard to possible excusals pursuant to this Act, for the purpose of duly completing the panel, and upon such a determination the selection of those persons as prospective jurors shall, with all necessary adaptations, be made and notices shall be produced in accordance with the provisions of section 24A in respect of the compilation of the prospective jurors' list and the production

of notices in the first instance.

(2B) The procedure to be followed in respect of the persons whose names are added to the prospective jurors' list is that prescribed by section 24A.

(3) When a panel of jurors has been duly completed the sheriff shall issue to each juror named therein a summons.

(3A) Such a summons shall be in or to the effect of the prescribed form and, until otherwise prescribed, shall be in or to the effect of the following form—

## THE JURY ACT 1929

### *Summons to a juror*

Jury District of

In the

Court at

To

In obedience to (*insert the words 'a jury precept' or 'an enlarging order of the Court' whichever are appropriate*) directed to me I hereby require you to appear and serve as a juror at the (*title of Court*) Court at on the day of 19 , at o'clock in the noon of that day, and subject to the *Jury Act 1929* you are to attend the said Court from day to day until you are discharged by the said Court.

Given under my hand this day of , 19 .

Sheriff

(4) Where the sheriff is satisfied that because of insufficient time between the date of the receipt by the sheriff of a jury precept or, as the case may be, of the making of an order of the Court to summon jurors and the day when the jurors intended to be summoned would be required to appear at the Court in question it is not practicable to comply with all of the provisions of section 24 or 24A as the case requires and of subsections (1) to (3A) of this section the sheriff may issue a summons to a juror to each person whose name appears on the prospective jurors' list at the same time as the sheriff gives the notices and forms of questionnaire prescribed by section 24 or 24A as the case requires or without giving such notices and forms.

(5) Where the sheriff intends to act in accordance with subsection (4) the sheriff may request the sheriff of Queensland to forward the notices and forms prescribed by section 24A to the sheriff and the sheriff of Queensland shall comply with the request.

(6) Such forms and notices when given by the sheriff shall be deemed to be a compliance with section 24A(7).

(7) When the sheriff acts pursuant to subsection (5) the prospective jurors' list shall be deemed to be the panel of jurors intended to be summoned.

### **Power to excuse jurors**

**26.(1)** Subject to this subsection, when the sheriff is of the opinion that any person to whom a notice prescribed by section 24 or 24A has been directed or who has been summoned to attend as a juror—

- (a) has not received such notice; or
- (b) cannot be served with such summons; or
- (c) is unable to attend at the Court because of illness, any medical reason or family responsibility; or
- (d) has not an adequate knowledge of the English language; or
- (e) is not qualified and liable to serve as a juror or is otherwise entitled to be excused from attendance as a juror; or
- (f) should be excused for good cause from attendance as a juror and has indicated in the form of questionnaire prescribed by section 24 or 24A that the person wishes to be so excused or has otherwise applied in writing to be so excused;

the sheriff may—

- (g) where such notice has been directed or summons issued pursuant to a jury precept—at any time before the jury precept, is returned; or
- (h) where such notice has been directed or summons issued pursuant to an order of the Court to summon jurors—at any time before the date upon which such person may be required or is required to first attend as a juror at the Court;

excuse such person from attendance as a juror at the Court in question.

**(1AA)** Where the person to whom a notice prescribed by section 24 or 24A has been directed or who has been summoned to attend as a juror is—

- (a) a salaried officer of an asylum or hospital; or
- (b) an employee of a local government; or
- (c) a person holding any office or employment in or under any department of the public service;

and the manager of the asylum or hospital in question or the chief executive officer of the local government in question or, as the case may be, the chief executive of the department in question certifies that due to the nature of the person's duties the attendance of that person as a juror would detrimentally affect the service to the public performed by that person the sheriff shall—

- (d) where such notice has been directed or summons issued pursuant to a jury precept—at any time before the jury precept is returned; or
- (e) where such notice has been directed or summons issued pursuant to an order of the Court to summon jurors—at any time before the date upon which such person may be required or is required to first attend as a juror at the Court;

excuse such person from attendance as a juror at the Court in question.

**(1AB)** In this subsection—

**“family responsibility”** means that obligation to which the prospective or summoned juror in question is subject which—

- (a) requires the person's presence elsewhere than at the Court in question for the purpose of caring for the day to day needs of any person resident in the place of abode of such juror, or for such needs of any other person where such care is provided otherwise than under a contract or arrangement which requires payment or reward to be made or given therefor; and
- (b) in the opinion of the sheriff reasonably prevents such juror from attendance as a juror at the Court.

**(1A)** Subject to subsection (1) and without limiting subsection (1)(f)—

- (a) where a person to whom a notice prescribed by section 24 or 24A

has been directed or who has been summoned to attend as a juror applies in writing to the sheriff to be excused from attendance as a juror on the ground of—

- (i) economic hardship likely to be caused to the person, the person's family or persons dependent on the person's earnings or income, whether the person is an owner of a business or an employee, as a consequence of jury service;
  - (ii) business commitments requiring the person's presence at the person's place of business having regard to the nature of the business;
  - (iii) business commitments requiring the person's presence at the person's place of business or at some other place related to the business having regard to the person's special skills or knowledge of the business whether as owner of the business or as manager thereof or employee thereof in some other capacity;
  - (iv) the person's inability to make or have made for the person adequate or satisfactory arrangements for the person's replacement in the performance of the person's functions or the carrying out of the person's duties in the person's business or the business in which the person is engaged or employed having regard to the nature of the business or the staffing arrangements in existence in respect of the business;
  - (v) business commitments requiring the person's presence outside the jury district in question; or
- (b) where the employer of a person to whom a notice prescribed by section 24 or 24A has been directed or of a person who has been summoned to attend as a juror applies in writing to the sheriff for the excusing from attendance of the employee as a juror on the ground that serious inconvenience will be caused to the working arrangements or operation of the business of the employer by reason of the absence of the employee on service as a juror;

the sheriff, upon a consideration of the ground on which the application is made and the particulars thereof (and, if the sheriff considers it necessary or desirable to do so in a case to which paragraph (b) refers, the ascertainment of the views of the employee with respect to the employer's application),

may—

- (c) where the notice has been directed or summons issued pursuant to a jury precept—at any time before the jury precept is returned;
- (d) where the notice has been directed or summons issued pursuant to an order of the Court to summon jurors—at any time before the date upon which the person in question may be required or is required to first attend as a juror at the Court;

excuse such person from attendance as a juror at the Court in question.

**(1BA)** The applicant shall set out fully the particulars of the ground upon which the applicant makes the application.

**(1B)** Where a person to whom a notice prescribed by section 24 or 24A has been directed and who has received the notice receives a further such notice within 12 months of the receipt by the person of the first notice, the person may apply in writing to the sheriff to be excused from attendance as a juror at the Court in respect of the sittings to which the further notice relates and, where the person so applies and the sheriff is satisfied that the further notice has been received by the applicant within 12 months of the receipt by the applicant of the first notice, the sheriff shall excuse the applicant from attendance as a juror at the Court in respect of the sittings in question.

### **Sheriff to produce records**

**(2)** Upon the day and at the place named in the jury precept or, as the case may be, order to summon jurors for the appearance of the jurors the sheriff shall, if so ordered by the Court or a Judge, produce to the Court—

- (a) all forms of questionnaires returned to the sheriff by prospective jurors notified pursuant to such precept or, as the case may be, order;
- (b) all applications and claims to be excused from attendance as jurors received by the sheriff from the persons notified or summoned pursuant to such precept or, as the case may be, order or from employers of such persons;
- (c) all documents in the sheriff's possession relating to such applications or claims;

and shall inform the Court of the reasons that any person has been excused

by the sheriff from attendance as a juror at such Court.

### **Certificates of excusal**

(3) When a Court is of the opinion that the reason for its excusing a person from attendance as a juror is of a continuing nature it may order that the sheriff issue to such person a certificate to continue in force for such period and subject to such conditions as the Court orders.

(3A) When the sheriff is of the opinion that the reason for excusing a person from attendance as a juror is of a continuing nature the sheriff may issue to such person a certificate to continue in force for the period and subject to the conditions specified therein.

(3B) Unless the sheriff is satisfied that the person in question no longer has good cause to be so excused, the sheriff shall, as often as the occasion should require it, excuse from attendance as a juror a person to whom a certificate has been issued under subsection (3) or (3A), if such certificate remains in force, and who applies to the sheriff to be so excused by production, of such certificate or otherwise.

### **Power of Court to excuse not affected**

(4) The provisions of this section shall not be construed to affect the power of a Court to excuse any person from attendance as a juror.

### **Substitution of juror for juror excused**

(5) When a person whose name appears on a panel of jurors is excused from attendance as a juror the sheriff shall strike out (but not obliterate) from the panel the name of the person so excused and shall add to the end of the panel a name (and the prescribed particulars) determined by ballot or, as the case may be, random selection by computer, from the names remaining on the prospective jurors' list and which does not appear on the panel of jurors.

(6) The person whose name is so added shall be summoned to attend as a juror and shall be deemed to have been duly so summoned notwithstanding that the summons was not served within the time prescribed.

(7) 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.

### **Disposal of jury cards**

**26A.(1)** Cards drawn from the jurors in use box for the purpose of compiling a prospective jurors' list shall be dealt with in the following manner—

- (a) the sheriff shall place in the jurors in reserve box each such card which bears a number identical with a number which, in the jury list, designates a person—
  - (i) who attends the Court pursuant to a summons to attend as a juror; or
  - (ii) who has been excused from attendance as a juror by the Court or the sheriff for a reason which appears to the Court or, as the case may be, sheriff to be likely to continue to the next ensuing making of the jury list;
- (b) the sheriff shall keep safely apart from cards to be otherwise disposed of under this section each such card which bears a number identical with a number which, in the jury list, designates a female person who is exempt from serving on any jury for a period which is not likely to continue to the next ensuing making of the jury list for so long as she continues to be so exempt and thereafter shall return such card to the jurors in use box;
- (c) the sheriff shall return to the jurors in use box the remainder of such cards.

**(2)** The cards placed in the jurors in reserve box shall remain therein until the remaining cards in the jurors in use box have been drawn out for the purposes of this Act or until the cards so placed are required to be used afresh in connection with the next ensuing making of the jury list.

**(3)** This section does not apply in respect of jury districts referred to in section 13(2).

### **Service of notices, questionnaires and summonses**

**26B.(1)** A notice or form of questionnaire to be given under section 24 or 24A or a summons issued under section 25 shall be duly given to the person to whom it is directed if—

- (a) it is served personally upon the person; or

- (b) it is sent by post addressed to the person at the person's place of abode; or
- (c) it is left at the person's place of abode in a sealed envelope addressed to the person.

(2) Unless the Court otherwise orders, a summons issued under section 25, if it is sent by post, shall be posted at least 6 clear days before the date upon which the person to whom it is directed is required to first attend as a juror or, if it is served personally upon or is left at the place of abode of the person to whom it is directed, shall be so given at least 4 clear days before such date.

(3) The sheriff shall cause every such notice, form of questionnaire or summons which is to be sent by post to be enclosed in an envelope which shall be sealed and shall bear thereon an address to which such document may, subject to any law or regulation of the Commonwealth, be returned in the event of its non-delivery and shall deliver the document to a post office or shall cause such document to be so delivered by another person designated by the sheriff.

(4) A certificate purporting to be under the hand and seal of office of the sheriff and endorsed, in the case of a notice or form of questionnaire, upon a copy of the prospective jurors' list in question or, in the case of a summons, upon a copy of the panel of jurors intended to be summoned in question, that—

- (a) a notice, form of questionnaire or summons was sent by post as prescribed to a person whose name appears on such list or, as the case may be, panel on a date therein certified; and
- (b) such notice, form of questionnaire or summons would, in the ordinary course of post, be delivered to the place of abode of such person at the time therein certified; and
- (c) such notice, form of questionnaire or summons has not been returned to the address shown as prescribed upon its non-delivery;

shall be evidence and, in the absence of evidence to the contrary, conclusive evidence of the matters contained in such certificate.

(5) In this section—

**“place of abode”** means, in relation to any person whose name appears on

the prospective jurors' list in question, the person's place of abode shown on the current jury list, whether as that current list was first compiled or as altered from time to time by the sheriff (the sheriff being hereby empowered so to do) and in relation to any person whose name appears on the panel of jurors intended to be summoned in question means in addition, the person's place of abode shown on the prescribed form of questionnaire which the person has completed and returned to the sheriff.

### **Jury list destroyed etc.**

27. If at any time a jury list for a jury district has not been prepared under section 13 or the current jury list has been destroyed or lost or has become unfit for use or there has been a computer malfunction, the names of jurors, if the sheriff considers necessary, may be taken from the jury list last in existence for that jury district.

### **Sheriff not liable for error**

28. The sheriff shall not be liable for placing upon any panel and returning the name of any person named in a jury list who is not qualified or liable to serve on juries.

### **Oral precepts and amending panel**

29.(1) The Supreme Court and all Circuit Courts shall respectively have and exercise the same power and authority as they have heretofore had or exercised in making any award or order orally or otherwise for the return of a jury for the trial of any issue before any of such Courts respectively or for the amending by reducing or enlarging any such panel, and the return to every such award or order shall be made in the manner heretofore used and accustomed in such Courts, respectively, save and except that the jurors so returned shall be qualified according to this Act.

### **Where order made for additional jurors or an extra panel**

(2) 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.

(3) 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.

### **Notice where jury not required to attend**

30. If, between the date of the issue of the summonses to jurors and the date on which the Court is appointed to be held, it is ascertained that the attendance of the jurors summoned will not be required at that Court, the sheriff for the jury district shall, so far as is practicable, cause notice in writing of that fact to be delivered personally to every such juror or sent by post to or left at the juror's place of abode last known to the sheriff, and thereupon such juror shall not be required to attend such Court.

## **PART 7—FORMATION OF JURIES**

### **Sheriff to return precept or order and panel with cards**

31.(1) Upon the day and at the place named in the precept or order for the appearance of the jurors, the sheriff for the jury district shall deliver the precept or order, with the panel annexed, to the proper officer of the Court, and shall furnish to the proper officer the names of the jurors with their respective places of abode and occupations or descriptions written on separate cards being all of equal size and shape.

(2) Such officer shall thereupon from such cards, call aloud the names of the jurors one after another, and the jurors present shall answer to their names.

(3) Such officer shall then, in open Court, put such cards in a box provided for that purpose, and there keep the same to be used as hereinafter mentioned.

### **Mode of choosing jury**

**32.(1)** When any trial or any issue joined on any indictment or in any civil action or other civil proceeding shall be brought on to be tried in any Court the proper officer shall mix the cards within the box, and shall then, according to the practice of the Court, proceed to draw cards, one after another, out of the box and call aloud the name on each card until the full number of jurors appears and remains approved as indifferent.

### **Panel to be gone through before final challenge**

**(1AA)** However, the proper officer shall proceed as aforesaid until all the cards in the box have been drawn out unless the full number of jurors has been sooner approved.

**(1AB)** The cards bearing the names of such jurors as have then been approved shall be set apart by themselves.

**(1AC)** The cards bearing the names of all the remaining jurors shall as they are drawn out be set aside.

**(1AD)** If, when all the cards have been so drawn out, the full number of jurors has not been approved, such number or the remaining jurors, as the case may require, shall be obtained in manner following—

the officer shall return to the box all the cards bearing the names of all the remaining jurors which have been set aside as aforesaid, and shall mix the cards within the box, and shall then proceed to draw cards one after another out of the box and call aloud the name on each, and the respective parties may exercise the right of challenge of jurors hereinafter mentioned, until the full number of jurors remain approved as aforesaid.

**(1AE)** 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; or
- (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.

**Standing jurors by limited**

(1A) The power of the Court in a criminal trial, upon application on behalf of the Crown, to order any juror to stand by is limited so that the number of jurors so ordered to stand by shall not exceed the number of peremptory challenges allowed to the person arraigned or, where more persons than 1 are jointly arraigned, the aggregate of the peremptory challenges allowed to them.

(2) Subject to section 17, in every case the 4 persons or 12 persons, as the case may be, first appearing and approved, shall be the jury for the trial.

(3) The cards bearing their names shall be kept apart by themselves until the verdict has been given and has been recorded, or until the jury shall by consent of the parties or by leave of the Court be discharged.

(4) Then the same cards shall be returned to the box, there to be kept with the other cards remaining at that time undrawn, and so *toties quoties* as long as any trial or issue remains to be tried.

(5) However, if any issue or issues, shall be brought on to be tried before the jury in any other issue or issues shall have brought in their verdict or verdicts or been discharged, it shall be lawful for the Court to order 4 or 12 together with the number of the reserve jurors (if any) directed to be chosen and returned (as the case may be) of the residue of the said cards not containing the names of any of the jurors who shall not have so brought in their verdict or verdicts, or been discharged, to be drawn in such manner as aforesaid for the trial of the issue or issues which shall be so brought on to be tried.

(6) In addition, where no objection shall be made on behalf of the Queen or any other party it shall be lawful for the Court to try any issue with the same jury that shall have previously tried or been drawn to try any other issue without their names being returned to the box and redrawn, to order the names of any men or women on such jury whom both parties may consent to withdraw or who may be justly challenged or excused by the Court to be set aside and other names to be drawn from the box, and to try the issue with the residue of such original jury and with such men or women whose names shall be so drawn and who shall appear and be approved as indifferent, and 50 *toties quoties* as long as any issue remains

to be tried, and the same form and manner of proceeding shall and may be observed and adopted in every inquiry of damages in civil matters.

### **Provisions of Criminal Code as to challenge etc.**

**33.** The law in the case of criminal trials respecting notice to an accused person of his or her right of challenge, and challenge to the array and to individual jurors for cause, and the time for challenging, and the ascertainment of facts as to challenge, and the swearing of the jury and informing them of the charge, and the discharge or incapacity of a juror, and the separation and confinement of the jury, and view by the jury, and special and general verdicts, and the discharge of the jury, is set forth in the Criminal Code.

### **Challenge to array**

**34.** In a civil trial, if either party desires to object to the whole panel of jurors the party must do so before any juror is sworn for the trial.

### **Peremptory challenges**

**35.(1)** In all civil trials each of the parties who appears in person or appears by a separate counsel or solicitor shall be admitted to challenge peremptorily a number equal to one-half of the jury.

**(2)** Every person arraigned for any treason shall be admitted to challenge peremptorily to the number of 23.

**(3)** Every person arraigned for murder shall be admitted to challenge peremptorily to the number of 14.

**(3AA)** Every person arraigned for any other crime or for misdemeanour shall be admitted to challenge peremptorily to the number of 8.

**(3A)** Where the Court has directed that a reserve juror or reserve jurors be chosen and returned, the person arraigned shall be admitted, in addition to the number hereinbefore prescribed, to challenge peremptorily to the number—

- (a) where 1 reserve juror is to be chosen and returned—of 1;
- (b) in any other case—of 2.

(4) Every peremptory challenge above the number herein mentioned shall be void, and the trial shall proceed as if no such challenge had been made.

(5) Where there are several defendants in any civil action or other civil proceeding who have not pleaded by the same counsel or solicitor, and where several persons charged with the same offence shall be put upon trial together, and such defendants or persons shall not consent to join in their challenges, the proper officer of the Court shall in every such case draw out of the said box a sufficient number of such cards to permit such of several defendants as shall not have pleaded by the same counsel or solicitor, or as shall not have pleaded at all, and each of such persons, to exercise his or her right of peremptory challenge to the numbers aforesaid respectively as and for each of such several defendants or persons.

### **Challenges to individual jurors for cause**

**36.(1)** In a civil trial any party may object to a particular juror on either of the following grounds, that is to say—

- (a) that the juror is not qualified by law to act as a juror;
- (b) that the juror is not indifferent as between the parties.

(2) Such objections are in addition to any peremptory challenges to which parties are by law entitled.

### **Time for challenging**

**37.** In a civil trial an objection to a juror, either by way of peremptory challenge or by way of challenge for cause, may be made at any time before the officer has begun to recite the words of the oath to the juror, but not afterwards.

### **Ascertainment of fact as to challenge**

**38.(1)** In a civil trial, if at any time it becomes necessary to ascertain the truth of any matter alleged as cause for challenge, the fact shall be tried by the jurors already sworn, if more than 1, or, if 1 juror only has been sworn, by such juror together with some indifferent person chosen by the Court from the panel, or, if no juror has been sworn, by 2 indifferent persons

chosen by the Court from such panel.

(2) The persons so appointed are to be sworn to try the cause for challenge, and their decision on the fact is final and conclusive.

(3) If the persons so appointed cannot agree, the Court may discharge them from giving a decision, and may appoint 2 other persons to try the fact, to be chosen as in the case when no juror has been sworn.

### **Discharge of juror by Court**

39. In a civil trial, if after a juror has been sworn it appears to the Court from his or her own statement that he or she is not indifferent as between the parties or that for any other good cause he or she ought not to be allowed or required to act as a juror on the trial, the Court may, without discharging the whole of the jury, discharge that particular juror and direct another juror to be sworn in his or her place, and the trial shall begin de novo.

### **Either party may pray a tales**

40. If a trial is likely to be delayed for want of jurors, the Court upon application on behalf of the Crown or by or on behalf of any party shall direct the sheriff for the jury district to name so many persons of the jury district duly qualified as jurors, then present or who can be found as will make up a full jury, and such sheriff shall add the names of such persons to the panel, and thereupon they shall upon notice to them be liable to serve, and shall be subject to challenge as other jurors.

### **Minute of swearing in panel**

41. The proper officer shall, as and when each juror is sworn, make a minute thereof in the panel.

### **Discharge of jury in civil cases**

42.(1) When in a civil trial a jury have remained 6 hours in deliberation and do not unanimously agree as to the verdict to be given, the Court may discharge the jury, and may direct that a fresh jury be sworn during the same sittings of the Court, or may adjourn the trial.

(2) However, in any civil trial the parties may consent that if a jury has remained 6 hours in deliberation the Court shall take the verdict of three-fourths of the jury after they have so deliberated for 6 hours.

### **View**

**43.** In every trial, civil or criminal, or in any inquiry, the Court may order any view or inspection to be made by the jury at any time after the jury has been empanelled and before the verdict is given.

### **Jurors to be allowed refreshment**

**44.** In any trial, jurors, at any time after having been sworn and before giving their verdict, are when out of Court to be provided by the sheriff with such accommodation, meals and refreshment as the Court may allow.

### **Police to assist bailiffs in charge of juries**

**44A.** A police officer sworn to assist the officer of a Court in charge of a jury in a criminal trial shall carry out in respect of the jury such duties as the officer is directed by the Court or by the officer of the Court to perform.

### **Writ of attaint abolished**

**45.** It shall not be lawful either for the Queen or anyone on Her behalf or for any party, in any case whatsoever, to commence or prosecute any writ of attaint against any juror for the verdict by him or her given or against the party who shall have judgment upon such verdict, and no inquest shall be taken to inquire of the concealments of other inquests, but all such attaints and inquests shall henceforth cease and become void and be utterly abolished, any law, statute, or usage to the contrary notwithstanding.

### **Application of Rules of High Court of Justice in England**

**46.** In every case whatsoever of trial or assessment by jury, when no other mode of proceeding is specially provided, the jurors and jury and every trial or assessment by them shall, as far as may be practicable, be subject to the same rules and manner of proceeding as would be observed in

the High Court of Justice in England on the like trial or assessment.

## **PART 8—GENERAL PROVISIONS**

### **Non-attendance, personation, etc.**

**47.(1)** Save as is by this section prescribed, a Court may, in a summary way, impose such fine as the Court thinks fit—

- (a) upon any person who, having been duly summoned to attend as a juror in such Court, does not attend pursuant to summons, or having been thrice called does not answer to his or her name; or
- (b) upon any tales who, upon notice to him or her and upon being called, does not appear or wilfully withdraws from the presence of the Court; or
- (c) upon any person who personates or attempts to personate any juror whose name is on the jury panel for the purpose of sitting as such juror; or
- (d) upon any juror who receives or takes from any person whomsoever any sum whatever beyond the scale prescribed under pretence of fees or remuneration for attending a trial; or
- (e) upon any person who, having been duly given a notice incorporating or accompanied by a form of questionnaire under section 24 or 24A, fails to return to the sheriff within the time allowed therefor in such notice such form truthfully completed by the person.

**(2)** A fine imposed upon a person under subsection (1)(e) shall not exceed \$100.

**(3)** A fine imposed upon a person under subsection (1)(a) or (e) shall not be enforced if within 21 days after the date of imposition the person satisfies the Judge who imposed such fine or, in the Judge's absence, the Court that the person was unable to attend pursuant to summons or to answer to the person's name or, as the case may be, to return the form of questionnaire as prescribed because of illness or other sufficient cause.

**Offences by sheriff etc.**

**48.** The Supreme Court may, in a summary way, impose such fine as such Court thinks fit upon any sheriff, associate, registrar, clerk, or other officer who, without lawful excuse (the proof of which shall lie upon the officer)—

- (a) wilfully causes any erroneous alteration, omission, or insertion, or any misdescription in, or falsely certifies to the correctness of, any jury list, panel, parchment, or card; or
- (b) subtracts, destroys, or permits any person to have access to any such list, panel, parchment, or card; or
- (c) fails to do or to permit the doing of any act, matter, or thing in the manner or act or within the time prescribed; or
- (d) save as by this Act is provided, summons any juror less than the prescribed clear days before the day on which the juror is to attend; or
- (e) wilfully records the appearance of any person summoned and returned to serve as a juror who did not really appear; or
- (f) directly or indirectly takes or receives any money or reward or any promise of or contract for money or reward for excusing, or under the pretence of excusing, any person from being summoned to serve or from serving as a juror.

**Refusing answer or inspection**

**49.** Any person—

- (a) to whom any question may be lawfully put by a sheriff or police officer, Magistrates Court, or justice of the peace, by virtue of this Act who refuses to answer or does not truly answer such question; or
- (b) who, having the custody of any rate book, valuation return, or document, upon due request made, refuses to allow a sheriff, police officer, or Magistrates Court to inspect such rate book, return or document and make extracts therefrom;

is guilty of an offence and liable to a penalty not exceeding \$100.

**Defacing notices etc.**

**50.** Any person who removes, mutilates, or defaces any notice, list, or document affixed or kept in pursuance of this Act is guilty of an offence and liable to a penalty not exceeding \$50.

**Termination of employment because of jury service**

**50A.** Any person who terminates the employment of any other person by reason of the fact that such other person was, is or will be absent from employment on account of jury service is guilty of an offence and liable to a penalty of a fine not exceeding \$1 000 or imprisonment for a term not exceeding 1 year.

**Summary proceedings**

**50B.** Proceedings for offences under sections 24, 24A, 49, 50 and 50A may be instituted in a summary way under the *Justices Act 1886*.

**Rules of court**

**51.(1)** The Governor in Council, with the concurrence of a majority of the Judges of the Supreme Court, may from time to time by order in council make rules of court providing for all matters required or permitted by this Act to be prescribed and for all or any purposes, whether general or to meet particular cases, that may be convenient for the administration of this Act or that may be necessary or expedient to carry out the objects and purposes of this Act and whether in amendment to or modification of or addition to this Act, and where there may be in this Act no provision or no sufficient provision in respect of any matter or thing adequate, necessary, or expedient to give effect to this Act, providing for and supplying such omission or insufficiency.

**Rules may be made**

**(2)** Without limiting the generality of the foregoing power to make rules, rules may be made—

- (a) relating to jury districts, jury lists and the preparation thereof, qualification of jurors, formation of panels, precepts, summonses, view and inspection, formation of juries, discharge of juries,

challenges, penalties, fees for jury trials, remuneration of jurors;

- (b) directing the use of the respective rolls or other records for the time being kept in accordance with the *Elections Act 1915*, with such modifications as may be deemed necessary, for the use in the compilation of jury lists, and that claims for enrolment of electors shall contain such particulars as may be required for this purpose;
- (c) otherwise amending the provisions of this Act to such extent as may be necessary or convenient.

(3) The provisions of the *Supreme Court Act 1921* shall apply and extend in respect of such rules of court.

### **Regulations**

**52.(1)** The Governor in Council may make regulations for the purposes of this Act.

(2) A regulation may make provision with respect to any matter for which provision may be made by order in council.

## ENDNOTES

### 1 Index to Endnotes

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### 2 Date to which amendments incorporated

This is the reprint date mentioned in section 5(c) of the Reprints Act 1992. Accordingly, this reprint includes all amendments that commenced operation on or before 26 March 1994. Future amendments of the Jury Act 1929 may be made in accordance with this reprint under section 49 of the Reprints Act 1992.

### 3 List of legislation

#### **Jury Act 1929 20 Geo 5 No. 19**

date of assent 17 December 1929

commenced 1 July 1930 (proc pubd Gaz 21 June 1930 p 2124)

as amended by—

#### **Jury Act Amendment Act 1934 25 Geo 5 No. 37**

date of assent 20 December 1934

commenced 1 June 1935 (proc pubd Gaz 9 March 1935 p 1055)

#### **Jury Acts Amendment Act 1956 5 Eliz 2 No. 6**

date of assent 29 October 1956

commenced on date of assent

#### **Jury Acts Amendment Act 1958 7 Eliz 2 No. 60**

date of assent 12 December 1958

commenced on date of assent

**Jury Acts and Another Act Amendment Act 1964 No. 41**

date of assent 12 November 1964

commenced on date of assent

**Jury Acts Amendment Act 1967 No. 16**

date of assent 7 April 1967

s 4 commenced 1 June 1968 (within jury districts of Bowen, Bundaberg, Kingaroy, Mount Isa, Roma and Toowoomba) (proc pubd Gaz 11 May 1968 p 224)

s 4 commenced 1 June 1969 (within jury districts of Cairns, Charleville, Charters Towers, Clermont, Cloncurry, Cunnamulla, Dalby, Gladstone, Goondiwindi, Gympie, Hughenden, Innisfail, Ipswich, Longreach, Mackay, Maryborough, Rockhampton, Stanthorpe, Townsville and Warwick) (proc pubd Gaz 17 May 1969 p 291)

s 4 commenced 1 June 1970 (within jury district of Brisbane) (proc pubd Gaz 23 May 1970 p 475)

remaining provisions commenced 1 May 1968 (proc pubd Gaz 27 April 1968 p 1664)

**Jury Act Amendment Act 1972 No. 35**

date of assent 21 December 1972

s 6 commenced 1 July 1973 (proc pubd Gaz 26 May 1973 p 671)

remaining provisions commenced 1 March 1973 (proc pubd Gaz 24 February 1973 p 821)

**Jury Act and Other Acts Amendment Act 1976 No. 39 Pt 2**

date of assent 5 May 1976

commenced 30 August 1976 (proc pubd Gaz 24 July 1976 p 1718)

**Jury Act Amendment Act 1978 No. 78**

date of assent 15 December 1978

commenced on date of assent

**Jury Act Amendment Act 1981 No. 29**

date of assent 20 May 1981

commenced on date of assent

**Jury Act Amendment Act 1981 (No. 2) No. 80**

date of assent 9 November 1981

ss 1–2 commenced on date of assent

remaining provisions commenced 23 November 1981 (proc pubd Gaz 21 November 1981 p 1248)

**Jury Act Amendment Act 1982 No. 62**

date of assent 13 December 1982

ss 1–2 commenced on date of assent

s 11 commenced 1 July 1981 (see s 2(2))

ss 3, 6, 8, 10, 12–13, 14(b)(i), 15(b)(i), 17–20 commenced 1 January 1983 (proc pubd Gaz 25 December 1982 p 2115)

remaining provisions commenced 1 May 1983 (proc pubd Gaz 23 April 1983 p 1992)

**Jury Act and Oaths Act Amendment Act 1988 No. 26 Pt 2**

date of assent 11 April 1988  
commenced on date of assent

**Corrective Services (Consequential Amendments) Act 1988 No. 88 s 3 Sch 1 (as amended by Act No. 103 of 1989 s 3 Sch 1)**

date of assent 1 December 1988  
commenced 15 December 1988 (see s 2(2) and o in c pubd Gaz 10 December 1988 p 1675)

**Jury Act Amendment Act 1990 No. 46**

date of assent 13 August 1990  
ss 1–2 commenced on date of assent  
remaining provisions commenced 1 September 1990 (proc pubd Gaz 1 September 1990 p 94)

**Public Service (Administrative Arrangements) Act 1990 (No. 2) No. 80 s 3 Sch 6**

date of assent 14 November 1990  
commenced on date of assent

**Justice Legislation (Miscellaneous Amendments) Act 1991 No. 42 s 3 Sch**

date of assent 5 August 1991  
commenced on date of assent

**Justice Legislation (Miscellaneous Provisions) Act 1992 No. 40 s 163 Sch 1**

date of assent 14 August 1992  
commenced on date of assent

## 4 List of annotations

**Key to abbreviations in list of annotations**

amd	=	amended
Ch	=	Chapter
cl	=	clause
def	=	definition
Div	=	Division
hdg	=	heading
ins	=	inserted
om	=	omitted
prec	=	preceding
pres	=	present
prev	=	previous
(prev)	=	previously
prov	=	provision
Pt	=	Part
RA	=	Reprints Act 1992
renum	=	renumbered
Sdiv	=	Subdivision
sub	=	substituted

Provisions not included in reprint, or amended by  
amendments not included in reprint, are underlined

**Parts of Act**

- s 2**            amd 1964 No. 41 s 4  
                 om (see s 36 RA)

**Interpretation**

- s 3**            def “**Annual roll**” ins 1967 No. 16 s 3  
                 om 1972 No. 35 s 3  
                 def “**Card**” ins 1964 No. 41 s 5(a)  
                 def “**Crown Law Officer**” amd 1976 No. 39 s 6(a)  
                 om 1990 No. 80 s 3 Sch 6  
                 def “**Householder**” om 1964 No. 41 s 5(b)  
                 def “**jury list**” ins 1992 No. 40 s 163 Sch 1  
                 def “**Jury list**” or “**Jury book**” or “**List**” amd 1976 No. 39 s 6(b)  
                 om 1992 No. 40 s 163 Sch 1  
                 def “**list**” ins 1992 No. 40 s 163 Sch 1  
                 def “**Parchment**” ins 1964 No. 41 s 5(c)  
                 def “**Police Officer**” om 1992 No. 40 s 163 Sch 1  
                 def “**Prescribed**” om 1992 No. 40 s 163 Sch 1  
                 def “**Random selection by computer**” ins 1990 No. 46 s 4  
                 def “**Rules of court**” om 1992 No. 40 s 163 Sch 1  
                 def “**Senior male person**” ins 1982 No. 62 s 4  
                 def “**This Act**” om 1992 No. 40 s 163 Sch 1

**Repeal of certain enactments. Schedule I**

- s 4**            om 1992 No. 40 s 163 Sch 1

**Qualification**

- s 6**            amd 1958 No. 60 s 2; 1964 No. 41 s 6  
                 sub 1967 No. 16 s 4  
                 amd 1972 No. 35 s 4; 1976 No. 39 s 7; 1982 No. 62 s 5

**Disqualification**

- s 7**            amd 1982 No. 62 s 6

**Exemption**

- s 8**            amd 1956 5 Eliz 2 No. 6 s 2; 1967 No. 16 s 5; 1972 No. 35 s 5; 1976 No. 39 s 8; 1978 No. 78 s 2; 1982 No. 62 s 7; 1988 No. 88 s 3(1) Sch 1; 1990 No. 46 s 5; 1991 No. 42 s 3 Sch; 1992 No. 40 s 163 Sch 1

**Persons selected as jurors and prospective jurors temporarily exempted**

- s 8A**          ins 1976 No. 39 s 9  
                 amd 1990 No. 46 s 6

**Court may excuse juror**

- s 10**          amd 1964 No. 41 s 7; 1967 No. 16 s 6; 1976 No. 39 s 10; 1982 No. 62 s 8

**Jury districts**

- s 11**          amd 1972 No. 35 s 6  
                 sub 1982 No. 62 s 9  
                 amd 1992 No. 40 s 163 Sch 1

**PART 4—JURY LISTS**

- Pt hdg**        sub 1964 No. 41 s 8

**Duty of Electoral Commissioner****prov hdg** sub 1992 No. 40 s 163 Sch 1

**s 12** sub 1934 24 Geo 5 No. 37 s 5 Sch; 1964 No. 41 s 8; 1972 No. 35 s 7  
 amd 1976 No. 39 s 11  
 sub 1990 No. 46 s 7  
 amd 1992 No. 40 s 163 Sch 1

**Jury lists**

**s 13** sub 1964 No. 41 s 8  
 amd 1967 No. 16 s 7  
 sub 1972 No. 35 s 8  
 amd 1976 No. 39 s 12  
 sub 1990 No. 46 s 7  
 amd 1992 No. 40 s 163 Sch 1

**Duty of police**

**s 14** sub 1964 No. 41 s 8  
 amd 1972 No. 35 s 9; 1982 No. 62 s 10; 1992 No. 40 s 163 Sch 1

**Sheriff to notify Principal Electoral Officer of certain matters**

**s 14A** ins 1976 No. 39 s 13  
 om 1990 No. 46 s 8

**Boxes for cards**

**s 15** orig om 1934 24 Geo 5 No. 37 s 5 Sch  
 pres ins 1964 No. 41 s 8  
 amd 1972 No. 35 s 10; 1990 No. 46 s 9

**Sheriff to provide boxes for parchments**

**s 16** sub 1934 24 Geo 5 No. 37 s 5 Sch  
 om 1964 No. 41 s 8

**Number of jurors in criminal cases**

**s 17** amd 1934 24 Geo 5 No. 37 s 5 Sch; 1981 No. 29 s 2; 1981 No. 80 s 3

**Number of jurors in civil cases**

**s 18** amd 1934 24 Geo 5 No. 37 s 5 Sch

**Special jury in criminal trial**

**s 19** om 1934 24 Geo 5 No. 37 s 5 Sch

**Fee for jury in civil cases**

**s 20** amd 1958 7 Eliz 2 No. 60 s 3; 1972 No. 35 s 11; 1976 No. 39 s 14

**Compensation to jurors**

**s 21** sub 1981 No. 80 s 4

**Additional compensation in certain cases**

**s 21A** ins 1982 No. 62 s 11

**Governor in Council may authorise ex gratia payments to jurors in certain cases**

**s 21B** ins 1982 No. 62 s 12

**Jury precepts**

- s 22** sub 1934 24 Geo 5 No. 37 s 5 Sch  
amd 1958 No. 60 s 4  
sub 1964 No. 41 s 9  
amd 1972 No. 35 s 12; 1976 No. 39 s 15; 1982 No. 62 s 13

**Information regarding prospective jurors prohibited**

- s 23** amd 1964 No. 41 s 10  
sub 1967 No. 16 s 8  
amd 1976 No. 39 s 16

**Prospective jurors' list**

- s 24** sub 1934 24 Geo 5 No. 37 s 5 Sch; 1967 No. 16 s 9  
amd 1972 No. 35 s 13; 1976 No. 39 s 17; 1982 No. 62 s 14; 1990 No. 46 s 10

**Prospective jurors' lists in Brisbane, etc., districts**

- s 24A** ins 1972 No. 35 s 14  
amd 1976 No. 39 s 18; 1982 No. 62 s 15  
sub 1990 No. 46 s 11

**Summoning of jurors**

- s 25** sub 1934 24 Geo 5 No. 37 s 5 Sch  
amd 1964 No. 41 s 11  
sub 1967 No. 16 s 10  
amd 1972 No. 35 s 15; 1976 No. 39 s 19; 1982 No. 62 s 16; 1990 No. 46 s 12

**Power to excuse jurors**

- s 26** orig om 1934 24 Geo 5 No. 37 s 5 Sch  
pres ins 1967 No. 16 s 11  
amd 1972 No. 35 s 16; 1976 No. 39 s 20; 1978 No. 78 s 3; 1982 No. 62 s 17; 1990 No. 46 s 13

**Disposal of jury cards**

- prov hdg** amd 1972 No. 35 s 17(a)  
**s 26A** ins 1967 No. 16 s 12  
amd 1972 No. 35 s 17(b)-(d); 1976 No. 39 s 21

**Service of notices, questionnaires and summonses**

- s 26B** ins 1967 No. 16 s 13  
amd 1972 No. 35 s 18; 1976 No. 39 s 22

**Jury list destroyed, etc.**

- prov hdg** amd 1976 No. 39 s 23(a)  
**s 27** amd 1976 No. 39 s 23(b),(c)  
sub 1990 No. 46 s 14

**Sheriff not liable for error**

- s 28** amd 1976 No. 39 s 24

**Oral precepts and amending panel**

- s 29** amd 1934 24 Geo 5 No. 37 s 5 Sch; 1976 No. 39 s 25

**Notice where jury not required to attend**

s 30 amd 1967 No. 16 s 14

**Sheriff to return precept or order and panel with cards**

prov hdg amd 1976 No. 39 s 26(a)

s 31 amd 1976 No. 39 s 26(b)

**Mode of choosing jury**

s 32 amd 1958 7 Eliz 2 No. 60 s 5; 1964 No. 41 s 12; 1976 No. 39 s 27; 1981 No. 29 s 3

**Peremptory challenges**

s 35 amd 1958 7 Eliz 2 No. 60 s 6; 1972 No. 35 s 19; 1981 No. 29 s 4

**Either party may pray a tales**

s 40 amd 1934 24 Geo 5 No. 37 s 5 Sch

**Jurors to be allowed refreshment**

s 44 amd 1964 No. 41 s 13

**Police to assist bailiffs in charge of juries**

s 44A ins 1988 No. 26 s 4

**Non-attendance, personation, etc.**

s 47 amd 1967 No. 16 s 15; 1972 No. 35 s 20; 1976 No. 39 s 28

**Offences by sheriff, etc.**

s 48 amd 1976 No. 39 s 29

**Refusing answer or inspection**

s 49 amd 1972 No. 35 s 21; 1976 No. 39 s 30; 1982 No. 62 s 18

**Defacing notices, etc.**

s 50 amd 1972 No. 35 s 22; 1976 No. 39 s 31; 1982 No. 62 s 19

**Termination of employment because of jury service**

s 50A ins 1982 No. 62 s 20

**Summary proceedings**

s 50B ins 1982 No. 62 s 20

**Rules of court**

s 51 amd 1967 No. 16 s 16; 1972 No. 35 s 23; 1976 No. 39 s 32; 1992 No. 40 s 163 Sch 1; (see s 39 RA)

**Regulations**

s 52 ins 1992 No. 40 s 163 Sch 1

**SCHEDULE 1**

om 1992 No. 40 s 163 Sch 1

**SCHEDULE 2**

om 1934 24 Geo 5 No. 37 s 5 Sch

**SCHEDULE 3**

om 1934 24 Geo 5 No. 37 s 5 Sch

**SCHEDULE 4**

om 1981 No. 80 s 5

## **5 Table of changed titles**

TABLE OF CHANGED TITLES  
under sections 23 and 23A of the Reprints Act 1992

Old	New	Reference provisions
Ambulance Transport Brigade	Queensland Ambulance Service	see ss 8.2 and 8.8 Ambulance Service Act 1991
clerk of a local authority	chief executive officer of a local government	s 755(1)(j) Local Government Act 1993
local authority	local government	s 755(1)(a) Local Government Act 1993
member of the police force	police officer	s 11.1(1)(c) Police Service Administration Act 1990 (see also s 1.4)
permanent head (within the meaning of the Public Service Act 1922) of a department)	chief executive of the department	ss 4(4) Public Service Management and Employment Act 1988

## **6 Table of changed citations and remade laws**

TABLE OF CHANGED CITATIONS AND REMADE LAWS  
under sections 21A and 22 of the Reprints Act 1992

Old	New	Reference provision
Ambulance Services Act 1967	Ambulance Service Act 1991	—

## **7 Table of obsolete and redundant provisions**

### TABLE OF OBSOLETE AND REDUNDANT PROVISIONS under section 39 of the Reprints Act 1992

Omitted provisions	Provisions making omitted provisions obsolete/redundant
definitions to be read in context	s 32 Acts Interpretation Act 1954
references to Queensland to be implied	s 35 Acts Interpretation Act 1954
(and the) Supreme Court Acts Amendment (Rules Ratification) Act 1928	rep Supreme Court of Queensland Act 1991 s 110 Sch 1

## **8 Table of renumbered provisions**

### TABLE OF RENUMBERED PROVISIONS under section 43 of Reprints Act 1992

Previous	Renumbered as
6(2) (2nd sentence)	6(3)
6(2) (3rd sentence)	6(4)
7(3)(a)	7(3)
7(3)(a)(i)	7(3)(a)
7(3)(a)(ii)	7(3)(b)
7(3)(a)(iii)	7(3)(c)
7(3)(b)	7(4)
7(3)(b)(i)	7(4)(a)
7(3)(b)(ii)	7(4)(b)
8(1)(i)	8(1)(a)
8(1)(ii)	8(1)(b)
8(1)(iii)	8(1)(c)
8(1)(iv)	8(1)(d)
8(1)(v)	8(1)(e)
8(1)(vi)	8(1)(f)
8(1)(vii)	8(1)(g)
8(1)(viii)	8(1)(h)
8(1)(ix)	8(1)(i)
8(1)(x)	8(1)(j)
8(1)(xa)	8(1)(k)
8(1)(xb)	8(1)(l)

8(1)(xc)	8(1)(m)
8(1)(xi)	8(1)(n)
8(1)(xii)	8(1)(o)
8(1)(xiii)	8(1)(p)
8(1)(xiv)	8(1)(q)
8(1)(xv)	8(1)(r)
8(1)(xvi)	8(1)(s)
8(1)(xvii)	8(1)(t)
8(1)(xviii)	8(1)(u)
8(1)(xix)	8(1)(v)
8(1)(xx)	8(1)(w)
8(2)(i)	8(2)(a)
8(2)(ii)	8(2)(b)
8(3) (2nd sentence)	8(3A)
8(3) (3rd sentence)	8(3B)
8(6) (2nd sentence)	8(7)
8(6) (3rd sentence)	8(8)
13(5)(a)	13(5)
13(5)(a)(i)	13(5)(a)
13(5)(a)(ii)	13(5)(b)
13(5)(b)	13(5A)
13(5)(b)(i)	13(5A)(a)
13(5)(b)(ii)	13(5A)(b)
13(5)(b) (2nd sentence)	13(5B)
17(4) (2nd sentence)	17(4A)
20 (1st sentence)	20(1)
20 (2nd sentence)	20(2)
22(1)(a)	22(1)
22(1)(b)	22(1A)
22(1)(b) (2nd sentence)	22(1B)
22(3) (2nd sentence)	22(4)
22(3) (3rd sentence)	22(5)
24(1) (2nd sentence)	24(1A)
24(2) (2nd sentence)	24(2A)
24(3) (2nd sentence)	24(3A)
24(3) (2nd sentence) (i)	24(3A)(a)
24(3) (2nd sentence) (ii)	24(3A)(b)
24(3) (2nd sentence) (iii)	24(3A)(c)
24(4) (2nd sentence)	24(4A)
24(4) (3rd sentence)	24(4B)
24A(2)(a)	24A(2)
24A(2)(b)	24A(2A)
24A(2)(b) (2nd sentence)	24A(2B)
24A(4) (2nd sentence)	24A(4A)
24A(9) (2nd sentence)	24A(9A)
24A(10) (2nd sentence)	24A(11)

25(1) (2nd sentence)	25(1A)
25(1) (3rd sentence)	25(1B)
25(2) (2nd sentence)	25(2AA)
25(2A) (2nd sentence)	25(2B)
25(3) (2nd sentence)	25(3A)
25(4) (2nd sentence)	25(5)
25(4) (3rd sentence)	25(6)
25(4) (4th sentence)	25(7)
26(1)(i)	26(1)(g)
26(1)(ii)	26(1)(h)
26(1) (2nd sentence)	26(1AA)
26(1) (2nd sentence) (i)	26(1AA)(d)
26(1) (2nd sentence) (ii)	26(1AA)(e)
26(1) (3rd sentence)	26(1AB)
26(1A)(i)	26(1A)(c)
26(1A)(ii)	26(1A)(d)
26(1A) (2nd sentence)	26(1BA)
26(3) (2nd sentence)	26(3A)
26(3) (3rd sentence)	26(3B)
26(5) (2nd sentence)	26(6)
26(5) (3rd sentence)	26(7)
26A(1) (2nd sentence)	26A(2)
26A(1) (3rd sentence)	26A(3)
29(2) (2nd sentence)	29(3)
31 (1st sentence)	31(1)
31 (2nd sentence)	31(2)
31 (3rd sentence)	31(3)
32(1) (2nd sentence)	32(1AA)
32(1) (3rd sentence)	32(1AB)
32(1) (4th sentence)	32(1AC)
32(1) (5th sentence)	32(1AD)
32(1) (6th sentence)	32(1AE)
32(3) (2nd sentence)	32(4)
32(3) (3rd sentence)	32(5)
32(3) (4th sentence)	32(6)
35(3) (2nd sentence)	35(3AA)
36 (1st sentence)	36(1)
36 (1st sentence) (i)	36(1)(a)
36 (1st sentence) (ii)	36(1)(b)
36 (2nd sentence)	36(2)
38 (1st sentence)	38(1)
38 (2nd sentence)	38(2)
38 (3rd sentence)	38(3)
42 (1st sentence)	42(1)
42 (2nd sentence)	42(2)
47 (1st sentence)	47(1)

47 (1st sentence) (i)	47(1)(a)
47 (1st sentence) (ii)	47(1)(b)
47 (1st sentence) (iii)	47(1)(c)
47 (1st sentence) (iv)	47(1)(d)
47 (1st sentence) (v)	47(1)(e)
47 (2nd sentence)	47(2)
47 (3rd sentence)	47(3)
48(i)	48(a)
48(ii)	48(b)
48(iii)	48(c)
48(iv)	48(d)
48(v)	48(e)
48(vi)	48(f)
49(i)	49(a)
49(ii)	49(b)
51 (1st sentence)	51(1)
51 (2nd sentence)	51(2)
51 (2nd sentence) (i)	51(2)(a)
51 (2nd sentence) (ii)	51(2)(b)
51 (2nd sentence) (iii)	51(2)(c)
51 (3rd sentence)	51(3)

## **9 Transitional and savings provisions**

**Section 3 of the Jury Act Amendment Act 1934 provides—**

### **New provision as to jury trials**

**3.** Notwithstanding anything contained in the Principal Act, the following provisions shall be observed on and after the commencement of this Act:—

- (1) No further trial, issue, inquiry, or other proceeding, whether civil or criminal, for which a jury may lawfully be required shall be had with a common jury or a special jury within the meaning of the Principal Act.
- (2) Subject to section six hundred and twenty-eight of “*The Criminal Code*” relating to the discharge of a juror upon a criminal trial and the trial proceeding with the remaining jurors, all criminal trials shall be had with a jury of twelve qualified persons.
- (3) In any civil action or other civil proceeding in which a trial or

inquiry may or shall be had with a jury, such jury shall consist of four qualified persons.

- (4) The term “qualified person” shall mean a person qualified to serve on all juries as provided in the Principal Act as amended by this Act.