

Queensland



ANNO VICESIMO PRIMO

ELIZABETHAE SECUNDAE REGINAE

No. 35 of 1972

An Act to Amend The Jury Acts, 1929 to 1967, in certain particulars and for purposes incidental thereto

[ASSENTED TO 21ST DECEMBER, 1972]

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

1. Short title and citation. (1) This Act may be cited as the *Jury Act Amendment Act 1972*.

(2) *The Jury Act of 1929* as subsequently amended is in this Act referred to as the Principal Act.

(3) The Principal Act as amended by this Act may be cited as the *Jury Act 1929-1972*.

2. Commencement of Act. (1) Subject to subsection (2) of this section, this Act shall commence on a day to be fixed by Proclamation.

(2) Section 6 of this Act shall commence on a day to be fixed by Proclamation, which day may be the same day as or a different day from the day fixed pursuant to subsection (1) of this section, and which Proclamation may be the same Proclamation as or a different Proclamation from that referred to in subsection (1) of this section.

3. Amendment of s. 3. Section 3 of the Principal Act is amended by omitting the term "Annual roll" and its meaning.

4. Amendment of s. 6. Section 6 of the Principal Act is amended by, in subsection (1)—

(a) omitting paragraph (c) and inserting in its stead the following paragraph:—

“(c) entitled to vote, pursuant to the *Elections Act 1915–1971* (save pursuant to section 10 thereof) and to compliance therewith, as an elector at the election of a member of the Legislative Assembly,”;

(b) omitting the words “such annual roll” and inserting in their stead the words “the rolls or other records for the time being kept in accordance with the said *Elections Act*”.

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

(a) in subsection (3), omitting the words “an annual roll” and inserting in their stead the words “the rolls or other records for the time being kept in accordance with the *Elections Act 1915–1971*”;

(b) in subsection (5)—

(i) omitting the words “the relevant annual roll” and inserting in their stead the words “a relevant roll or record in accordance with the *Elections Act 1915–1971*”;

(ii) omitting the words “on the copy of any relevant annual roll thereafter furnished”;

(c) in subsection (6), omitting the words “annual roll completed” and inserting in their stead the words “roll or other record completed or made”.

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

(a) omitting the words “five miles” and inserting in their stead the words “ten kilometres”;

(b) omitting the words “ten miles from the court house of” where first occurring and inserting in their stead the words “sixteen kilometres from the place for the holding of the Supreme Court in”;

(c) omitting the words “ten miles” where secondly occurring and inserting in their stead the words “sixteen kilometres”.

7. Repeal of and new s. 12. Section 12 of the Principal Act is repealed and the following section is inserted in its stead:—

“**12. Duty of Principal Electoral Officer.** (1) (a) This subsection applies to all jury districts other than those referred to in subsection (2) of section 13 of this Act.

(b) The Principal Electoral Officer shall, as soon as practicable after a day to be prescribed each year or, if no day is so prescribed, as soon as practicable after the last day of December in each year, furnish to the sheriff a list for each jury district, compiled to such day, showing, in respect of each jury district, the names, in alphabetical order, of all electors, within the meaning of the *Elections Act 1915–1971*, who are apparently qualified to serve, and not exempt from serving, as jurors for that jury district.

(c) The Principal Electoral Officer shall cause a number to be prefixed to every name appearing in the list for each jury district so that all names in each list shall be numbered in regular arithmetical progression beginning with the number 1 prefixed to the first name in the list.

(2) (a) This subsection applies to those jury districts referred to in subsection (2) of section 13 of this Act.

(b) The Principal Electoral Officer shall, as soon as practicable after a day to be prescribed each year or, if no day is so prescribed, as soon as practicable after the last day of December in each year, furnish to the sheriff information specifying the number, to such day, of all electors, within the meaning of the *Elections Act 1915-1971*, who are apparently qualified to serve, and not exempt from serving, as jurors for each jury district.

(3) As well as complying with the provisions of subsections (1) and (2) of this section, the Principal Electoral Officer shall give to the sheriff such other information obtained in the course of duty by him or by officers employed in the administration of the *Elections Act 1915-1971* as is required by the sheriff for the purposes of this Act.”

8. Repeal of and new s. 13. Section 13 of the Principal Act is repealed and the following section is inserted in its stead:—

“ **13. Jury lists and numbers.** (1) (a) Subject to paragraph (b) of this subsection, the lists referred to in subsection (1) of section 12 of this Act shall be the annual jury lists for the respective jury districts to which that subsection applies.

(b) The sheriff shall make or cause to be made such inquiries as appear to him to be reasonable and practicable for the purpose of ascertaining whether persons whose names are on any list furnished to him by the Principal Electoral Officer pursuant to subsection (1) of section 12 of this Act are qualified and liable to serve as jurors for the jury district in question and shall strike out from any such list the name of any person whom he knows or ascertains to be other than a person so qualified and liable, and the annual jury list for that jury district shall not include any such struck out name accordingly.

(2) (a) This subsection applies to—

(i) the jury district of Brisbane; and

(ii) any other jury district in relation to which the Governor in Council, who is hereby thereunto authorized, prescribes by Order in Council published in the Gazette that this subsection shall apply.

(b) For the purpose of the compilation of the annual jury list for the jury district of Brisbane or for any other jury district to which this subsection applies, the sheriff shall determine such number (being not less than twenty thousand in the case of the jury district of Brisbane or, in the case of any other jury district, not less than the number specified by the Governor in Council in the Order in Council applying this subsection to that district) of the number referred to in subsection (2) of section 12 of this Act in respect of the jury district in question that the sheriff deems sufficient as the number of persons constituting the annual jury list for that jury district.

(c) The sheriff, on determination by him of the number he deems sufficient as the number of persons constituting the annual jury list for a particular jury district, shall—

- (i) ascertain the number of times (without reference to any remainder) that number is contained in the number referred to in subsection (2) of section 12 of this Act in respect of the jury district in question; and
- (ii) on ascertaining such number of times, draw by ballot a number out of the numbers commencing with the number 1 and ending with the number of times ascertained as aforesaid.

(d) The sheriff shall forward to a prescribed officer a schedule showing—

- (i) the number determined by him as the number of persons sufficient to constitute the annual jury list for the jury district in question;
- (ii) the number of times as referred to in subparagraph (i) of paragraph (c) of this subsection; and
- (iii) the number drawn by ballot in accordance with subparagraph (ii) of paragraph (c) of this subsection.

(e) The prescribed officer shall cause a program to be written for a computer to produce in respect of the jury district the annual jury list for the district in accordance with the following procedure:—

- (i) the annual jury list shall be selected from the names of all electors, within the meaning of the *Elections Act 1915–1971*, who are apparently qualified to serve, and not exempt from serving, as jurors for the jury district the number of which electors has been furnished to the sheriff by the Principal Electoral Officer pursuant to subsection (2) of section 12 of this Act;
- (ii) the name of every elector as aforesaid shall have prefixed to it a number so that all names shall be numbered in regular arithmetical progression beginning with the number 1;
- (iii) the selection shall be made by commencing with the name to which is prefixed the number corresponding to the number referred to in subparagraph (iii) of paragraph (d) of this subsection and selecting thereafter every name separated from the name selected before it by the number of times as referred to in subparagraph (i) of paragraph (c) of this subsection until the names are exhausted.

(f) In the production by the computer of the annual jury list, the prescribed officer shall cause the names appearing in the list to be in alphabetical order and a number to be prefixed to every name appearing in the list so that all names in the list shall be numbered in regular arithmetical progression beginning with the number 1 prefixed to the first name in the list.

(g) The prescribed officer shall forward each such annual jury list upon its completion to the sheriff.

(h) The sheriff shall make or cause to be made such inquiries as appear to him to be reasonable and practicable for the purpose of ascertaining whether persons whose names are on any list forwarded to him by the prescribed officer pursuant to paragraph (g) of this subsection are qualified and liable to serve as jurors for the jury district in question and shall strike out from any such list the name of any person whom he knows or ascertains to be other than a person so qualified and liable, and, notwithstanding any other provision of this subsection, the annual jury list for that jury district shall not include any such struck out name accordingly.

(i) If the number of persons determined in a particular case by the sheriff as prescribed by paragraph (b) of this subsection is found by him to be insufficient for the compilation of a list of the number of jurors he deems sufficient, he may determine from time to time a further number of the number referred to in subsection (2) of section 12 of this Act which he deems sufficient for the completion of the list, and upon such a determination the selection of the persons for the completion of the compilation of the list shall, with all necessary adaptations, be made in accordance with the provisions contained in this subsection in respect of the compilation of the annual jury list in the first instance, and those persons thereupon shall be persons on the annual jury list accordingly.

(3) The sheriff shall prefix to each jury list the name of the court town of the jury district for which the list is made.

(4) (a) This subsection does not apply in the case of a jury list in respect of a jury district referred to in subsection (2) of this section.

(b) The sheriff shall cause the several numbers contained in a jury list to be printed or written upon 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 shall put all such cards together by themselves in the jurors in use box, and shall there safely keep the same to be used as prescribed.

The sheriff shall lock and seal such box and keep it and the jury list so that no person shall have access to such box or list except as prescribed.

(5) In every year, the making of the annual jury list shall be completed before the first day of June, and such jury list shall be brought into use on that day and shall be used for one year from and including that day.

(6) The sheriff on quitting his office shall deliver the jury list and all boxes, cards and lists pertaining thereto to the succeeding sheriff.

(7) For the purposes of this section every claim for enrolment as an elector shall state the age or date of birth of the claimant.

(8) In this section and in sections 24A and 26A of this Act the term "prescribed officer" means the computer manager, Electronic Data Processing Branch of the Treasury Department of the State, or any person acting in the office of the computer manager or any person for the time being in charge of the operation of any electronic computer who is an officer of the Public Service of the State."

9. Amendment of s. 14. Section 14 of the Principal Act is amended by inserting after the word "sheriff" the words "or the Principal Electoral Officer".

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

(a) in subsection (1)—
 (i) omitting paragraph (a);
 (ii) relettering paragraphs (b) and (c) as paragraphs (a) and (b) respectively;

(b) in subsection (4), omitting the words "the apparently qualified jurors box or";

(c) inserting after subsection (5) the following subsection:—

"(6) This section does not apply to court towns in respect of jury districts referred to in subsection (2) of section 13 of this Act."

11. Amendment of s. 20. Section 20 of the Principal Act is amended by omitting the words "sixteen pounds" where twice occurring and inserting in their stead in each case the words "thirty-two dollars".

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

(a) in subsection (5)—
 (i) omitting the word "thirty-six" where twice occurring and inserting in its stead in each case the word "forty-eight";
 (ii) omitting the word "forty-eight" and inserting in its stead the word "sixty";

(b) in subsection (7), omitting the word "thirty-six" where twice occurring and inserting in its stead in each case the word "forty-eight".

13. Amendment of s. 24. Section 24 of the Principal Act is amended by inserting after subsection (4) the following subsection:—

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

14. New s. 24A. The Principal Act is amended by inserting after section 24 the following section:—

"**24A. Prospective jurors' lists in particular districts.** (1) This section applies in respect of those jury districts referred to in subsection (2) of section 13 of this Act.

(2) Upon receipt of a jury precept or upon the making by the Court of an order to summon jurors, the sheriff shall determine the number of persons as prospective jurors that he 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 such precept or order upon its return.

(3) The sheriff, on such determination as aforesaid, shall—

(a) ascertain the number of times (without reference to any remainder) the number so determined by him is contained in the number of persons constituting the annual jury list for the jury district; and

- (b) on ascertaining such number of times, draw by ballot a number out of the numbers commencing with the number 1 and ending with the number of times ascertained as aforesaid.
- (4) If during the currency of the annual jury list the number of times as referred to in subsection (3) of this section is the same as on a previous occasion and the number drawn by ballot pursuant to that subsection is the same number as that drawn on that previous occasion, the sheriff shall substitute for the number representing the number of times as aforesaid the next ascending number or the next descending number, as he thinks fit, until a number is substituted that is not the same as on a previous occasion, and the substituted number shall be deemed to be the number of times as referred to in the said subsection.
- (5) The sheriff shall forward to a prescribed officer a schedule showing—
 - (a) the number determined by him as the number of persons sufficient to provide a panel of persons to be summoned as jurors;
 - (b) the number of times as referred to in subsection (3) or subsection (4) of this section, as the case requires; and
 - (c) the number drawn by ballot in accordance with subsection (3) of this section.
- (6) The prescribed officer shall cause a program to be written for a computer to produce a list, called the “prospective jurors’ list”, of the names of persons as prospective jurors at the Court for which the precept or order has been issued in accordance with the following procedure:—
 - (a) the prospective jurors’ list shall be selected from the names on the annual jury list for the jury district in question;
 - (b) the selection shall be made by commencing with the name to which is prefixed the number corresponding to the number drawn by ballot pursuant to subsection (3) of this section and selecting thereafter every name separated from the name selected before it by the number of times as referred to in subsection (3) or subsection (4) of this section, as the case requires, until the names are exhausted.
- (7) In the production by the computer of the prospective jurors’ list, the prescribed officer shall cause—
 - (a) the number corresponding to the number in the annual jury list against each name selected together with the place of abode and the occupation or description of the person so named (as shown on the annual jury list) to be entered on the prospective jurors’ list;

- (b) to be produced also a notice, addressed to each person whose name appears on the list, that he may be required to attend as a juror at the Court specified therein, which notice shall be in or to the effect of the prescribed form and shall incorporate a form of questionnaire calculated to elicit from the person to whom such notice is directed—
- (i) whether he is qualified and liable to serve as a juror and, if he claims to be not so qualified and liable, the reason therefor;
 - (ii) whether he applies to be excused from service as a juror and, if he does so, the ground upon which he so applies; and
 - (iii) where such person is a female, whether she seeks exemption from serving on any jury without assigning any reason therefor.

(8) The prescribed officer shall forward the prospective jurors' list and the notices incorporating the form of questionnaire to the sheriff upon their completion.

(9) The sheriff shall sign the prospective jurors' list and seal it with his seal of office and shall cause to be given to each person whose name appears on the list the notice (incorporating the form of questionnaire) addressed to him.

(10) A person to whom a notice is given pursuant to subsection (9) of this section shall truthfully complete the form of questionnaire incorporated therein and shall return such form to the sheriff within the time allowed therefor in such notice.

Where such person, being female, indicates in such form of questionnaire that she seeks exemption from serving on any jury, such form, so completed, shall be deemed to be a writing given to the sheriff under subsection (3) of section 8 of this Act and the provisions of that subsection and of subsections (4), (5) and (6) of that section shall apply in respect of such writing and of the female person in question accordingly.”.

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

(a) in subsection (1), omitting the words “section twenty-four” and inserting in their stead the words “sections 24 and 24A”;

(b) in subsection (2)—

(i) inserting after the words “summoned he may” the words “, in any case to which section 24 of this Act applies,”;

(ii) omitting the words “section twenty-four of this Act” where firstly occurring and inserting in their stead the words “that section”;

(c) inserting after subsection (2) the following subsection:—

“(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, he may, in any case to which section 24A of this Act applies, determine the number of persons as prospective jurors that he 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 of this Act in respect of the compilation of the prospective jurors' list and the production of notices in the first instance.

In respect of the persons whose names are added to the prospective jurors' list the sheriff shall proceed as prescribed by subsection (9) of section 24A of this Act.”;

(d) in subsection (4), omitting the words “ twenty-four of this Act ” where twice occurring and inserting in their stead in each case the words “ 24 or section 24A of this Act as the case requires ”.

16. Amendment of s. 26. Section 26 of the Principal Act is amended by omitting the word “ twenty-four ” where twice occurring and inserting in its stead in each case the words “ 24 or section 24A ”.

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

(a) in the note to the section appearing at the beginning thereof, inserting after the word “ cards ” the words “ and adjusting certain lists ”;

(b) numbering the provisions of the section as subsection (1);

(c) adding to subsection (1) as so numbered the following paragraph:—

“ This subsection does not apply in respect of jury districts referred to in subsection (2) of this section.”;

(d) inserting after subsection (1) the following subsection:—

“ (2) (a) This subsection applies in respect of those jury districts referred to in subsection (2) of section 13 of this Act.

(b) The sheriff shall compile in respect of a prospective jurors' list a list called the “ reserve list ” containing each number identical with a number which, in the annual 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 annual jury list,

and in the compilation of a subsequent prospective jurors' list or in the subsequent selection of persons as prospective jurors pursuant to subsection (2A) of section 25 of this Act the numbers

in the reserve list shall be disregarded until the annual jury list numbers have been exhausted pursuant to this Act or until the next ensuing making of the annual jury list, and in any such lastmentioned compilation or in any such selection in the circumstances aforesaid, the name to which is prefixed the next ascending number that is not a number in the reserve list or the female juror suspense list shall be substituted for the name to which is prefixed any such disregarded number.

(c) The sheriff also shall compile in respect of a prospective jurors' list a list called the "female juror suspense list" containing each number identical with a number which, in the annual 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 compilation of the annual jury list, and in the compilation of a subsequent prospective jurors' list or in the subsequent selection of persons as prospective jurors pursuant to subsection (2A) of section 25 of this Act the numbers in the female juror suspense list shall be disregarded for so long as the respective female persons continue to be so exempt and thereafter those numbers shall be taken into account, and in any such lastmentioned compilation or in any such selection in the circumstances aforesaid, the name to which is prefixed the next ascending number that is not a number in the female juror suspense list or the reserve list shall be substituted for the name to which is prefixed any such disregarded number.

(d) The sheriff shall cause a copy of each reserve list and female juror suspense list to be forwarded to the prescribed officer upon compilation."

18. Amendment of s. 26B. Section 26B of the Principal Act is amended by, in subsection (1), omitting the word "twenty-four" and inserting in its stead the words "24 or section 24A".

19. Amendment of s. 35. Section 35 of the Principal Act is amended by, in subsection (3), omitting the words "wilful murder or".

20. Amendment of s. 47. Section 47 of the Principal Act is amended by, in paragraph (v), omitting the word "twenty-four" and inserting in its stead the words "24 or section 24A".

21. Amendment of s. 49. Section 49 of the Principal Act is amended by omitting the words "ten pounds" and inserting in their stead the words "twenty dollars".

22. Amendment of s. 50. Section 50 of the Principal Act is amended by omitting the words "five pounds" and inserting in their stead the words "ten dollars".

23. Amendment of s. 51. Section 51 of the Principal Act is amended by omitting the words "annual electoral rolls for the time being" and inserting in their stead the words "rolls or other records for the time being kept in accordance with the *Elections Act 1915-1971*".

24. Amendment of s. 55, No. 42 of 1967. (1) Section 55 of the *District Courts Act 1967-1972* is amended by—

(a) in subsection (3), omitting the word “thirty-six” and inserting in its stead the word “forty-eight”;

(b) in subsection (4), omitting the word “thirty-six” and inserting in its stead the word “forty-eight”.

(2) The *District Courts Act 1967-1972* as amended by this section may be cited as the *District Courts Act 1967-1972*.