

Repeal of  
*Fruit Board*  
Acts 1948  
and 1950.

**4** The *Fruit Board Act 1948* and the *Fruit Board Act 1950* are repealed.

Hail  
insurance  
1956-1957.

**5** In cases to which this section can apply, where compensation became payable in accordance with the provisions of the Principal Act (as amended by the *Fruit Board Act 1956*), an additional payment shall be made by the General-Manager as as if in paragraph (g) of section twenty-four D of the Principal Act (as inserted by the *Fruit Board Act 1956*) for the words "three-quarters" (twice occurring) there had been substituted in each case the words "eleven-twentieths", and as if the words so substituted had been substituted so as to take effect from the commencement of the *Fruit Board Act 1956*.

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## JURY.

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### No. 84 of 1957.

AN ACT to amend the *Jury Act 1899* and to repeal the *Jury Act 1939*. [6 December 1957.]

**BE** it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

Short title,  
citation,  
and com-  
mencement.

**1**—(1) This Act may be cited as the *Jury Act 1957*.

(2) The *Jury Act 1899*, as subsequently amended, is in this Act referred to as the Principal Act.

(3) This Act shall commence on a date to be fixed by proclamation.

Interpreta-  
tion.

**2** Section two of the Principal Act is amended by omitting the definition of "Police district" and substituting therefor the following definition:—

" 'Municipal district' means the municipal district of a city and of a municipality:—"

**3** Sections four and five of the Principal Act are repealed and the following sections are substituted therefor:—

Qualifica-  
tions of  
jurors.

" **4** Subject to section six, every man between the ages of twenty-five and sixty-five years who is enrolled on an Assembly roll within the meaning of the *Electoral Act 1907* is qualified and liable to serve on juries for the trial of all issues, civil and criminal, and for the assessment of damages in the Supreme Court.

“ 5 Any woman between the ages of twenty-five years and sixty-five years who—

Women jurors.  
3 Geo. VI No. 28, s. 2.

- I Possesses the qualifications for service as a juror required by this Act in the case of a man:
- II Is not exempted or disqualified by this Act: and
- III Notifies the Sheriff, in writing, that she desires to serve as a juror,

is qualified and liable to serve as a juror in the same manner in all respects as if she were a man.”.

**4** Section seven of the Principal Act is amended by adding at the end thereof the following subsections:—

Exemption from jury service.

“(2) The Sheriff may make an order under his seal exempting from jury service a person whom a legally-qualified medical practitioner has certified to be incapable of serving as a juror by reason of a permanent weakness or defect of mind or body.

“(3) Where an order is made under subsection (2) of this section—

- I A copy shall be sent to the person thereby disqualified: and
- II The Court may quash the order on the motion of that person or the Crown supported by an affidavit of relevant facts.”.

**5** Sections eight to seventeen of the Principal Act are repealed and the following sections are substituted therefor:—

“ 8 There shall be a jury district appointed and defined by the Governor by proclamation for the Supreme Court House at Hobart and for each other place at which the Court is held.

Appointment and definition of jury districts.

“ 9—(1) For each year the Sheriff shall before the last day of June in the preceding year prepare lists in the prescribed form of persons qualified to serve as jurors in the several jury districts and not to his knowledge exempt from serving as jurors.

Sheriff to prepare jury lists.

(2) The Chief Electoral Officer shall give the Sheriff such information obtained in the course of duty by him or members of the Electoral Department as is required by the Sheriff for the purposes of this section.

“ 10 The Sheriff shall within the first week of July in every year—

Publication of jury lists.  
Cf. 63 Vict. No. 32, s. 15.

- I Send true copies of each list prepared in accordance with section nine to the Commissioner of Police and the Clerk of the Peace: and
- II Cause a true copy of the list for each jury district printed in book form to be posted up conspicuously at each courthouse, municipal office and post office in that district, having on the front thereof a notice

subscribed with his name, and stating that all objections to the list will be heard by the justices of the district in special sessions on the first Tuesday in October next.

Inspection of jury lists.  
Cf. *ibid.*, s. 15.

“ 11—(1) The Clerk of the Peace shall send to each deputy clerk of the peace for a jury district other than that for the Supreme Court House at Hobart a true copy of the list received by him under section ten for that district.

(2) The Clerk of the Peace shall make a true copy of the list for the Supreme Court House at Hobart and the deputy clerks of the peace mentioned in subsection (1) of this section shall make the true copy sent to them thereunder available to the inhabitants of the respective district for inspection at any reasonable time before the end of September next following, without fee, to the end that due notice may be given of any names improperly omitted from or inserted in the lists.

Deputy clerks of the peace to act for assize towns.

“ 12 Where a jury district other than that for the Supreme Court House at Hobart extends beyond a single municipal district the deputy clerk of the peace for the municipal district in which the Supreme Court is held shall do all things required of a deputy clerk of the peace under this Act, as deputy clerk of the peace for that jury district.

Special sessions to correct and allow jury lists.  
Cf. *ibid.*, s. 16.

“ 13—(1) On the first Tuesday in October in every year there shall be a session to be called a ‘ jury session ’, of all the justices resident in a jury district for the purpose of correcting and allowing the jury list for that district.

(2) For the purposes of this section a district justice residing in a jury district shall act as if appointed for all districts comprised wholly or partly by the jury district.

(3) The Clerk of the Peace or the deputy clerk of the peace for the jury district, as the case may be, shall issue the summonses to a jury session before the twentieth day of September next preceding, and make and retain among the records of his office a list of the justices summoned.

Commissioner of Police to provide assistance for jury sessions.

“ 14—(1) The Commissioner of Police shall appoint an officer of police to attend every jury session.

(2) The officer so appointed shall assist the justices of the jury session with any relevant information at his disposal.

Proceedings at jury sessions.  
Cf. *ibid.*, s. 17.

“ 15—(1) Justices, not being police magistrates, shall, and police magistrates may, attend jury sessions in accordance with their summonses at the time and place set forth therein and proceed—

I In the absence of any police magistrate and the mayor or warden of the municipal district in which the Supreme Court is held, to elect a chairman :

II To cause the opening of the session to be proclaimed and objectors to the jury list to come forward :

III To examine the jury list page by page:

IV To hear and determine objections to each page under examination: and

v After that to hear and determine any objection to the omission of a person.

(2) The justices at jury sessions shall—

I Strike out of the jury list the names of persons who are—

(a) Disqualified to serve as jurors:

(b) Exempt from serving as jurors:

(c) Disabled by lunacy or imbecility of mind:

(d) Disabled by deafness, blindness, or other permanent infirmity of body:

(e) Unable to read and write the English language: or

(f) Of bad fame or repute:

II Insert in the jury list all names improperly omitted: and

III Correct all errors and inaccuracies therein.

(3) At jury sessions—

I The chairman shall be—

(a) A police magistrate, if present, or the senior in the commission of the peace, if two or more are present: or

(b) If no police magistrate is present, the mayor or warden of the municipal district in which the Supreme Court is held: or

(c) If none of the persons mentioned in subparagraphs (a) and (b) of this paragraph is present, the person elected under paragraph I of subsection (1) of this section:

II If the justices are divided on any question, the opinion of the majority of them shall prevail:

III The justices shall sit from day to day until the jury list has been allowed: and

IV The Clerk of the Peace or deputy clerk of the peace for the jury district, as the case may be, shall attend as clerk of the session, and shall keep minutes of the proceedings which after allowance and signature by the chairman he shall keep among the records of his office.

(4) When at jury sessions the justices have dealt with the jury list in accordance with subsections (1), (2), and (3) of this section it shall be allowed by them, or by any two of them, who shall so signify thereon and subscribe their names.

Return of  
jury list.

Cf. *ibid.*, s. 17.

“ 16—(1) When a jury list is allowed at jury sessions the clerk of the session shall receive it and return it to the Sheriff.

(2) Jury sessions and their clerks shall so do their duties that jury lists duly allowed are received by the Sheriff before the end of October in every year.”.

**6** Sections twenty-four and twenty-five of the Principal Act are repealed and the following sections are substituted therefor:—

Jury lists  
for new  
jury dis-  
tricts.

“ 24 When a new jury district is proclaimed after the commencement of this section to have effect after the first day of January in any year a jury list for that district shall—

I Be prepared, published, examined, corrected, allowed, and returned as provided in this Act, the several steps being taken at such times or with such intervals as may be prescribed in the proclamation establishing the jury district: and

II Take effect on its return to the Sheriff.

Jury cards.

“ 25—(1) The Sheriff shall in every year after the completion of a common jury list or a special jury list allot a serial number to each entry in the list.

(2) Upon completion of the numbering of a list under this section the Sheriff shall cause cards of the same size and shape to be numbered to correspond with the serial numbers on that list and made referable as prescribed to that list.

(3) A card prepared under this section shall be deemed to show the name and address of the person whose serial number it bears.”.

Issue of pre-  
cept for sum-  
moning  
special jurors:  
Special  
jurors not  
exempt from  
service on  
criminal  
juries.

**7** Section twenty-six of the Principal Act is amended by omitting the words “ Nothing in this Act contained shall exempt any special juror from his liability to serve on criminal juries in the usual course.”.

**8** Section twenty-eight of the Principal Act is repealed and the following section is substituted therefor:—

Drawing for  
jurors and  
custody of  
cards.

“ 28—(1) Upon the receipt of a precept for the return of jurors for the trial of either civil or criminal issues, the Sheriff shall, as prescribed, draw jurors' cards equal to the number of jurors and of the kind required by the precept to be summoned, and the persons whose cards are so drawn shall be summoned as jurors in obedience to the precept.

(2) If persons whose names are drawn are dead or absent from the State, or incapable of serving, or exempt from serving as jurors, the Sheriff may draw other cards and summon the persons whose cards they are, and the cards first drawn shall be returned to the box whence they were drawn if such persons are temporarily absent from the State, or temporarily incapable of serving or excused from serving as jurors, otherwise such cards shall be destroyed.

(3) If there is no jury list, or no special jury list in existence for the current year, jurors whose names are contained in the jury list or special jury list respectively, as the case may be, for the year preceding may be summoned.”.

**9** Section forty-eight of the Principal Act is amended by omitting from subsection (1) the words “ shall be discharged ” and substituting therefor the word “ may be discharged at any time after such period of four hours unless, in the opinion of the judge, further consideration is desirable, and if they are so discharged ”.

Disagree-  
ment of jury.

**10** Section fifty of the Principal Act is amended by omitting the words “ be observed if a civil case on the trial at *nisi prius* of an action at law in the High Court of Justice, or, if a criminal case, on the trial of an indictment before justices of gaol delivery ” and substituting therefor the following words “ at the commencement of this Act be observed in proceedings with a jury in the High Court of Justice or before a commission of gaol delivery as the case may require ”.

General rules  
applicable to  
trial by jury.

**11** Section fifty-two of the Principal Act is amended by adding at the end thereof the words “ at the commencement of this Act.”.

Challenge to  
the array and  
polls of  
jurors.

**12** Section sixty-nine of the Principal Act is amended by adding at the end thereof the following subsection:—

Regulations.

“(2) The regulations may provide—

I For the custody and control of jurors’ cards: and

II For a method of selecting jurors under which a person who has been summoned for jury service will not be summoned again while there is any substantial number of persons who have not been summoned at all or since before he was last summoned.”.

**13** The first schedule to the Principal Act is repealed and the following schedule is substituted therefor:—

The first  
schedule.

## “ THE FIRST SCHEDULE.

### (Section 7.)

#### PERSONS EXEMPT FROM SERVICE AS JURORS.

##### 1. Government.

- (a) The Governor and the Lieutenant Governor and their respective staffs and households;
- (b) Executive Councillors;
- (c) Judges;
- (d) Commissioners of Courts of Requests;
- (e) Police Magistrates;
- (f) Coroners;
- (g) Officers, clerks, and ministers of courts of record;

- (h) Permanent clerks to justices;
- (j) The Sheriff and his officers;
- (k) The police force within the meaning of the *Police Regulation Act 1898*;
- (l) Officers in the armed forces of the Crown or the Commonwealth on full pay or on full time duty;
- (m) Permanent heads within the meaning of the *Public Service Act 1923*;
- (n) Officers in the Attorney-General's Department, Solicitor-General's Department, Gaols Department, and Police Department;
- (o) The Auditor-General, the Chief Commissioner of Forests, the Director of Housing, the Hydro-Electric Commissioner, the Public Service Commissioner, the Racing Commissioner, and the members of the Transport Commission.

2. *Parliament.*

Members and officers of either House.

3. *Local Government.*

- (a) Mayors, wardens, town clerks, and council clerks;
- (b) Master-wardens of marine boards and chairmen of harbour trusts.

4. *Law.*

Barristers and legal practitioners in actual practice and their clerks.

5. *Clergy.*

Clergymen (including officiating ministers within the meaning of, and registered under, the *Marriage Act 1942*) who follow no secular occupation than that of schoolmaster.

6. *Medicine.*

- (a) Legally-qualified medical practitioners;
- (b) Tasmanian Licentiates in Medicine or Surgery or Medicine and Surgery;
- (c) Registered dentists;
- (d) Certified opticians;
- (e) Registered pharmaceutical chemists;
- (f) Registered veterinary surgeons;
- (g) Registered physiotherapists,

only if in actual practice.

7. *Education.*

Masters and teachers of schools.

8. *Commerce.*

- (a) Managers, accountants, and tellers of banks;
- (b) Masters of merchant ships and skippers of fishing vessels and ferries;
- (c) Pilots, navigators, and radio operators of aircraft flown by a commercial air line;
- (d) Harbourmasters, deputy-harbourmasters, and engineers of marine boards and harbour trusts;
- (e) Editors, publishers, and reporters of newspapers;
- (f) Reporters of the Australian Broadcasting Commission or of a news collecting agency.

For the purposes of paragraphs 4 and 6 of this schedule persons in the service of the Crown directly or through a statutory authority shall be deemed to be in actual practice if they are engaged in the work of their respective professions or crafts."

- 14** The second schedule to the Principal Act is amended— The second schedule.
- (a) by omitting forms I and II; and
  - (b) by omitting form VI and substituting therefor the following form:—

“ FORM VI.

“ You and each of you severally swear that you shall well and truly try the issues and assess the damages in all cases that may be brought before you or any of you for trial or inquiry at these present sittings of the Supreme Court, and a true verdict give according to the evidence. So help you God.”.

- 15** The *Jury Act* 1939 is repealed. Repeal of Jury Act 1939.

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**RACING AND GAMING.**

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No. 85 of 1957.

AN ACT to amend the *Racing and Gaming Act* 1952. [6 December 1957.]

**BE** it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

- 1**—(1) This Act may be cited as the *Racing and Gaming Act* 1957. Short title, citation, and commencement.
- (2) The *Racing and Gaming Act* 1952, as subsequently amended, is in this Act referred to as the Principal Act.
- (3) Sections two and three of this Act shall commence on the first day of January 1958.

**2** Section fifty-three of the Principal Act is amended by omitting from subsection (1) the words “ twelve pounds ten shillings ” and substituting therefor the words “ fifteen pounds ”. Commission that may be charged by person using a totalizator.

**3** Section fifty-four of the Principal Act is amended by omitting subsection (1) thereof and substituting therefor the following subsection:— Totalizator tax.

“(1) Out of the moneys retained by a committee by way of commission pursuant to section fifty-three, there shall be paid by the committee to the Commission a sum equal to—

- (a) five pounds per centum of the total amount paid by the purchasers of tickets at the totalizator, in the case of a race meeting conducted on a race-course situated in a city area; or