

JURY.

No. 50 of 1966.

AN ACT to amend the *Jury Act 1899* and certain provisions of the *Local Courts Act 1896* relating to juries. [12 December 1966.]

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 commencement.

1—(1) This Act may be cited as the *Jury Act 1966*.

(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.

Interpretation.

2 Section three of the Principal Act is amended—

(a) by omitting the definition of “addition” and substituting therefor the following definition:—

“‘Assembly roll’ means an assembly roll within the meaning of the *Electoral Act 1907*”; and

(b) by adding at the end thereof the following definition:—

“‘verdict’, in relation to a jury, includes a finding on any issue or question that it is required to try.”.

3 Sections four and five of the Principal Act are repealed and the following section is substituted therefor:—

“4 Subject to this Act—

(a) every man between the ages of twenty-one years and sixty-five years who is enrolled on an Assembly roll; and

(b) every woman between those ages who is so enrolled and notifies the Sheriff in writing that she desires to serve as a juror,

is qualified to serve as a juror, and every person qualified to serve as a juror is liable so to serve.”.

4 Sections six and seven of the Principal Act are repealed and the following sections are substituted therefor:—

“6—(1) A person is not qualified for serving as a juror so long as—

(a) he is under sentence of death;

General qualification for jury service.

Disqualification on account of imprisonment, &c.

- (b) he is under sentence of imprisonment imposed as a consequence of his conviction for an offence; or
- (c) he is bound by a recognizance entered into under section three hundred and eighty-six of the *Criminal Code*, section sixty-eight of the *Police Offences Act 1935*, or the *Probation of Offenders Act 1934*.

“(2) For the purposes of subsection (1) of this section a person shall be treated as being under sentence of imprisonment notwithstanding that the execution of the whole or any part of that sentence has been suspended.

“(3) A person who, as a consequence of his conviction for one or more offences, has been sentenced to imprisonment for a term not less than three months in length is not qualified for serving as a juror during the period of five years from the date on which he last ceased to be in custody in pursuance of that sentence, having then been lawfully discharged or released therefrom.

“(4) Where sentences of imprisonment have been passed on a person so as to run consecutively those sentences shall, for the purposes of subsection (3) of this section, be treated as one sentence of imprisonment for a term equivalent in length to the sum of the terms of those sentences.

“(5) There shall be disregarded for the purposes of this section any conviction for an offence for which a free pardon has been granted, and any sentence passed on such a conviction.

“(6) References in this section to a sentence of imprisonment shall be deemed to include references to—

- (a) an order of a court that a person be imprisoned for any term;
- (b) a sentence that a person is to be detained during Her Majesty's pleasure;
- (c) an order under section fifty of the *Prison Act 1868*;
- (d) a sentence or order of a court that a person be detained in a reformatory prison within the meaning of the *Indeterminate Sentences Act 1921*; and
- (e) an order made by a court under section seventy-two of the *Police Offences Act 1935* that a person be committed to and detained in an institution,

and any such sentence or order that does not specify the period or term for which the person in respect of whom it is passed or made is, or is liable to be, detained in pursuance thereof shall, for the purposes of this section, be treated as a sentence of imprisonment for a term not less than three months in length.

Disqualifica-
tion on
ground of
disability, &c.

“7—(1) Where the Sheriff is satisfied that any person should not serve as a juror by reason—

- (a) of his suffering from any illness, disorder, disability, or infirmity of mind or body; or
- (b) of his being unable to read, write, or understand the English language sufficiently well to try a cause,

he may, by order under his seal, disqualify that person for serving as a juror.

“(2) An order shall not be made under subsection (1) of this section on the grounds referred to in paragraph (a) of that subsection, except on the certificate of a legally-qualified medical practitioner, containing evidence to show that those grounds exist.

“(3) The Sheriff shall cause a copy of an order made under this section to be sent to the person thereby disqualified and to the Crown Solicitor.

“(4) The Sheriff shall revoke any order made under this section in respect of any person if he is satisfied that the grounds on which the order was made no longer exist.

“(5) The Supreme Court may, on the motion of a person disqualified under this section, or of the Crown, supported by an affidavit of relevant facts, quash the order by which that person was so disqualified.

“(6) Where on the motion of a person disqualified under this section the court quashes the order by which he was so disqualified it may award costs to that person, and any costs so awarded shall be treated as costs awarded in an action against the Sheriff in his capacity as such.

Exemption
from jury
service on
account of
occupation,
&c.

“7A The persons—

- (a) who are described in the first schedule; or
- (b) who come within any class or description of persons prescribed as being exempt from serving as jurors,

are exempt from serving as jurors.

Exemption
from jury
service at
particular
sittings, &c.

“7B On an application by any person summoned to appear as a juror, or appointed to serve as a juror, the Sheriff may, on reasonable grounds being shown, exempt that person from serving as a juror, either during the sittings of the court in respect of which the summons was issued or the appointment made or for such other period as he may specify.”

5 Sections nine to twenty-four (inclusive) of the Principal Act are repealed and the following sections substituted therefor:—

Preparation
of jury lists
by Sheriff.

“9—(1) As soon as practicable after the prescribed date for any jury district a jury list shall be prepared, as prescribed, by the Sheriff for that district.

“(2) A jury list for a jury district shall contain the names of such number of persons as the Sheriff considers adequate, selected in the manner prescribed from those enrolled at the prescribed date on the Assembly rolls, but excluding the names of persons known to the Sheriff not to be qualified for serving as jurors or exempt from so serving.

“(3) Subject to regulations made for the purposes of this section, the Sheriff, in selecting names for the purposes of subsection (2) of this section, shall, so far as appears to him practicable, refrain from selecting the name of any person known to him to have served as a juror if there are other persons whose names may be selected who have not served as jurors since he last served as a juror.

“(4) For the purposes of subsection (3) of this section due appearance of a person on a summons to appear as a juror shall be treated as service by that person as a juror unless on so appearing he is exempted from so serving.

“(5) At the request of the Sheriff, the Chief Electoral Officer and the Commissioner of Police shall furnish him with such information as is available to them in the respective courses of their duties as the Sheriff may require of them for the purposes of this section.

“(6) In this section ‘prescribed date’, when used in relation to a jury list for a jury district means—

- (a) in the case of a jury district in respect of which a jury list is in force, such date as may, from time to time, be prescribed in relation to that district; and
- (b) in any other case, the date of the creation of that district.

“10—(1) As soon as practicable after the preparation of a jury list for a jury district, the Sheriff shall select from that list the names of the persons whom he considers suitable to serve as special jurors and submit to the Chief Justice a list of the names so selected. Special jury lists.

“(2) On the submission to the Chief Justice of a list under subsection (1) of this section in respect of any jury district he shall cause a list to be prepared of the names of the persons he considers qualified to serve as special jurors for that district, and the list so prepared is the special jury list for that district.

“(3) In the preparation of a special jury list the Chief Justice may take the assistance of, and make inquiry from, such persons and in such manner as he thinks proper in regard to the character, education, and intelligence of any person whose name is on any jury list, and the Sheriff may exercise the like powers in relation to any list prepared by him under subsection (1) of this section.

“11 A jury list of any kind for a jury district has effect as soon as it is made and ceases to be of effect on the making of a new jury list of the same kind for that district.” Period of effect of jury lists.

Jury cards.

6 Section twenty-five of the Principal Act is amended by omitting from subsection (1) the words "in every year".

Precepts for
summoning
special jurors.

7 Section twenty-six of the Principal Act is amended by omitting the word "thirty" and substituting therefor the word "fifty".

Drawing for
jurors and
custody of
cards.

8 Section twenty-eight of the Principal Act is amended by omitting subsection (3).

Summoning of
jurors drawn.

9 Section twenty-nine of the Principal Act is amended—

(a) by omitting all the words following the word "schedule"; and

(b) by adding at the end thereof the following subsection:—

"(2) A summons issued under this section to any person shall be served on him at least fourteen clear days before the time specified therein for his attendance—

(a) by delivering it to him;

(b) by leaving it for him at his last known or most usual place of abode or business with a person apparently an inmate thereof or employed thereat and apparently not less than sixteen years of age; or

(c) by sending it by post addressed to him at his last known or most usual place of abode or business."

Panels and
copies
thereof.

10 Section thirty of the Principal Act is amended by omitting the words "twenty-five cents" and substituting therefor the words "one dollar".

11 Section thirty-five of the Principal Act is repealed and the following section is substituted therefor:—

Information
for summon-
ing jurors
under other
Acts.

"35 Any person required, otherwise than under this Act, to summon persons to attend or serve as jurors is entitled to free access to the jury lists, special jury lists, and cards prepared for the purposes of this Act."

Special juries
in criminal
cases.

12 Section forty of the Principal Act is amended by omitting all the words following the word "list;" and substituting therefor the words "and, where such an order is made, that case shall accordingly be so tried."

Disagreement
of jury.

13 Section forty-eight of the Principal Act is amended by omitting subsections (2) and (3) and substituting therefor the following subsections:—

"(2) Subject to this section, if, in any criminal proceedings, a jury has remained in deliberation for the necessary period without reaching a unanimous decision as to their verdict, but

ten of them have agreed as to a verdict, the decision of those ten jurors shall be taken and entered as, and shall be, the verdict of the jury.

“(3) Subsection (2) of this section does not apply to a verdict that the accused is guilty of a crime punishable by death or any special finding upon which the accused would be convicted of such a crime.

“(4) Where, in any criminal proceedings, after deliberating for the necessary period, a jury has not reached a unanimous decision as to their verdict and no ten of them have agreed to a verdict that is under this section to be taken as the verdict of the jury, the jury may be discharged unless, in the opinion of the judge, further deliberation is desirable.

“(5) For the purposes of this section ‘necessary period’ means—

- (a) in relation to any such verdict as is referred to in section three hundred and eighty-three of the *Criminal Code* given upon the trial of an indictment for a crime punishable by death, a period of six hours; and
- (b) in any other case, a period of two hours.”.

14 Section fifty-one of the Principal Act is amended by omitting subsection (1) and substituting therefor the following subsections:—

Liability
of jurors
failing to
appear, &c.

“(1) Where any person, having been required to appear, or serve, as a juror in the Supreme Court—

- (a) fails to appear or serve as so required;
- (b) fails, on being thrice called at the direction of the court, to answer his name; or
- (c) absents himself from the court at any time at which he is so required to appear or serve,

the court may impose on him a fine not exceeding one hundred dollars unless good cause for his default be made to appear to the satisfaction of the court.

“(1A) No fine shall be imposed under this section on a person who has been required to appear as a juror by virtue of a summons served on him in the manner specified in paragraph (c) of subsection (2) of section twenty-nine unless he has appeared before the court or has been served with a summons issued by the Sheriff directing him, at such time as may be specified in the summons, to appear before the court to show cause why the fine should not be imposed.

“(1B) The summons served on any person under subsection (1A) of this section shall be so served at least four clear days before the time specified therein for his appearance before the court in the manner in which a summons under section twenty-nine may be served pursuant to paragraph (a) or paragraph (b) of subsection (2) of that section.”.

Liability
for not
attending,
&c., after
view.

- 15** Section fifty-nine of the Principal Act is amended—
- (a) by omitting the words “to be paid to the use of His Majesty”; and
- (b) by adding at the end thereof the following subsection:—
- “(2) Subsection (2) of section fifty-one applies to fines imposed under this section as it applies to fines imposed under that section.”.

Liability of
clerks and
superintendents
of
police.

- 16** Section sixty-five of the Principal Act is repealed.

Recovery, &c.,
of fines.

- 17** Section sixty-eight of the Principal Act is amended—
- (a) by inserting, after the word “fifty-one”, the words “or section fifty-nine”; and
- (b) by adding at the end thereof the following subsection:—
- “(2) Fines paid or recovered under this Act shall be paid into the Consolidated Revenue.”.

Regulations.

- 18** Section sixty-nine of the Principal Act is amended by omitting subsection (2) and substituting therefor the following subsections:—

“(2) The regulations may provide for—

- (a) the custody and control of jurors’ cards; and
- (b) a method of selecting from the names of persons on a jury list those who are to be summoned to serve as jurors under which a person who has served as a juror will not be so summoned while there is, on that list, a substantial number of names of other persons who have not served as jurors since he last so served.

“(3) For the purposes of paragraph (b) of subsection (2) of this section, due appearance of a person on summons to appear as a juror shall be treated as service by that person as a juror unless on so appearing he is exempted from so serving.”.

Exemptions
from jury
service.

- 19** The first schedule to the Principal Act is amended—
- (a) by omitting from paragraph 5 the words in parentheses and substituting therefor the words “(including any person who, by virtue of his registration under any law of the Commonwealth, is authorized to solemnize marriages in the State)”;
- (b) by omitting sub-paragraph (b) of paragraph 6; and
- (c) by omitting from sub-paragraph (c) of that paragraph the word “Registered” and substituting therefor the word “Certified”.

20 The provisions of the Principal Act specified in the schedule are amended—

Consequential
amendments
of Principal
Act.

- (a) by omitting the word “man” (wherever occurring) and substituting therefor, in each case, the word “person”; and
- (b) by omitting the word “men” (wherever occurring) and substituting therefor, in each case, the word “persons”.

21 Sections eighty and eighty-one of the *Local Courts Act* 1896 are repealed and the following section is substituted therefor:—

“80—(1) Where a jury is required for the trial of any issue in a court the registrar of the court shall make application to the Sheriff to summon a sufficient number of jurors to attend the court for which the jury is required.

Juries in
local courts.

“(2) For the purposes of the *Jury Act* 1899 an application made under subsection (1) of this section has the like effect as a precept referred to in section twenty-six of that Act, except that, for the purposes of this section—

- (a) references in that Act to the Supreme Court shall be construed as references to the court in respect of which the application was made; and
- (b) references in that Act to the Clerk of the Court shall be construed as references to the registrar.

“(3) No person shall be summoned as a juror under this section unless his name is on a special jury list.

“(4) Section seven B of the *Jury Act* 1899 applies in relation to a person summoned to appear as a juror for the purposes of this Act as if the reference in that section to the Sheriff included a reference to the court in respect of which that person was summoned to serve as a juror.

“(5) Section fifty-one of the *Jury Act* 1899 applies to persons summoned to serve as jurors under this Act as if for references in that section to the Supreme Court there were substituted references to a court within the meaning of this Act; but any fine imposed under that section, as applied by this section, shall be recoverable as a fine imposed under this Act.

“(6) The registrar of the court shall cause the persons empanelled to try any cause before that court to be sworn in accordance with section thirty-three of the *Jury Act* 1899.”

THE SCHEDULE.

(Section 20.)

PROVISIONS AMENDED.

- Section 39.
- Section 41.
- Section 42.
- Section 44.
- Section 45.

Form III and Form IV in the second schedule.

MOTOR VEHICLES TAX.

No. 51 of 1966.

AN ACT to amend the *Motor Vehicles Tax Act* 1917. [12 December 1966.],

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 and citation.

1—(1) This Act may be cited as the *Motor Vehicles Tax Act* 1966.

(2) The *Motor Vehicles Tax Act* 1917, as subsequently amended, is in this Act referred to as the Principal Act.

The schedule.

2—(1) The schedule to the Principal Act is amended—
 (a) by omitting therefrom the scales and rates of taxes and the headings thereto and substituting therefor the following headings and scales:—

“SCALES AND RATES OF TAXES.

“MOTOR VEHICLES OTHER THAN MOTOR CYCLES AND TRAILERS.

Class of motor vehicle.	Rate of tax.
Motor vehicles propelled by means of an internal combustion engine (other than lorries, motor cycles, and trailers)	\$0.52 per power weight unit
Motor vehicles propelled otherwise than by means of an internal combustion engine (other than lorries, motor cycles, and trailers)	\$2.30 per weight unit
Lorries propelled by means of an internal combustion engine, the weight of which—	
(a) is less than two tons	\$0.46 per power weight unit.
(b) is not less than two tons but less than three tons	\$0.68 per power weight unit
(c) is not less than three tons	\$0.79 per power weight unit
Lorries propelled otherwise than by means of an internal combustion engine	\$1.88 per weight unit