



JURY

No. 9 of 1974

ANALYSIS

1. Short title, citation, and commencement.
2. General qualification for jury service.
3. Disqualification on account of imprisonment, &c.
4. Exemption from jury service at particular sittings, &c.
5. General exemptions from jury service.

AN ACT to amend the Jury Act 1899.

[1 May 1974]

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 *Jury Act* 1974.

Short title,
citation, and
commencement.

(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.

2 Section 4 of the Principal Act is repealed and the following section is substituted therefor:—

General
qualification
for jury
service.

“4—(1) Subject to this Act, every person who has not attained the age of 65 years and who is enrolled on an Assembly roll is qualified to serve as a juror, and every person who is qualified to serve as a juror is liable so to serve.

“(2) Notwithstanding anything in the foregoing provisions of this section, a woman may, in the prescribed manner, serve notice on the Sheriff that she elects not to be liable for jury service, and a woman who so elects is not qualified or liable to serve as a juror until that election is revoked by a notice of revocation of the election served on the Sheriff in the prescribed manner.

“(3) An election made under subsection (2) cannot be revoked thereunder within the period of two years following the date on which it was made.”

Disqualification
on account of
imprisonment,
&c.

3 Section 6 of the Principal Act is amended—

- (a) by omitting from paragraph (b) of subsection (1) the word “or” (occurring at the end thereof);
- (b) by omitting from paragraph (c) of that subsection the words “, or the *Probation of Offenders Act 1934*” and substituting therefor the word “; or”; and
- (c) by adding at the end of that subsection the following paragraph:—

“(d) he is subject to a probation order or a work order under the *Probation of Offenders Act 1973*.”.

Exemption
from jury
service at
particular
sittings, &c.

4 Section 7B of the Principal Act is amended by adding at the end thereof the following subsections:—

“(2) Without prejudice to the generality of the provisions of subsection (1) of this section a family responsibility that, in the opinion of the Sheriff, reasonably prevents a person from attending court shall be treated as reasonable grounds for exempting him under that subsection from serving as a juror.

“(3) For the purposes of this section a family responsibility of a person means any obligation to which he is subject that requires his presence elsewhere than in court for the purpose of caring for the day to day needs of any other person (whether resident with him or not).”.

General
exemptions
from jury
service.

5 The first schedule to the Principal Act is repealed and the schedule set out in the Schedule to this Act is substituted therefor.

THE SCHEDULE

(Section 5)

“ THE FIRST SCHEDULE

(Section 7A)

“ PERSONS EXEMPT FROM SERVICE AS JURORS

“ For the purposes of this schedule, a ‘ State instrumentality ’ means any authority or body that is established by or under any Act and—

- (a) is so established to administer or control any department, business, or undertaking on behalf of the State; or
- (b) is prescribed as a State instrumentality for the purposes of this schedule.

1. *Government*

- (a) The Governor and Lieutenant Governor, their spouses, and their respective staffs and households;
- (b) Executive Councillors and their spouses;
- (c) Judges and their spouses;
- (d) Commissioners of Courts of Requests and their spouses;
- (e) Magistrates and their spouses;
- (f) Officers of courts of record and their spouses;
- (g) Permanent clerks to justices and their spouses;
- (h) The Sheriff and his officers and their spouses;
- (i) The Commissioner of Police, the Deputy Commissioner of Police, police officers within the meaning of the *Police Regulation Act 1898*, and persons appointed by the Commissioner of Police under that Act to any office, position, or employment, and the spouses of persons exempt from service as jurors by virtue of this sub-paragraph;
- (j) Persons who are permanent heads for the purposes of the *Public Service Act 1973*;
- (k) Persons employed full-time in any of the following offices, that is to say—
 - (i) An office that constitutes the holder thereof a State instrumentality; and
 - (ii) The office of chairman or other principal member of a State instrumentality;
- (l) Officers of the following departments of the Public Service, namely:—
 - (i) The Attorney-General’s Department;
 - (ii) The Solicitor-General’s Department;
 - (iii) The Prisons Department; and
 - (iv) The Police Department,and the spouses of those officers.

2. *Parliament*

Members and officers of either House of Parliament.

3. Law

- (a) Persons who pursuant to an Act are entitled to practise, and are in actual practice, as barristers or solicitors, and their staffs;
- (b) Persons who are so entitled and who, in the service of the Crown or a State instrumentality, are engaged in the work of the profession of barrister or solicitor; and
- (c) The spouses of persons exempt from service as jurors by virtue of this paragraph.

4. Medicine

Persons who are registered or certified under any of the following enactments, namely:—

- (a) The *Medical Act* 1959;
- (b) Part II of the *Dentists Act* 1919;
- (c) The *Opticians Act* 1913;
- (d) The provisions of the *Pharmacy Act* 1908 so far as they relate to pharmaceutical chemists;
- (e) The *Veterinary Act* 1918;
- (f) The *Physiotherapists' Registration Act* 1951;
- (g) The *Nurses' Registration Act* 1952;
- (h) The *Tasmanian Auxiliary Nursing Service Act* 1949,

and who are in actual practice in the profession or vocation in relation to which they are so registered or certified.

5. Education

Persons who are engaged full-time on the teaching staff of—

- (a) any university, college, school, or other educational institution that is established by or under any Act or is maintained by the State; or
- (b) any school registered under Part IV of the *Education Act* 1932.

6. Commerce

- (a) Masters or skippers, and the crews, of merchant ships, fishing vessels, or ferries; and
- (b) Pilots and crews of commercial aircraft.”.