



ANNO DECIMO QUARTO

# ELIZABETHAE II REGINAE

A.D. 1965

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## No. 28 of 1965

### An Act to amend the Juries Act, 1927-1937.

[Assented to 25th November, 1965.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

**Short titles.**

1. (1) This Act may be cited as the "Juries Act Amendment Act, 1965".

(2) The Juries Act, 1927-1937, as amended by this Act, may be cited as the "Juries Act, 1927-1965".

(3) The Juries Act, 1927-1937, is hereinafter referred to as "the principal Act".

**Incorporation.**

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act.

**Commencement.**

3. This Act shall come into operation on a day to be fixed by proclamation.

**Amendment of principal Act, s. 2—  
Transitional provision.**

4. Section 2 of the principal Act is amended by striking out subsection (2) thereof and inserting in lieu thereof the following subsection:—

(2) Notwithstanding the amendments made by the Juries Act Amendment Act, 1965, until the first annual jury lists have been prepared under this Act as amended by that Act, every panel of jurors required shall be

prepared in the manner provided by this Act as in force immediately before the commencement of that Act, and this Act, as then in force, shall apply and have effect in relation to all matters incidental to or arising out of any such panel.

5. Subsection (1) of section 3 of the principal Act is amended—

Amendment of  
principal Act,  
s. 3—  
Interpretation.

(a) by striking out the definitions of “Legislative Council Subdistrict” and “Subdistrict” therein; and

(b) by striking out the definition of “subdistrict roll” therein and inserting in lieu thereof the following definitions:—

“subdivision” means subdivision of any electoral district for the purpose of electing members of the House of Assembly:

“subdivision roll” means the electoral roll of House of Assembly electors for a subdivision prepared and kept as required by law.

6. Section 5 of the principal Act is amended—

Amendment of  
principal Act,  
s. 5—  
Right to jury  
in civil  
inquests.

(a) by striking out all the words after the words “commencement of this Act” (first occurring) in subsection (1) thereof; and

(b) by striking out the words “Subject to the foregoing provisions of this section, after” in subsection (2) thereof and inserting in lieu thereof the word “After”.

7. Section 6 of the principal Act is amended by striking out the word “men” therein and inserting in lieu thereof the word “persons”.

Amendment of  
principal Act,  
s. 6—  
Jury in civil  
inquests.

8. Section 7 of the principal Act is amended by striking out the word “men” therein and inserting in lieu thereof the word “persons”.

Amendment of  
principal Act,  
s. 7—  
Jury in  
criminal  
inquests.

9. Subsection (1) of section 9 of the principal Act is amended by striking out the words “Legislative Council” therein.

Amendment of  
principal Act,  
s. 9—  
Areas of jury  
districts.

10. Section 11 of the principal Act is amended—

(a) by striking out the words “man” and “Legislative Council” therein and inserting in lieu thereof the

Amendment of  
principal Act,  
s. 11—  
Qualification  
of jurors.

words "person" and "House of Assembly" respectively; and

(b) by inserting therein after paragraph (a) thereof the following paragraph:—

"(a1) who is of the age of twenty-five years or over; and".

Amendment of principal Act, s. 12—  
Disqualifications.

**11.** Section 12 of the principal Act is amended by striking out the word "man" therein and inserting in lieu thereof the word "person".

Enactment of principal Act, s. 14a—

**12.** The following section is inserted in the principal Act after section 14 thereof:—

Woman may cancel or reinstate liability to serve.

14a. (1) A woman who is qualified and liable to serve as a juror may at any time, but subject to subsection (2) of this section, cancel her liability to serve as a juror by giving to the Sheriff notice in writing to that effect.

(2) A woman who has been summoned to serve at any inquest or inquests may, before the expiration of six days after service of the summons therefor, but not afterwards, by notice in writing to the Sheriff, cancel her liability to serve thereat.

(3) A woman who has cancelled her liability to serve as provided by subsection (1) of this section may, after the expiration of two years therefrom, again render herself liable to serve as a juror by giving to the Sheriff notice in writing for reinstatement of such liability.

(4) Upon receipt of a notice of cancellation or of reinstatement from a woman under subsection (1) or (3), as the case may be, of this section, the Sheriff shall forthwith make, sign and date the necessary alteration in the appropriate jury list.

(5) Upon receipt of a notice of cancellation from a woman under subsection (2) of this section, the Sheriff shall forthwith remove her name from the jury panel.

Amendment of principal Act, s. 16—  
Power to discharge juror in case of urgency.

**13.** Section 16 of the principal Act is amended by inserting after the word "illhealth" the word "conscience".

Amendment of principal Act, s. 20—  
Duty of Sheriff to prepare annual jury list.

**14.** Subsection (1) of section 20 of the principal Act is amended so as to read as follows:—

(1) The Sheriff shall during the month of December in each year prepare an annual jury list for each jury district in the manner hereinafter provided.

**15.** Section 22 of the principal Act is amended by striking out the words "subdistrict" and "subdistricts" therein and inserting in lieu thereof the words "subdivision" and "subdivisions" respectively.

Amendment of principal Act, s. 22—  
Preparation of lists from Legislative Council Rolls.

**16.** Subsection (2) of section 23 of the principal Act is amended—

Amendment of principal Act, s. 23—  
Mode of ballot.

(a) by inserting therein after paragraph (c) thereof the following paragraph :—

(c1) The number of men in each quota shall as nearly as possible bear to the number of women in that quota the ratio which the number of men in the subdivision roll bears to the number of women in that roll.

(b) by striking out the word "men" in subparagraph I of paragraph (e) thereof and inserting in lieu thereof the word "persons";

(c) by inserting at the end of subparagraph I of paragraph (e) thereof the passage "(the number of men and women so included being in accordance with paragraph (c1) of this subsection)";

(d) by striking out the words "female electors or of" in subparagraph II of paragraph (e) thereof; and

(e) by inserting after the word "subdivision" (last occurring) in subparagraph II of paragraph (e) thereof the passage ", including the required number of names of men and women,".

**17.** Section 24 of the principal Act is amended so as to read as follows :—

Amendment of principal Act, s. 24—

24. Every annual jury list shall come into force on the first day of January next after the preparation thereof.

Coming into operation of lists.

**18.** Section 32 of the principal Act is amended by striking out the words "equal to the number of jurors to whom summonses are intended to be issued" therein and inserting in lieu thereof the passage "required to make up the number of men and women to be summoned as jurors, so that as nearly as possible the number of men to be summoned bears to the number of women to be summoned the ratio which the number of men in the jury list bears to the number of women in that list provided that, whenever practicable, the Sheriff shall ensure that each panel shall contain not less than fourteen women".

Amendment of principal Act, s. 32—  
Balloting for jurors.

Amendment of  
principal Act,  
s. 33—  
Entry on  
panel.

**19.** Section 33 of the principal Act is amended by inserting at the end thereof the following subsection (the preceding part of the section being designated as subsection (1) thereof):—

(2) Notwithstanding subsection (1) of this section, the names of a husband and wife shall not be included in the same panel.

Amendment of  
principal Act,  
s. 36—  
Summoning  
jurors.

**20.** Section 36 of the principal Act is amended by inserting at the end thereof the following subsection (the preceding part of the section being designated as subsection (1) thereof):—

(2) In the case of a summons issued to a woman, the summons shall set out at the end thereof the full text of sections 14a and 60b of this Act.

Amendment of  
principal Act,  
s. 37—  
Time and mode  
of service.

**21.** Section 37 of the principal Act is amended by striking out the word “four” therein and inserting in lieu thereof the word “seven”.

Amendment of  
principal Act,  
s. 46—  
Balloting at  
trial.

**22.** Section 46 of the principal Act is amended by striking out the word “men” therein and inserting in lieu thereof the word “persons”.

Amendment of  
principal Act,  
s. 48—  
Names of  
jurors kept  
apart until  
verdict  
recorded or  
jury dis-  
charged and  
then returned  
to box.

**23.** Section 48 of the principal Act is amended—

- (a) by striking out the word “men” therein and inserting in lieu thereof the word “persons”; and
- (b) by striking out the word “jurymen” therein and inserting in lieu thereof the word “jurors”.

Amendment of  
principal Act,  
s. 51—  
Certain  
members of a  
previous jury  
may be  
retained and  
other new ones  
drawn to act  
with them.

**24.** Section 51 of the principal Act is amended by striking out the word “men” (wherever occurring) therein and inserting in lieu thereof in each case the word “persons”.

Repeal and  
re-enactment  
of principal  
Act, s. 55—

**25.** Section 55 of the principal Act is repealed and re-enacted as follows:—

Court may  
permit jury to  
separate.

**55.** In any criminal inquest the Court may, if it thinks fit, at any time before the jury consider their verdict, permit them to separate.

**26.** The following sections are inserted in Part VI of the principal Act after section 60 thereof :—

Enactment of principal Act ss. 60a and 60b—

60a. (1) If, at the trial of any issue, the Court is of opinion that, by reason of the nature of the evidence to be given or the issue to be tried—

Jury to consist of men only.

(a) that the jury should consist of men only ; or

(b) that the jury should consist of women only,

the Court may, notwithstanding anything contained in this Part, order that the jury for the trial of that issue shall be empanelled accordingly.

(2) An order under subsection (1) of this section may be made upon application by one of the parties to the inquest or by the Court of its own motion.

60b. A woman summoned or empanelled as a juror, may, before the trial of any issue, apply to the Court to be excused from serving as a juror at that trial by reason of the nature of the evidence to be given or the issue to be tried, and the Court may excuse her from serving accordingly.

Women may be excused from jury service.

**27.** Section 66 of the principal Act is amended by striking out the word “man” therein and inserting in lieu thereof the word “person”.

Amendment of principal Act, s. 66—  
Want of qualification a cause of challenge.

**28.** Section 69 of the principal Act is amended by striking out the word “men” (wherever occurring) therein and inserting in lieu thereof in each case the word “persons”.

Amendment of principal Act, s. 69—  
Tales.

**29.** Section 74 of the principal Act is amended by striking out the words “at the rates mentioned in the eighth schedule” therein and inserting in lieu thereof the words “as provided by section 77 of this Act”.

Amendment of principal Act, s. 74—  
Payment of jurors.

**30.** Section 78 of the principal Act is amended by striking out the word “man” in paragraphs (a) and (c) thereof and inserting in lieu thereof in each case the word “person”.

Amendment of principal Act, s. 78—  
Penalty for non-attendance of jurors.

**31.** Section 79 of the principal Act is amended by striking out the word “man” (wherever occurring) therein and inserting in lieu thereof in each case the word “person”.

Amendment of principal Act, s. 79—  
Fines may be remitted upon cause shown.

**32.** Section 80 of the principal Act is amended by striking out the word “man” in paragraphs (e), (g), (h) and (i) thereof and inserting in lieu thereof in each case the word “person”.

Amendment of principal Act, s. 80—  
Offences by Sheriff, etc.

Amendment of  
principal Act,  
s. 89—  
Rules of  
court.

**33.** Section 89 of the principal Act is amended by striking out the passage “sections 85 and 86 of” therein.

Amendment of  
principal Act,  
third schedule.

**34.** The Third Schedule to the principal Act is amended—

- (a) by striking out the line “Courts of Justice, Paid Judges of all, including Stipendiary Magistrates” in Part I thereof and inserting in lieu thereof the line “Courts of Justice, Judges and Magistrates of, and their wives”;
- (b) by inserting after the line “Notaries Public” in Part I thereof the line “Nurses, if actually practising”;
- (c) by inserting at the end of Part I thereof the line “Women who are members of a religious order living in a convent or other religious community”; and
- (d) by striking out the words “Interstate Commission, Members of” in Part II thereof.

Amendment of  
principal Act,  
fourth  
schedule.

**35.** The Fourth Schedule to the principal Act is amended by striking out the word “men” (wherever occurring) therein and inserting in lieu thereof in each case the word “persons”.

Repeal of  
principal Act,  
eighth  
schedule.

**36.** The Eighth Schedule to the principal Act is repealed.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

EDRIC BASTYAN, Governor.