

1995—No. 43

## JURY ACT 1977—REGULATION

(Relating to jurors' attendance fees and travel and refreshment allowances)

NEW SOUTH WALES



*[Published in Gazette No. 14 of 10 February 1995]*

HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Jury Act 1977, has been pleased to make the Regulation set forth hereunder.

J. P. HANNAFORD, M.L.C.,  
Minister for Justice.

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### Commencement

1. This Regulation commences on 27 February 1995.

### Amendments

2. The Jury Regulation 1993 is amended:

(a) by omitting clause 9 and by inserting instead the following clause:

#### Payment for jury service

9. (1) For the purposes of section 72 (1) of the Act, the prescribed rate at which a juror is entitled to be paid for attendance on any day is the sum of the attendance fee (if applicable), the travelling allowance and the refreshment allowance (if applicable) calculated in respect of that day in accordance with Scales A, B and C, respectively, in Schedule 2.

(2) A juror's claim for an attendance fee set out in Scale A in Schedule 2 is to be accompanied by a statutory declaration verifying:

- (a) if the juror was an employee during the period of jury duty—that he or she was not paid a full wage or salary by his or her employer while on jury duty; or
- (b) that the juror was not employed during the period of jury duty.

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(b) by omitting Schedule 2 and by inserting instead the following Schedule:

**SCHEDULE 2—SCALES OF DAILY FEES AND ALLOWANCES PAYABLE IN RESPECT OF JURORS**

(Cl. 9)

**SCALE A—ATTENDANCE FEE**

Day of attendance	Fee per day
	\$
1st:	
(a) if a juror attended for less than 4 hours on that day .....	33
(b) if a juror attended for more than 4 hours on that day.....	66
2nd–5th .....	66
6th–10th .....	77
11th and subsequent days .....	90
If a juror is paid his or her full wage or salary on a day of attendance by his or her employer (not being an amount that is the difference between the juror's full wage or salary and the attendance fee) .....	...
(See clause 9 (2) regarding the requirement of submitting a completed statutory declaration if a juror claims an attendance fee.)	

**SCALE B—TRAVELLING ALLOWANCE**

On each day of attendance, for one journey each way between a juror's place of residence as shown on the jury roll and the court or inquest attended, the juror is entitled to be paid at the rate of 20.1 cents per kilometre with:

- (a) a minimum payment of \$2.80 each way (being a minimum payment for 14 kilometres each way); and
- (b) a maximum payment of \$20.10 each way (being a maximum payment for 100 kilometres each way), whether or not public transport is used.

**SCALE C—REFRESHMENT ALLOWANCE**

If a juror in either a civil or criminal matter is released by the trial judge during a luncheon adjournment, the juror is entitled to be paid a refreshment allowance of \$5.

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**EXPLANATORY NOTE**

The objects of this Regulation are:

- to increase the attendance fees to be paid to jurors and to rationalise the scale by which jurors are paid according to the number of days of attendance
- to require a juror claiming an attendance fee to make a statutory declaration verifying that, if the juror was an employee during the period of jury duty, the juror was not paid his or her full wage or salary by his or her employer, or that the juror was not in employment during the period of jury duty. This requirement will ensure that any person being paid such a wage or salary (other than an amount being the difference between the person's wage or salary and the attendance fee) during the period of jury duty will not receive an attendance fee
- to rationalise and generally increase the travelling allowance paid to jurors, irrespective of the mode of transport used, by stipulating a journey rate of 20.1 cents per kilometre for travel by jurors from their place of residence to the court or inquest, with a minimum payment of \$2.80 each way and a maximum payment of \$20.10 each way
- to provide for payment of a refreshment allowance of \$5 per day for jurors in both civil and criminal matters who are released by the trial judge during a luncheon adjournment.

This Regulation is made under the Jury Act 1977, including sections 72 and 76 (the general regulation-making power).

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