

**JURY ACT 1977—REGULATION**

(Jury Regulation 1993)

NEW SOUTH WALES



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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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**Citation**

1. This Regulation may be cited as the Jury Regulation 1993.

**Commencement**

2. This Regulation commences on 1 September 1993.

**Definitions**

3. (1) In this Regulation:

“**the Act**” means the Jury Act 1977.

(2) In this Regulation, a reference to a Form is a reference to a Form set out in Schedule 1.

**Jury districts**

4. (1) In determining the electoral districts and parts of electoral districts that are to comprise the jury districts constituted under section 9 (2) of the Act, the sheriff must ensure that:

- (a) the address of each person whose name appears on an electoral roll is included in one, but not more than one, jury district; and
  - (b) there will, in the sheriff's opinion, be a sufficient number of persons eligible to be called for jury service in each jury district.
- (2) The sheriff must cause a map to be prepared (which map may be kept in computerised form) for each jury district.
- (3) The map must contain sufficient detail to indicate whether or not a particular address is within a particular jury district.
- (4) A copy of each map prepared under this clause must be kept at the offices of the sheriff and at such other locations as the sheriff may from time to time determine.
- (5) The sheriff must ensure that any person who wishes to view the map for a jury district is given facilities to do so, free of charge, during ordinary business hours.

#### **Notice of inclusion on draft jury roll**

5. For the purposes of section 13 (1) of the Act, the prescribed form is Form 1.

#### **General jury precept**

6. For the purposes of section 24 (1) of the Act, the prescribed form is Form 2.

#### **Summons for jury service**

7. For the purposes of section 27 (1) of the Act, the prescribed form is Form 3.

#### **Amount of penalty for failure to attend for jury service**

8. For the purposes of section 64 (2) of the Act, the prescribed amount of penalty for a failure to attend for jury service, if dealt with under that section, is 2 penalty units.

#### **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 and travelling allowance calculated in respect of that day in accordance with Scales A and B in Schedule 2.

- (2) For the purposes of section 72 (2) of the Act:
- (a) a Registrar of the District Court is a prescribed officer; and
  - (b) the fourth day of the trial is the prescribed day; and
  - (c) the amount (if any) appearing in Column 3 of Scale A in Schedule 3 is the prescribed part of the amount required to pay fees for jurors for attendance on the day referred to in Column 1 of that Scale.

### Repeal

10. The Jury Regulation 1977 is repealed.

## SCHEDULE 1—FORMS

### Form 1

(Cl. 5)

### PARTA

## NOTICE OF INCLUSION OF A DRAFT JURY ROLL

JURY ACT 1977

(section 13)

Jury District:

Reference No.:

(date)

Dear Sir/Madam,

Your name has been selected at random from the electoral roll for inclusion on the draft jury roll for the above Jury District.

Unless you are disqualified from or ineligible for jury service, or are entitled to claim exemption from inclusion on the jury roll, *you may be liable for jury service at any time during the next 3 years.*

### DISQUALIFIED OR INELIGIBLE PERSONS

Persons who are disqualified or ineligible are specified in full on the back of this notice in Schedules 1 and 2. *Please read Schedules 1 and 2 carefully.*

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If you are disqualified or ineligible, you must answer question 1 or 2 in Part B, sign and return it to the Sheriff, GPO Box 3, SYDNEY, within 14 days of the above date. A prepaid addressed envelope is enclosed for that purpose.

**PERSONS ENTITLED TO CLAIM EXEMPTION**

Persons specified in Schedule 3 on the back of this notice may claim exemption from jury service. *Please read Schedule 3 carefully.*

If you are a person referred to in Schedule 3 and you wish to claim exemption from jury service you should answer question 3 in Part B, sign and return it to the Sheriff, GPO Box 3, SYDNEY, within 14 days of the above date. A prepaid addressed envelope is enclosed for that purpose.

Please note that if you are entitled to claim exemption from jury service and do not claim exemption within the 14 days specified you may not be entitled to be excused from service when summoned. A claim for exemption should be lodged now.

If you are not disqualified or ineligible and do not claim exemption no reply to this notice is required. You will remain on the jury roll and be liable to service when summoned. Jurors are summoned, on average, once in each calendar year and receive ample notice.

Yours faithfully,  
Sheriff.

**INQUIRIES:** Should you have any difficulties completing this form, please contact the Sheriff's Office—in Sydney District, at the Supreme Court, Queens Square, in Country Districts, at your Local Court.

**PART B****APPLICATION FOR REMOVAL FROM A DRAFT JURY ROLL**

**WARNING:** Section 62 of the Jury Act 1977 renders a person who makes, or causes or permits to be made on his behalf or on behalf of any other person, any false representation to the Sheriff for the purpose of evasion of jury service liable to a penalty of up to 10 penalty units (\$1,000).

(Please use block letters and print clearly. If you require more space to answer any question please continue your answer on the back of this form.)

Jury District:  
Reference No.:

Full name:  
Address:

1. DISQUALIFIED PERSONS (See Schedule 1):

When and where was the conviction or order recorded which disqualified you?:  
.....  
By what name were you referred to in that conviction or order?: .....  
.....  
What was the offence?: .....  
What was the penalty, or what did the order require?: .....  
.....

2. INELIGIBLE PERSONS (See Schedule 2):

If you claim to be ineligible for jury service as being a person referred to in Schedule 2 you must state a reason. For example "I am an ambulance officer employed by the Health Commission of New South Wales at ....."

.....  
What is your reason?: I claim to be ineligible for jury service because .....  
.....

NOTE 1: Information about persons who claim to be unable to read, speak or understand English should be completed by a responsible adult, who should indicate his capacity, e.g., "brother, friend".

NOTE. 2: If you claim to be ineligible for jury service on the ground that you are unable because of illness or infirmity to discharge the duties of a juror, you should return a medical certificate with this form.

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3. PERSONS CLAIMING EXEMPTION (See Schedule 3):

If you are entitled to claim exemption and wish to do so you must state your reason. For example "I am 66 years of age. I was born on ....."

*What is your reason?:* .....  
.....

NOTE 1: If you claim exemption from jury service on the ground of pregnancy you should return a medical certificate with this form.

NOTE 2: If you claim exemption from jury service as being a person referred to in item 6 of Schedule 3 (care, custody and control of children) you should state the date of birth of the youngest child in your care, custody and control.

REMEMBER: Do not reply to this notice unless you are disqualified, ineligible or entitled to claim exemption.

Sign here: .....

Date: .....

NOTE: You will be advised only if your application for removal is unsuccessful. If your application is granted your name will be removed from the roll without further notification to you, and you will not be called for jury service.

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*OFFICE USE ONLY*

Received

Determination

Notice of Determination

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**SCHEDULE 1—PERSONS DISQUALIFIED FROM SERVING AS JURORS**

1. A person who at any time within the last 10 years in New South Wales or elsewhere has served any part of a sentence of imprisonment or penal servitude.

2. A person who at any time within the last 5 years in New South Wales or elsewhere has been found guilty of an offence and detained in a detention centre or other institution for juvenile offenders.

3. A person who is currently bound by an order of a court made in New South Wales or elsewhere pursuant to a criminal charge or conviction (including a probation or parole order, community service order, order disqualifying the person from driving, recognizance to be of good behaviour or to keep the peace, apprehended domestic violence order, released on bail pending trial or sentence, remanded in custody pending trial or sentence, or released on licence).

#### SCHEDULE 2—PERSONS INELIGIBLE TO SERVE AS JURORS

1. Judges (including members of the Industrial Commission), Masters of the Supreme Court, and their spouses or de facto partners.

2. Members and officers of the Executive Council and their spouses or de facto partners.

2A. Members of the Legislative Council or the Legislative Assembly and their spouses or de facto partners.

2B. Officers and other staff of either or both of the Houses of Parliament and their spouses or de facto partners.

3. Barristers and solicitors.

4. Magistrates and coroners, and their spouses or de facto partners.

5. A person who is a member of the Corrective Services Commission or who is employed in the Department of Corrective Services.

6. Members of the Police Force, and their spouses or de facto partners.

7. A person employed in the Attorney General's Department.

7A. A person employed in the Department of Courts Administration.

8. A person employed in the Police Department.

9. Department Heads within the meaning of the Public Service Act 1979.

10. Members of the Public Service Board.

11. A person who is unable to read or understand the English language.

12. A person who is unable, because of illness or infirmity, to discharge the duties of a juror.

13. The Chief Officer of Fire Brigades, any Deputy Chief Officer of Fire Brigades and any members of a permanent fire brigade under the Fire Brigades Act 1989.

14. An officer within the meaning of the State Emergency Services and Civil Defence Act 1972.

15. A person employed by the Health Administration Corporation in connection with ambulance services.

16. A person exempted under the Jury Exemption Act 1965 of the Commonwealth.

17. The Ombudsman and Deputy Ombudsman.

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18. Crown prosecutors, and their spouses or de facto partners.
19. Public defenders, and their spouses or de facto partners.
20. A person who holds a commercial agent's licence, a private inquiry agent's licence or a subagent's licence under the Commercial Agents and Private Inquiry Agents Act 1963.
21. A person who is the spouse or de facto partner of a person employed as a prison officer in the Department of Corrective Services.
22. A member of the staff of the Security Service of the State Rail Authority.
23. A member of the staff of the Legal Aid Commission.
24. A member of the staff of the Corporate Affairs Commission.
25. The Director of Public Prosecutions, a Deputy Director of Public Prosecutions and the Solicitor for Public Prosecutions, and their spouses or de facto partners.
26. A person who has at any time been a Judge, Master of the Supreme Court, Magistrate, coroner, member of the Police Force, Crown prosecutor, public defender, Director or Deputy Director of Public Prosecutions or Solicitor for Public Prosecutions.
27. A member of the staff of the office of the Director of Public Prosecutions, and their spouses or de facto partners.
28. A member of the State Drug Crime Commission and members of the staff of the Commission except persons employed in the Personnel Resources Unit or the Accounts and Administration Unit of the Commission.

**SCHEDULE 3—PERSONS WHO MAY CLAIM EXEMPTION AS OF RIGHT**

1. Clergymen in holy orders, ministers of religion having established congregations and vowed members of any religious order.
2. Dentists registered under the Dentists Act 1934 and actually practising.
3. Medical practitioners registered under the Medical Practitioners Act 1938 and actually practising.
4. Persons of or above the age of 65 years.
5. Pregnant women.
6. A person having the care, control and custody of children under the age of 18 years (other than children who have ceased to attend school) but not including more than one person having the care, custody and control of the same children.
7. A person residing with, and having the full-time care of, a person who is aged or in ill-health.
8. A person notified of his or her inclusion on the draft jury roll for a jury district who is on the existing jury roll for that jury district or for any other jury district.
9. A person who is entitled to be exempted under section 39 on account of previous lengthy jury service.
10. A person who resides more than 56 kilometres from the place at which the person is required to serve.



- 11. Members and secretaries of all statutory corporations, boards and authorities.
- 12. Pharmacists registered under the Pharmacy Act 1966 and actually practising.
- 13. Mining managers and under-managers of mines.
- 14. Members of a permanent rescue corps established under section 14 (1) of the Mines Rescue Act 1925.
- 15. A person who holds the office of
  - (a) superintendent or assistant superintendent of; or
  - (b) instructor at,
 a central rescue station under the Mines Rescue Act 1925.
- 6. A person who holds the office of
  - (a) Manager, Maintenance;
  - (b) Assistant Manager, Maintenance; or
  - (c) Operating Trouble Officer,
 in the Mechanical Branch of the State Rail Authority.

**Form 2**

(Cl. 6)

**PRECEPT FOR A JURY**

JURY ACT 1977

(section 23 (1))

TO THE SHERIFF:

You are hereby required to summon the undermentioned number of jurors in accordance with the information contained in this precept.

Number of Jurors required: .....

Date and Time required: .....

Court and Jurisdiction: .....  
(show whether civil or criminal)

Place of attendance: .....

Dated at ..... this ..... day of ..... 19 .....

.....  
Authorised Officer  
(show designation)

**Form 3**

(Cl. 7)

**JURY SUMMONS**

JURY ACT 1977

(section 27 (1))

You are required to appear as a juror in the ..... Court at the Court House at ..... on ..... the ..... day of ..... at ..... and you are to attend there from day to day until no longer required.

.....  
Sheriff

NOTE: If you fail to attend for jury service you are liable to a penalty of up to 2 penalty units (\$200).

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

(Cl. 9)

SCALE A—ATTENDANCE FEE

Column 1	Column 2	Column 3
Day of Attendance	Fee per day	Prescribed part section 72 (2))
	\$	\$
1st:		
(a) if juror attended for less than 4 hours on that day, and that day was the only day of attendance.....	23.00	....
(b) in all other cases .....	46.00	....
2nd and 3rd .....	46.00	
4th and 5th .....	47.00	2.00
6th–10th.....	49.00	4.00
11th–15th .....	54.00	8.50
16th–30th .....	56.00	10.00
31st–35th .....	57.00	12.00
36th–40th .....	43.00	17.00
41st and subsequent days .....	70.00	24.00

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**SCALE B—TRAVELLING ALLOWANCE**

For every kilometre of distance between the juror's place of residence as shown on the jury roll and the court or inquest attended, a juror is entitled to be paid:

- (a) if public transport is not used by the juror—20 cents per kilometre each day of attendance each way; and
- (b) if public transport is used by the juror—the amount paid by the juror for travel each way by public transport per day of attendance.

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**SCHEDULE 1—FORMS****SCHEDULE 2—SCALES OF DAILY FEES AND ALLOWANCES PAYABLE  
IN RESPECT OF JURORS**

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**EXPLANATORY NOTE**

The object of this Regulation is to repeal and remake, without any substantive changes, the provisions of the Jury Regulation 1977. The new Regulation contains provisions prescribing the following matters:

- (a) jury districts for the purposes of section 9 of the Act (clause 4);
- (b) forms for the purposes of the Act (clauses 5,6 and 7);
- (c) penalties payable for failing to attend for jury service under section 64 of the Act (clause 8);
- (d) matters relating to payment for jury service (clause 9).

This Regulation is made under the Jury Act 1977, including section 76 (the general regulation making power) and various other sections mentioned in the Regulation.

This Regulation is made in connection with the staged repeal of subordinate legislation under the Subordinate Legislation Act 1989.

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