



# Jury Regulation 2004

under the

Jury Act 1977

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Jury Act 1977*.

BOB DEBUS, M.P.,  
Attorney General

## Explanatory note

The object of this Regulation is to repeal and remake, without substantial alteration, the *Jury Regulation 1999*. The new Regulation contains provisions that deal with the following matters:

- (a) jury districts for the purposes of section 9 of the *Jury Act 1977*,
- (b) payment for jury service,
- (c) the Director-General of the Attorney General's Department exercising certain functions of the sheriff under the *Jury Act 1977* where the sheriff is interested in a case.

This Regulation comprises or relates to matters set out in Schedule 3 to the *Subordinate Legislation Act 1989*, namely matters that are of a machinery nature and matters that are not likely to impose an appreciable burden, cost or disadvantage on any sector of the public.

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

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## Jury Regulation 2004

under the

Jury Act 1977

### 1 Name of Regulation

This Regulation is the *Jury Regulation 2004*.

### 2 Interpretation

(1) In this Regulation:

*the Act* means the *Jury Act 1977*.

(2) Notes in the text of this Regulation do not form part of this Regulation.

### 3 Jury districts

(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 may keep jury district records in computerised form.

### 4 Alternate procedure where sheriff interested in case

The person holding the office of Director-General of the Attorney General's Department is prescribed for the purposes of section 24 (1) of the Act.

## 2004 No 511

Clause 5

Jury Regulation 2004

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### 5 Payment for jury service

- (1) For the purposes of section 72 (1A) of the Act, the prescribed rate at which a person in attendance for jury service at a court or coronial inquest 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 1.
- (2) A person's claim for an attendance fee set out in Scale A in Schedule 1 is to be accompanied by a statutory declaration verifying:
  - (a) if the person was an employee at the time the person was in attendance for jury service—that he or she was not paid a full wage or salary by his or her employer while attending for jury service, or
  - (b) that the person was not employed at the time the person was in attendance for jury service.

### 6 Repeal

- (1) The *Jury Regulation 1999* is repealed.
- (2) Any act, matter or thing that, immediately before the commencement of this Regulation, had effect under the *Jury Regulation 1999* is taken to have effect under this Regulation.

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## Schedule 1 Scales of daily fees and allowances payable in respect of jurors

(Clause 5)

Scale A	Attendance fee	Fee per day
	Day of attendance	\$
	1st:	
	(a) if a person attends for less than 4 hours on that day but is not selected for jury service	Nil
	(b) if a person attends for less than 4 hours on that day and is selected for jury service	39.50
	(c) if a person attends for more than 4 hours on that day (whether or not the person is selected for jury service)	79.20
	2nd–5th	79.20
	6th–10th	92.00
	11th and subsequent days	107.40
	If a person attending for jury service 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 person's full wage or salary and the attendance fee)	Nil

**Note.** See clause 5 (2) regarding the requirement of submitting a completed statutory declaration if a juror claims an attendance fee.

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Schedule 1 Scales of daily fees and allowances payable in respect of jurors

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### **Scale B Travelling allowance**

On each day of attendance, for one journey each way between the place of residence of a person attending for jury service, as shown on the jury roll, and the court or inquest attended, the person is entitled to be paid at the rate of 27 cents per kilometre with:

- (a) a minimum payment of \$3.80 each way (being a minimum payment for 14 kilometres each way), and
  - (b) a maximum payment of \$27.00 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 \$5.70.

BY AUTHORITY

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