



New South Wales

# Jury Amendment (Assumed Identities) Regulation 2009

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*.

JOHN HATZISTERGOS, M.L.C.,  
Attorney General

## Explanatory note

Under section 38 of the *Jury Act 1977* (*the Act*), before the selection of the jury at a criminal trial, civil trial or coronial inquest, the judge or coroner must, subject to the regulations, direct that the jurors on the panel be informed of the identity of the principal witnesses to be called (in the case of a criminal trial, limited to the principal witnesses to be called for the prosecution).

The object of this Regulation is to amend the *Jury Regulation 2004* to provide that the identity of a person who is a principal witness must not be disclosed under section 38 (7) (a), (8) (a) or (9) (a) of the Act if:

- (a) the person is an officer in respect of whom an assumed identity approval is in force under the *Law Enforcement and National Security (Assumed Identities) Act 1998* or was in force at the relevant time, or
- (b) the person is a participant in an authorised operation under the *Law Enforcement (Controlled Operations) Act 1997* or was at the relevant time.

This Regulation is made under the *Jury Act 1977*, including sections 38 (7), (8), (9) and (11) and 76 (1) (the general regulation-making power).

## **2009 No 2**

Clause 1          Jury Amendment (Assumed Identities) Regulation 2009

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### **Jury Amendment (Assumed Identities) Regulation 2009**

under the

Jury Act 1977

#### **1 Name of Regulation**

This Regulation is the *Jury Amendment (Assumed Identities) Regulation 2009*.

#### **2 Amendment of Jury Regulation 2004**

The *Jury Regulation 2004* is amended as set out in Schedule 1.

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## Schedule 1      Amendment

(Clause 2)

### Clause 4A

Insert after clause 4:

#### 4A      Identity of certain persons must not be disclosed

- (1) The identity of a person who is a principal witness must not be disclosed under section 38 (7) (a), (8) (a) or (9) (a) of the Act if:
  - (a) the person is an officer in respect of whom an assumed identity approval is in force under the *Law Enforcement and National Security (Assumed Identities) Act 1998*, or
  - (b) the person is an officer in respect of whom an assumed identity approval was in force under the *Law Enforcement and National Security (Assumed Identities) Act 1998* at the relevant time, or
  - (c) the person is a participant in an authorised operation within the meaning of the *Law Enforcement (Controlled Operations) Act 1997*, or
  - (d) the person was a participant in an authorised operation within the meaning of the *Law Enforcement (Controlled Operations) Act 1997* at the relevant time.
- (2) This clause does not apply to a jury selected before the commencement of this clause.