



New South Wales

# Jury Regulation 2010

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*.

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Attorney General

## Explanatory note

The object of this Regulation is to remake, with minor amendments, the provisions of the *Jury Regulation 2004*, which is repealed on 1 September 2010 by section 10 (2) of the *Subordinate Legislation Act 1989*.

A provision providing for an alternate procedure where the sheriff has an interest in a case has not been included in this Regulation as a consequence of the repeal of section 24 of the *Jury Act 1977*.

This Regulation makes provision with respect to the following:

- (a) determining jury districts,
- (b) the circumstances in which the identity of witnesses will not be disclosed to jurors,
- (c) payments for jury service,
- (d) savings and formal matters.

This Regulation is made under the *Jury Act 1977*, including sections 9 (2), 38 (11) (b), 72 (1A) and 76 (the general regulation-making power).

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

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## Jury Regulation 2010

under the

Jury Act 1977

### 1 Name of Regulation

This Regulation is the *Jury Regulation 2010*.

### 2 Commencement

This Regulation commences on 1 September 2010 and is required to be published on the NSW legislation website.

**Note.** This Regulation replaces the *Jury Regulation 2004* which is repealed on 1 September 2010 by section 10 (2) of the *Subordinate Legislation Act 1989*.

### 3 Definition

(1) In this Regulation:

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

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

### 4 Jury districts

(1) For the purposes of section 9 (2) of the Act, the sheriff, in determining the electoral districts and parts of electoral districts that are to comprise jury districts, must ensure that:

(a) the address of each person whose name appears on an electoral roll is included in at least 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.

### 5 Identity of certain persons must not be disclosed

For the purposes of section 38 (11) (b) of the Act, 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

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- (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.

### 6 Payment for jury service

- (1) For the purposes of section 72 of the Act, if a person is entitled to be paid for attendance for jury service at a court or coronial inquest, the amount to be paid is to be calculated in accordance with this clause.
- (2) The amount is to be calculated as the sum of the following:
  - (a) an attendance allowance calculated in accordance with the Table in Part 1 of Schedule 1,
  - (b) the travelling allowance calculated in accordance with Part 2 of Schedule 1,
  - (c) the refreshment allowance calculated in accordance with Part 3 of Schedule 1.
- (3) A person who is employed at the time the person is in attendance for jury service is entitled to an attendance allowance only if:
  - (a) the person's full wage, salary or income is reduced during that time as a result of the jury service and then only to the extent of the reduction, or
  - (b) the person is not paid any of the wage, salary or income that the person would normally be entitled to during that time, or
  - (c) the person is required to reimburse his or her employer the amount of the jury allowance.
- (4) The sheriff may require a person who claims or intends to claim a jury allowance to supply such information as the sheriff considers necessary to determine the amount of jury allowance, if any, to which the person is entitled.
- (5) In this clause and Schedule 1, a reference to a person or juror who is employed includes a reference to:
  - (a) a person or juror who is a full-time, part-time or casual employee, and
  - (b) a person or juror who is an independent contractor or a self-employed person.

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**7 Savings**

Any act, matter or thing that, immediately before the repeal of the *Jury Regulation 2004*, had effect under that Regulation continues to have effect under this Regulation.

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Schedule 1 Jury service allowances

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### Schedule 1 Jury service allowances

(Clause 6)

#### Part 1 Attendance allowance

Column 1	Column 2	Column 3
Period of attendance	Daily allowance for juror who is not employed	Daily allowance for juror who is employed
Attendance for less than 4 hours if person not selected for jury service	Nil	Nil
Attendance for 4 hours or more if person not selected for jury service	\$100	\$100
Attendance for days 1–10	\$100	\$100
Attendance for day 11 and onwards	\$100	\$225

#### Part 2 Travelling allowance

On each day that a person is in attendance for jury service, the person is entitled to be paid as follows for one journey each way between the place of residence of that person, as shown on the jury roll, and the court or coronial inquest attended:

- (a) for a journey of not more than 14 kilometres—\$4.30 each way,
- (b) for a journey of more than 14 kilometres but not more than 100 kilometres—30.70 cents per kilometre each way,
- (c) for a journey of 100 kilometres or more—\$30.70 each way.

#### Part 3 Refreshment allowance

If a person serving as a juror is released by the judge or coroner during a luncheon adjournment, the juror is entitled to be paid a refreshment allowance of \$6.60, but only if the juror does not accept any refreshment provided free of charge.