



New South Wales

Jury Regulation 2022

under the

Jury Act 1977

His Honour the Administrator, with the advice of the Executive Council, has made the following Regulation under the *Jury Act 1977*.

MARK SPEAKMAN, MP
Attorney General

Explanatory note

The object of this Regulation is to repeal and remake, with amendments, the *Jury Regulation 2015*, which would otherwise be repealed on 1 September 2022 by the *Subordinate Legislation Act 1989*, section 10(2). This Regulation provides for the following—

- (a) the determination of jury districts,
- (b) the kinds of trials for which a court may order the selection of up to 3 additional jurors,
- (c) the circumstances in which the identity of a principal witness must not be disclosed to jurors,
- (d) the amounts a juror is entitled to be paid for jury service,
- (e) savings matters.

This Regulation comprises matters set out in the *Subordinate Legislation Act 1989*, Schedule 3, namely—

- (a) matters of a machinery nature, and
- (b) matters that are not likely to impose an appreciable burden, cost or disadvantage on a sector of the public.

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1 Name of Regulation

This Regulation is the *Jury Regulation 2022*.

2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

Note— This Regulation repeals and replaces the *Jury Regulation 2015*, which would otherwise be repealed on 1 September 2022 by the *Subordinate Legislation Act 1989*, section 10(2).

3 Definitions

In this Regulation—

attendance allowance—see section 7(1).

employed person means a person engaged in work in any of the following capacities at the time the person attends for jury service—

- (a) as a full time, part time or casual employee,
- (b) as an independent contractor,
- (c) as a self-employed person.

jury allowance—see section 7(1)(a).

place of residence, for a person, means the person's place of residence as shown on a jury roll.

the Act means the *Jury Act 1977*.

Note— The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this Regulation.

4 Jury districts—the Act, s 9

- (1) For the Act, section 9(2) and (3), the sheriff must determine jury districts in a way that ensures—

- (a) each person on the Electoral Information Register is included in one or more jury districts, and
- (b) each jury district includes, in the sheriff's opinion, a sufficient number of persons qualified and liable to be called for jury service.

- (2) In this section—

Electoral Information Register has the same meaning as in the *Electoral Act 2017*, section 41(1).

jury district means a jury district for an electoral district, or part of an electoral district, determined and notified by the sheriff under the Act, section 9.

5 Additional jurors in criminal proceedings—the Act, s 19

For the Act, section 19(2)(a), a trial estimated to take 2 weeks or longer is prescribed.

6 Identity of certain principal witnesses must not be disclosed—the Act, s 38

For the Act, section 38(11)(b), jurors must not be informed of a principal witness's identity under the Act, section 38(7)(a), (8)(a) or (9)(a) if the witness is, or was at the relevant time—

- (a) authorised to acquire or use an assumed identity under the *Law Enforcement and National Security (Assumed Identities) Act 2010*, or
- (b) approved to acquire or use an assumed identity under the *Law Enforcement and National Security (Assumed Identities) Act 1998*, or
- (c) a participant within the meaning of the *Law Enforcement (Controlled Operations) Act 1997*.

7 Amount of jury allowance—the Act, s 72

- (1) For the Act, section 72(1), the amount a person is entitled to be paid for each day the person attends for jury service (a **jury allowance**) is determined as follows—
 - (a) an attendance allowance calculated under Schedule 1, Part 1 (an **attendance allowance**),
 - (b) 2 travel allowances calculated under Schedule 1, Part 2,
 - (c) if the judge or coroner releases the jury for lunch—\$6.95 for lunch, unless the person accepts a free lunch provided by the court or coroner.
- (2) An employed person is entitled to an attendance allowance only if—
 - (a) the person must pay the person's employer the attendance allowance, or
 - (b) the person's income is reduced because of the jury service.
- (3) If subsection (2)(b) applies, the amount of the person's attendance allowance must be reduced by an amount proportional to the amount by which the person's income is reduced.

8 Sheriff may require information to determine attendance allowance—the Act, s 72

- (1) For the Act, section 72(1), the sheriff may require a person to provide the following information for the purposes of determining the person's entitlement to an attendance allowance—
 - (a) the person's employment status and income,
 - (b) the effect of jury service on the person's employment and income,
 - (c) whether the person must pay the person's employer the person's jury allowance.
- (2) A person is not entitled to an attendance allowance if the person does not provide the information.

9 Method of payment of jury allowance—the Act, s 76

- (1) For the Act, section 76(1), the sheriff may require a person to nominate a bank account to receive the person's jury allowance.
- (2) The sheriff must arrange for the allowance to be paid—
 - (a) by a deposit in the person's bank account, or
 - (b) if the person does not have a bank account—by cheque.

10 Sheriff may keep electronic jury rolls—the Act, s 76(1)

The sheriff may keep a jury roll in electronic form.

11 Repeal and savings

- (1) The *Jury Regulation 2015* is repealed.
- (2) An act, matter or thing that, immediately before the repeal of the *Jury Regulation 2015*, had effect under that Regulation continues to have effect under this Regulation.

Schedule 1 Jury allowances

section 7

Part 1 Attendance allowance

Column 1	Column 2	Column 3
Period of attendance	Allowance for a juror who is not an employed person	Allowance for a juror who is an employed person
Less than 4 hours, if the person is not selected for jury service	Nil	Nil
4 hours or more, if the person is not selected for jury service	\$106.30	\$106.30
Days 1–10	\$106.30	\$106.30
Day 11 and following days	\$106.30	\$247.40

Part 2 Travel allowance

Column 1	Column 2
Distance between person's place of residence and court or inquest	Allowance
14km or less	\$4.35
More than 14km but less than 100km	30.7 cents/km
100km or more	\$30.70