



Western Australia

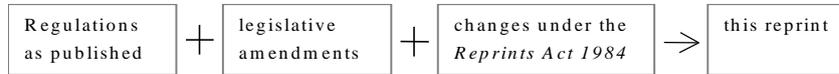
Juries Act 1957

# **Juries Regulations 2008**

**Reprint 1: The regulations as at 16 March 2012**

## Guide for using this reprint

### *What the reprint includes*



### *Endnotes, Compilation table, and Table of provisions that have not come into operation*

1. Details about the original regulations and legislation that has amended its text are shown in the Compilation table in endnote 1, at the back of the reprint. The table also shows any previous reprint.
2. Transitional, savings, modifying or other provisions identified in the Compilation table may be important. The table may refer to another endnote setting out the text of these provisions in full.
3. A table of provisions that have not come into operation, to be found in endnote 1a if it is needed, lists any provisions of the regulations being reprinted that have not come into operation and any amendments that have not come into operation. The full text is set out in another endnote that is referred to in the table.

### *Notes amongst text (italicised and within square brackets)*

1. If the reprint includes a regulation that was inserted, or has been amended, since the regulations being reprinted were made, editorial notes at the foot of the regulation give some history of how the regulation came to be as it is. If the regulation replaced an earlier regulation, no history of the earlier regulation is given (the full history of the regulations is in the Compilation table).

Notes of this kind may also be at the foot of Schedules or headings.

2. The other kind of editorial note shows something has been —
  - removed (because it was repealed or deleted from the law); or
  - omitted under the *Reprints Act 1984* s. 7(4) (because, although still technically part of the text, it no longer has any effect).

The text of anything removed or omitted can be found in an earlier reprint (if there is one) or one of the written laws identified in the Compilation table.

### *Reprint numbering and date*

1. The reprint number (in the footer of each page of the document) shows how many times the regulations have been reprinted. For example, numbering a reprint as “Reprint 3” would mean that the reprint was the 3<sup>rd</sup> reprint since the regulations were published. Reprint numbering was implemented as from 1 January 2003.
2. The information in the reprint is current on the date shown as the date as at which the regulations are reprinted. That date is not the date when the reprint was published by the State Law Publisher and it is probably not the date when the most recent amendment had effect.

Western Australia

## Juries Regulations 2008

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### CONTENTS

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#### **Part 1 — Preliminary**

- |    |              |   |
|----|--------------|---|
| 1. | Citation     | 1 |
| 2. | Commencement | 1 |

#### **Part 2A — Jury pools**

- |     |   |   |
|-----|---|---|
| 3A. | Jury pool summons, form of (Act s. 32D)                           | 2 |
| 3B. | Pool precept, form of (Act s. 32G)                                | 2 |
| 3C. | Failure to obey summons to be reported to sheriff<br>(Act s. 32D) | 2 |
| 3D. | Selection of jurors by ballot, time for (Act s. 32H)              | 2 |

#### **Part 2 — Payments for juries in civil trials**

- |    |  |   |
|----|--|---|
| 3. | Time and amounts prescribed (Act s. 44(1) and (3)) | 3 |
|----|--|---|

#### **Part 3 — Fees, allowances and expenses**

- |    |   |   |
|----|---|---|
| 4. | Fees for doing jury service (Act s. 58B(4) and (5))                     | 4 |
| 5. | Travel expense and allowance prescribed<br>(Act s. 58B(2))              | 4 |
| 6. | Class of employer prescribed (Act s. 58B(3))                            | 5 |
| 7. | Juror employed under contract of service to give<br>certain information | 5 |
| 8. | Reimbursement of employer (Act s. 58B(3))                               | 5 |

**Part 4 — Infringement notices**

- |     |  |   |
|-----|--|---|
| 9.  | Offences and modified penalties prescribed;<br>designation etc. of officers (Sch. 2) | 7 |
| 10. | Forms prescribed (Sch. 3)  | 7 |

**Schedule 1 — Forms concerning jury  
pools**

**Schedule 2 — Prescribed offences  
and modified penalties**

**Schedule 3 — Forms concerning  
prescribed offences**

**Notes**

- |                   |    |
|-------------------|----|
| Compilation table | 14 |
|-------------------|----|

**Defined Terms**



Western Australia

Reprinted under the  
*Reprints Act 1984* as  
at 16 March 2012

Juries Act 1957

## Juries Regulations 2008

### Part 1 — Preliminary

#### 1. Citation

These regulations are the *Juries Regulations 2008*<sup>1</sup>.

#### 2. Commencement

These regulations come into operation as follows —

- (a) Part 1 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day on which the *Acts Amendment (Justice) Act 2008* Part 14 comes into operation<sup>1</sup>.

## **Part 2A — Jury pools**

*[Heading inserted in Gazette 30 Jun 2011 p. 2616.]*

### **3A. Jury pool summons, form of (Act s. 32D)**

A summons issued under section 32D of the Act is to be in the form of Form 1 in Schedule 1.

*[Regulation 3A inserted in Gazette 30 Jun 2011 p. 2616.]*

### **3B. Pool precept, form of (Act s. 32G)**

A pool precept issued under section 32G of the Act is to be in the form of Form 2 in Schedule 1.

*[Regulation 3B inserted in Gazette 30 Jun 2011 p. 2616.]*

### **3C. Failure to obey summons to be reported to sheriff (Act s. 32D)**

A jury pool supervisor is to report to the sheriff as soon as practicable the name of every person who fails to obey a summons issued under section 32D of the Act.

*[Regulation 3C inserted in Gazette 30 Jun 2011 p. 2616.]*

### **3D. Selection of jurors by ballot, time for (Act s. 32H)**

The selection of jurors by ballot pursuant to section 32H(1) of the Act is to take place before the time specified in the pool precept and in sufficient time to ensure compliance with section 32H(2) of the Act.

*[Regulation 3D inserted in Gazette 30 Jun 2011 p. 2616.]*

## **Part 2 — Payments for juries in civil trials**

### **3. Time and amounts prescribed (Act s. 44(1) and (3))**

- (1) For the purposes of section 44(1) of the Act, the prescribed time is 10.00 a.m. on each day of the civil trial.
- (2) For the purposes of section 44(1)(a) of the Act, the prescribed amount is \$1 195.
- (3) For the purposes of section 44(1)(b) of the Act, the prescribed amount is \$147.
- (4) For the purposes of section 44(3)(a) of the Act, the prescribed amount is \$147.

**Part 3 — Fees, allowances and expenses**

**4. Fees for doing jury service (Act s. 58B(4) and (5))**

- (1) Subject to these regulations, for the purposes of section 58B(4) and (5) of the Act, the sums set out in the Table to this subregulation are prescribed as a fee in respect of doing jury service.

**Table of allowances for doing jury service**

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	\$
If the time of attendance does not exceed one half-day .....	10.00
If the time of attendance exceeds one half-day but does not exceed 3 days, for each day .....	15.00
If the time of attendance exceeds 3 days, for each day after the third day .....	20.00

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- (2) If the summoning officer is satisfied that a person doing jury service has by reason of so serving lost income in an amount greater than a fee prescribed under subregulation (1), the summoning officer may pay the person a fee that equals that loss.

*[Regulation 4 amended in Gazette 30 Jun 2011 p. 2617.]*

**5. Travel expense and allowance prescribed (Act s. 58B(2))**

- (1) For the purposes of section 58B(2) of the Act, the fee paid by a person doing jury service for travelling on a public conveyance each way between the person's usual residence and the court is prescribed as an expense.
- (2) For the purposes of section 58B(2) of the Act, when a public conveyance is not available for travel each way by a person doing jury service between the person's usual residence and the court, the prescribed allowance for road travel each way

between the person's usual residence and the court is 37.5 cents per kilometre.

**6. Class of employer prescribed (Act s. 58B(3))**

For the purposes of section 58B(3) of the Act, the following are prescribed as a class of employer —

- (a) a Government department;
- (b) a State instrumentality;
- (c) a State trading concern.

*[Regulation 6 amended in Gazette 30 Jun 2011 p. 2617.]*

**7. Juror employed under contract of service to give certain information**

- (1) A person doing jury service who is employed by an employer under a contract of service other than an employer in a class prescribed under regulation 6 must give the summoning officer written advice of the name and business address of his or her employer.

Penalty: a fine of \$1 000.

- (2) The advice referred to in subregulation (1) must be given no later than 14 days after completing the service.

**8. Reimbursement of employer (Act s. 58B(3))**

- (1) If the employer under a contract of service of a person who does jury service (the *juror*) applies to the summoning officer under section 58B(3) of the Act, the summoning officer is to pay to the employer any fee otherwise payable to the juror under these regulations for the juror's service.
- (2) An application under subregulation (1), verified by a statutory declaration, must provide the following information in support of the claim —
  - (a) the employer's Australian Business Number;

**r. 8**

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- (b) the earnings paid by the employer to the juror for any period that the juror did jury service;
- (c) the name of the juror;
- (d) the juror's occupation with the employer;
- (e) the hourly rate paid by the employer to the juror;
- (f) the number of hours of service of the juror lost by the employer as a result of the juror doing jury service.

*[Regulation 8 amended in Gazette 30 Jun 2011 p. 2617.]*

## **Part 4 — Infringement notices**

*[Heading inserted in Gazette 27 Oct 2011 p. 4553.]*

**9. Offences and modified penalties prescribed; designation etc. of officers (Sch. 2)**

- (1) The offences specified in Schedule 2 are offences for which an infringement notice may be issued under the *Criminal Procedure Act 2004* Part 2.
- (2) The modified penalty specified opposite an offence in Schedule 2 is the modified penalty for that offence for the purposes of the *Criminal Procedure Act 2004* section 5(3).
- (3) The Sheriff of Western Australia may appoint in writing persons or classes of persons to be authorised officers or approved officers for the purposes of the *Criminal Procedure Act 2004* Part 2.
- (4) The Sheriff of Western Australia is to issue to each authorised officer a certificate, badge or identity card identifying the officer as a person authorised to issue infringement notices.

*[Regulation 9 inserted in Gazette 27 Oct 2011 p. 4553.]*

**10. Forms prescribed (Sch. 3)**

The forms set out in Schedule 3 are prescribed in relation to the matters set out in those forms.

*[Regulation 10 inserted in Gazette 27 Oct 2011 p. 4553.]*

**Schedule 1 — Forms concerning jury pools**

[r. 3A and 3B]

*[Heading inserted in Gazette 30 Jun 2011 p. 2618; amended in Gazette 27 Oct 2011 p. 4553.]*

**Form 1 — Summons to Juror**

***Juries Act 1957***

To

You are hereby summoned to attend at the Jury Assembly Room on the  
day of 20 at a.m. to serve as a  
juror at the Criminal Sittings of the Supreme Court and of the District Court and  
there to attend from day to day until you shall be discharged.

Dated the day of 20 .

Sheriff.

*[Form 1 inserted in Gazette 30 Jun 2011 p. 2618.]*

**Form 2 — Jury Pool Precept**

*Juries Act 1957*

TO THE JURY POOL SUPERVISOR.

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

Court

(insert here Supreme Court or District Court)

No. of jurors required

Date and time required

Place of attendance

Dated at ..... this                      day of                      20     .

.....  
Judge or person appointed by  
judge under section 32G(1)

*[Form 2 inserted in Gazette 30 Jun 2011 p. 2619.]*

**Schedule 2 — Prescribed offences and modified penalties**

[r. 9]

*[Heading inserted in Gazette 27 Oct 2011 p. 4554.]*

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<b>Offences under <i>Juries Act 1957</i></b>		<b>Modified penalty</b>
s. 55(1)	Failing without reasonable excuse to obey summons that has been served .....	\$800
s. 55(2)	Failing without reasonable excuse to obey direction given under section 32H(4) .....	\$800

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*[Schedule 2 inserted in Gazette 27 Oct 2011 p. 4554.]*

**Schedule 3 — Forms concerning prescribed offences**

[r. 10]

*[Heading inserted in Gazette 27 Oct 2011 p. 4554.]*

**Form 3 — Infringement Notice**

*Juries Act 1957 section 55*

<b>Name:</b>
<b>Address:</b>

<b>Infringement Number:</b>	<b>Modified Penalty: \$800</b>
	<b>Due Date:</b>

**It is alleged that you failed without reasonable excuse to obey a summons served upon you /a direction given under *Juries Act 1957* section 23H(4) that required you to attend at ..... on ..... at ..... a.m./p.m.**

*Section 55(1) states: "A person who, without a reasonable excuse, does not obey a summons that has been served on the person under this Act commits an offence."*

*OR*

*Section 55(2) states: "A person who, without a reasonable excuse, does not obey a direction given under section 32H(4) commits an offence."*

**PAYMENT OPTIONS**

Payment can be made:

- In person at any magistrate courthouse in the state of Western Australia.
- A cheque or money order made payable to: **Jury Services** posted to:  
    Sheriffs Office  
    Level 2, 500 Hay Street  
    PERTH WA 6000

*If you do not pay or respond to the Infringement Notice by the due date, further action will be taken and you will incur further costs.*

**DISPUTING THE ALLEGATION**

If you wish the matter to be dealt with by a court, do not pay the Infringement Notice.

You should advise Jury Services of your intentions in writing to the address below before the due date.

If you wish to discuss this further, please contact Jury Services as stated below.

*Under the Juries Act 1957 section 55, the maximum penalty is \$5 000.*

<b>JURY SERVICES CONTACT DETAILS</b>			
<b>Address:</b>	Level 2, 500 Hay Street PERTH WA 6000	<b>Email:</b>	jurors@justice.wa.gov.au
<b>Telephone:</b>	9425 2481	<b>Website:</b>	www.dotag.wa.gov.au
<b>Office Hours:</b>	8:30 a.m. - 4:30 p.m.	<b>Fax:</b>	9425 4406

Authorising Officer: \_\_\_\_\_

Issue Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Issue Location: \_\_\_\_\_

*[Form 3 inserted in Gazette 27 Oct 2011 p. 4554-5.]*

**Form 4 — Notice Of Withdrawal**

*Juries Act 1957*

*Criminal Procedure Act 2004* section 15

**Infringement Notice Number:** \_\_\_\_\_

(Name)

(Address)

<b>DETAILS OF INFRINGEMENT NOTICE AND ALLEGED OFFENCE</b>	
Infringement Notice Number:	
Date of Issue:	
Alleged Offence:	Failure to obey summons for jury duty/direction under <i>Juries Act 1957</i> section 32H(4)

As the approving officer I withdraw proceedings under the *Criminal Procedure Act 2004* section 15 in relation to the Infringement Notice issued for the above offence. Any payments made will be refunded. No further action will be taken.

.....  
Approving Officer (*name*)

.....  
Signature

.....  
Issue Date

*[Form 4 inserted in Gazette 27 Oct 2011 p. 4555-6.]*



### **Notes**

<sup>1</sup> This reprint is a compilation as at 16 March 2012 of the *Juries Regulations 2008* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

### **Compilation table**

<b>Citation</b>	<b>Gazettal</b>	<b>Commencement</b>
<i>Juries Regulations 2008</i>	26 Sep 2008 p. 4393-401	Pt. 1: 26 Sep 2008 (see r. 2(a)); Regulations other than Pt. 1: 30 Sep 2008 (see r. 2(b) and <i>Gazette</i> 11 Jul 2008 p. 3253)
<i>Juries Amendment Regulations 2011</i>	30 Jun 2011 p. 2615-20	r. 1-3: 30 Jun 2011 (see r. 2(a)); r. 4, 8 and 9: 1 Jul 2011 (see r. 2(b)); r. 5-7: 28 Oct 2011 (see r. 2(c) and <i>Gazette</i> 27 Oct 2011 p. 4551)
<i>Juries Amendment Regulations (No. 2) 2011</i>	27 Oct 2011 p. 4552-6	r. 1 and 2: 27 Oct 2011 (see r. 2(a)); Regulations other than r. 1 and 2: 28 Oct 2011 (see r. 2(b))
<b>Reprint 1: The <i>Juries Regulations 2008</i> as at 16 Mar 2012</b> (includes amendments listed above)		

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Defined Terms

**Defined Terms**

*[This is a list of terms defined and the provisions where they are defined.  
The list is not part of the law.]*

<b>Defined Term</b>	<b>Provision(s)</b>
juror.....	8(1)