



Western Australia

## **Juries Regulations 2008**

Compare between:

[01 Jul 2011, 00-b0-03] and [28 Oct 2011, 00-c0-02]



Western Australia

Juries Act 1957

## **Juries Regulations 2008**

### **Part 1 — Preliminary**

**1. Citation**

These regulations are the *Juries Regulations 2008*.

**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.

## **Part 2A — Jury Pools**

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

### **3A. Jury pool summons**

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**

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 attend**

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**

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. Prescribed time and amounts**

- (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**

- (1) Subject to these regulations, for the purposes of section 58B(~~54~~) and (~~65~~) 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**

	\$
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

- (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 allowance or expenses**

- (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. Prescribed class of employer**

For the purposes of section 58B(43) 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 who is employed under a contract of service**

- (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**

- (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(43) 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;
  - (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;

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- (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.

~~9.~~ Deleted [Regulation 8 amended in Gazette 30 Jun 2011 p. 2617.]

## Schedule 1—Forms

## **Part 4 — Infringement notices**

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

### **9. Prescribed offences and modified penalties**

- (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 concerning prescribed offences**

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 2 — Prescribed offences and modified penalties**

[r. 9]

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

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

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

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**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><u>Name:</u></b>
<b><u>Address:</u></b>

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

**JURY SERVICES CONTACT DETAILS**

<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.justice.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 4 — Notice Of Withdrawal**

*Juries Act 1957*

*Criminal Procedure Act 2004 section 15*

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

(Name)

(Address)

**DETAILS OF INFRINGEMENT NOTICE AND ALLEGED**



**Notes**

<sup>1</sup> This is a compilation of the *Juries Regulations 2008* and includes the amendments made by the other written laws referred to in the following table.

**Compilation table**

Citation	Gazettal	Commencement
<i>Juries Regulations 2008</i>	26 Sep 2008 p. 4393-401	r. 1 and 2: 26 Sep 2008 (see r. 2(a)); Regulations other than r. 1 and 2: 30 Sep 2008 (see r. 2(b) and <i>Gazette</i> 11 Jul 2008 p. 3253)
<i>Juries Amendment Regulations 2011</i> Pt. <del>2 (other than r. 5-7)</del> <sup>2</sup>	30 Jun 2011 p. 2615-20	<del>1 Jul 2011 (see r. 2(b))</del> r. 3: <a href="#">30 Jun 2011 (see r. 2(a)); Pt. 2 (other than r. 3, 5-7); 1 Jul 2011 (see r. 2(b)); r. 5-7: 28 Oct 2011 (see r. 2(c) and Gazette 27 Oct 2011 p. 4551)</a>
<a href="#">Juries Amendment Regulations (No. 2) 2011</a>	<a href="#">27 Oct 2011 p. 4552-6</a>	r. 1 and 2: <a href="#">27 Oct 2011 (see r. 2(a)); Regulations other than r. 1 and 2: 28 Oct 2011 (see r. 2(b))</a>

<sup>1a</sup> ~~On the date as at which this compilation was prepared, provisions referred to in the following table had not come into operation and were therefore not included in this compilation. For the text of the provisions see the endnotes referred to in the table.~~

**Provisions that have not come into operation**

Citation	Gazettal	Commencement
<i>Juries Amendment Regulations 2011</i> r. <del>5-7</del> <sup>2</sup>	<del>30 Jun 2011 p. 2615-20</del>	<del>On commencement of the <i>Juries Legislation Amendment Act 2011</i> s. 43 (see r. 2(c))</del>

<sup>2</sup> ~~On the date as at which this compilation was prepared, the *Juries Amendment Regulations 2011* r. 5-7 had not come into operation. They read as follows:~~

~~**5. Regulation 4 amended**~~

~~In regulation 4(1) delete “section 58B(5) and (6)” and insert:~~

~~section 58B(4) and (5)~~

**6. ~~Regulation 6 amended~~**

~~In regulation 6 delete “section 58B(4)” and insert:~~

~~section 58B(3)~~

**7. ~~Regulation 8 amended~~**

~~In regulation 8(1) delete “section 58B(4)” and insert:~~

~~section 58B(3)~~