



Western Australia

Juries Act 1957

Juries Regulations 2008

Juries Regulations 2008

Contents

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 (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 (Act s. 58B(2))	5
6.	Class of employer prescribed (Act s. 58B(3))	5
7.	Juror employed under contract of service to give certain information	5
8.	Reimbursement of employer (Act s. 58B(3))	6

Part 4 — Infringement notices

- | | | |
|-----|--|---|
| 9. | Offences and modified penalties prescribed;
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

Juries Regulations 2008

Part 1 — Preliminary

1. Citation

These regulations are the *Juries Regulations 2008*¹.

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 operation¹.

Part 2A — Jury pools

[Heading inserted: 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: 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: 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: 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: 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

	\$
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 a person loses income as a result of a day or part-day of jury service and the loss is greater than the fee prescribed under subregulation (1), the summoning officer may, on application by the person, pay a fee for the day that equals the loss.
- (3) The fee payable under subregulation (2) cannot exceed \$1 000 unless the summoning officer is satisfied that —
 - (a) the person’s lost income is greater than \$1 000; and
 - (b) not paying a fee equal to the loss would cause undue hardship to the person.
- (4) The application must —
 - (a) be in a form approved by the summoning officer; and
 - (b) include or be accompanied by the information required by the summoning officer; and
 - (c) be made within 3 months after the last day of the period of jury service.

- (5) Despite subregulation (4)(c), the summoning officer may extend the period for making an application for a further period not exceeding 1 year if satisfied that exceptional circumstances exist.

*[Regulation 4 amended: Gazette 30 Jun 2011 p. 2617;
SL 2020/27 r. 4.]*

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: 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;
 - (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: Gazette 30 Jun 2011 p. 2617.]

Part 4 — Infringement notices

[Heading inserted: 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: 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: Gazette 27 Oct 2011 p. 4553.]

Schedule 1 — Forms concerning jury pools

[r. 3A and 3B]

[Heading inserted: Gazette 30 Jun 2011 p. 2618; amended: 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: 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: Gazette 30 Jun 2011 p. 2619.]

Schedule 2 — Prescribed offences and modified penalties

[r. 9]

[Heading inserted: Gazette 27 Oct 2011 p. 4554.]

Offences under <i>Juries Act 1957</i>		Modified penalty
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

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

Schedule 3 — Forms concerning prescribed offences

[r. 10]

[Heading inserted: Gazette 27 Oct 2011 p. 4554.]

Form 3 — Infringement Notice

Juries Act 1957 section 55

Name:
Address:

Infringement Number:	Modified Penalty: \$800
	Due Date:

It is alleged that you failed without reasonable excuse to obey a summons served upon you /a direction given under *Juries Act 1957* section 32H(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:
 Sheriff's Office
 Level 2, 500 Hay Street
 PERTH WA 6000

If you do not pay the modified penalty by the due date, you may be prosecuted or enforcement action may be taken under the *Fines, Penalties*

and Infringement Notices Enforcement Act 1994. Under that Act, some or all of the following action may be taken — your driver's licence may be suspended; your vehicle licence may be suspended or cancelled; your details may be published on a website; your vehicle may be immobilised or have its number plates removed; and your property may be seized and sold.

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

Authorising Officer: _____

Issue Date: _____

Signature: _____

Issue Location: _____

[Form 3 inserted: Gazette 27 Oct 2011 p. 4554-5; amended: Gazette 20 Aug 2013 p. 3859; SL 2020/27 r. 5.]

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 OFFENCE	
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: Gazette 27 Oct 2011 p. 4555-6.]

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Notes

This is a compilation of the *Juries Regulations 2008* and includes amendments made by other written laws. For provisions that have come into operation, and for information about any reprints, see the compilation table.

Compilation table

Citation	Published	Commencement
<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))
Reprint 1: The <i>Juries Regulations 2008</i> as at 16 Mar 2012 (includes amendments listed above)		
<i>Juries Amendment Regulations 2013</i>	20 Aug 2013 p. 3858-9	r. 1 and 2: 20 Aug 2013 (see r. 2(a)); Regulations other than r. 1 and 2: 21 Aug 2013 (see r. 2(b) and <i>Gazette</i> 20 Aug 2013 p. 3815)
<i>Juries Amendment Regulations 2020</i>	SL 2020/27 31 Mar 2020	r. 1 and 2: 31 Mar 2020 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Apr 2020 (see r. 2(b))

Defined terms

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

Defined term	Provision(s)
juror.....	8(1)