



New South Wales

Jury Amendment (Qualifications) Regulation 1996

under the

Jury Act 1977

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

JEFFREY SHAW, Q.C., M.L.C.,

Attorney General

Explanatory note

The object of this Regulation is to revise Schedules 1–3 to the *Jury Act 1977* that set out categories of disqualification, ineligibility and exemption in relation to jury service. The amendments clarify certain categories, narrow others (for example, by removing references to spouses of persons in certain categories) and expand yet others (for example, by including private sector emergency services). The amendments also introduce the general categories of public sector employment in law enforcement, and employment (whether public or private) in emergency services, in the place of a number of specific categories.

This Regulation is made under sections 8 and 76 of the *Jury Act 1977*.

1996 No 642

Clause 1 Jury Amendment (Qualifications) Regulation 1996

**Jury Amendment (Qualifications) Regulation
1996**

1 Name of Regulation

This Regulation is the *Jury Amendment (Qualifications) Regulation 1996*.

2 Commencement

This Regulation commences on 1 January 1997.

3 Amendment of Schedules 1–3 to Jury Act 1977

The *Jury Act 1977* is amended as set out in Schedule 1.

4 Notes

The explanatory note does not form part of this Regulation.

Schedule 1 Amendments

(Clause 3)

Schedules 1–3

Omit all matter in those Schedules. Insert instead:

Schedule 1 Persons disqualified from serving as jurors

(Section 6 (a))

- 1 A person who at any time within the last 10 years in New South Wales or elsewhere has served any part of a sentence of imprisonment or penal servitude (not being imprisonment merely for failure to pay a fine).
- 2 A person who at any time within the last 5 years in New South Wales or elsewhere has been found guilty of an offence and detained in a detention centre or other institution for juvenile offenders (not being detention merely for failure to pay a fine).
- 3 A person who is currently bound by an order made in New South Wales or elsewhere pursuant to a criminal charge or conviction, not including an order for Compensation, but including the following:
 - (a) a parole order, a community service order, an apprehended violence order and an order disqualifying the person from driving a motor vehicle,
 - (b) an order committing the person to prison for failure to pay a fine,
 - (c) a recognizance to be of good behaviour or to keep the peace, a remand in custody pending trial or sentence and a release on bail pending trial or sentence.

1996 No 642

Jury Amendment (Qualifications) Regulation 1996

Schedule 1 Amendments

Schedule 2 Persons ineligible to serve as jurors

(Section 6 (b))

- 1 The Governor.
- 2 A judicial officer (within the meaning of the *Judicial Officers Act 1986*).
- 3 A coroner.
- 4 A member or officer of the Executive Council.
- 5 A member of the Legislative Council or Legislative Assembly.
- 6 Officers and other staff of either or both of the Houses of Parliament.
- 7 A legal practitioner (whether or not a practising barrister or solicitor).
- 8 A person employed or engaged (except on a casual or voluntary basis) in the public sector in law enforcement, criminal investigation, the provision of legal services in criminal cases, the administration of justice or penal administration.
- 9 The Ombudsman and Deputy Ombudsman.
- 10 A person who at any time has been a judicial officer (within the meaning of the *Judicial Officers Act 1986*) or a coroner, police officer, Crown Prosecutor, Public Defender, Director or Deputy Director of Public Prosecutions or Solicitor for Public Prosecutions.
- 11 A person who is unable to read or understand English.
- 12 A person who is unable, because of sickness, infirmity or disability, to discharge the duties of a juror.

Note. Other persons are ineligible because of the *Jury Exemption Act 1965* of the Commonwealth.

**Schedule 3 Persons who have a right to claim
 exemption**

(Section 7)

- 1 Clergy.
- 2 Vowed members of any religious order.
- 3 Persons practising as dentists.
- 4 Persons practising as pharmacists.
- 5 Persons practising as medical practitioners.
- 6 Mining managers and under-managers of mines.
- 7 A person employed or engaged (except on a casual or voluntary basis) in the provision of fire, ambulance, rescue, or other emergency services, whether or not in the public sector.
- 8 Persons who are at least 70 years old.
- 9 Pregnant women.
- 10 A person who has the care, custody and control of children under the age of 18 years (other than children who have ceased attending school), and who, if exempted, would be the only person exempt under this item in respect of those children.
- 11 A person who resides with, and has full-time care of, a person who is sick, infirm or disabled.
- 12 A person who resides more than 56 kilometres from the place at which the person is required to serve.
- 13 A person who:
 - (a) within the 3 years that end on the date of the person's claim for exemption, attended court in accordance with a summons and served as a juror, or
 - (b) within the 12 months that end on the date of the person's claim for exemption, attended court in accordance with a summons and who was prepared to, but did not, serve as a juror.
- 14 A person who is entitled to be exempted under section 39 on account of previous lengthy jury service.