

MEDIA RELEASE

**Hon. John Hatzistergos MLC
Attorney General
Minister for Citizenship
Minister for Regulatory Reform**



3 June 2010

Laws to increase pay and make juries more representative

Laws to be introduced into NSW Parliament today will increase jury allowances, broaden the jury pool to include previously exempt professions such as lawyers and retired judges, and make jury service easier for everyday working people.

“These laws are designed to expand the pool of people eligible to serve on juries, strengthen workplace protections for employees who serve and overhaul the payment system for jurors,” Attorney General John Hatzistergos said.

Mr Hatzistergos said changes to the jury allowance system will make it easier for employed jurors to serve on longer trials.

“Under the national industrial relations system introduced this year, most workers in NSW will have to be paid by their employers for the first ten days of jury service.

“After ten days, the daily allowance will be boosted from \$100 to \$225 for jurors who are employed.

“We are reducing the number of groups who are either ineligible or have a right to exemption, because there is a need to broaden the jury pool and ensure that the obligations of jury service are shared widely.”

“As part of the proposed changes, most lawyers will now be eligible for jury duty, but not those working in the public criminal justice system.”

“People working in law enforcement agencies in clerical, administrative or support roles would also become eligible.”

A number of other groups will no longer be subject to a “blanket exemption” but will still have the right to apply for a specific exemption outlining their personal circumstances.

These include people aged over 70, pregnant women, people who live with full-time care of a person who is sick, infirm or disabled, and a person who resides more than 56 kilometres from the court.

“It is important to recognise that there are many people who were automatically exempted who are both willing and able to perform this important civic duty,” he said.

“They will now have the opportunity to serve but can also claim exemption outlining their individual circumstances.

“For example, some people aged over 70 may wish to serve as a juror on shorter trials.”

“These changes recognise that older people have a valuable contribution to make.

“For people who are genuinely unable to perform jury service, the Government is developing clear guidelines for exemptions.”

The detailed guidelines are being developed in consultation with stakeholders and will be published before the new laws commence later in the year.

A right to exemption will remain for persons including clergy, medical and emergency services workers, and anyone who can demonstrate good cause.

Persons who continue to be ineligible to serve on a jury will include the Coroner, the Director of Public Prosecutions, Crown Prosecutors and Police Officers. These persons would become eligible to serve three years after they leave their jobs.

Under the changes, a person can claim an exemption for jury service if they can show 'good cause' – which could be that they have a disability, there is a conflict of interest that may result in a lack of impartiality, or that serving would cause them undue hardship.

Mr Hatzistergos said the NSW Government will also strengthen protections for employees.

“Corporations who sack or unfairly discriminate against employees could be fined up to \$22,000, while individual employers will face fines of up to \$5,500,” he said.

“New laws will also prevent employers forcing employees to take leave, or to work outside court sitting times, while serving on a jury.”

Consistent with recommendations of the Law Reform Commission, the Government will also ask the Law and Justice Committee to examine whether the statutory and common law immunity of members of parliament from jury service should continue.