

# SUPREME COURT

OF THE AUSTRALIAN CAPITAL TERRITORY

## INFORMATION FOR EMPLOYERS OF JURORS

**Your employee has been notified and summonsed to attend for jury service at the ACT Supreme Court.**

This form answers the most frequently asked questions by employers of staff who are required to attend jury service. Please do not hesitate to raise any concerns you may have with the Jury Management Unit.

### **The Importance of Jury Service**

The system of trial by jury is the cornerstone of the Australian criminal justice system. Jurors bring to the law the common sense and judgment of the community and its values and standards. However, jury service involves inconvenience not only to jurors but also to their employers.

Each employer of a juror or potential juror plays a vital role in upholding one of our important practices – the right to trial by a jury made up of people from a wide cross-section of the community. The Court acknowledges and appreciates the co-operation of employers in releasing their employees for jury service.

### **How were they selected for jury service?**

Potential jurors are selected at random from the ACT Electoral Roll.

### **What happens with their pay?**

Payment arrangements vary depending on the person's type of employment. Some awards include clauses that provide for payment to employees during jury service.

Please refer to the National Employment Standards (NES) Fair Work for further clarification on your obligations [www.fairwork.gov.au/leave/community-service-leave/jury-duty](http://www.fairwork.gov.au/leave/community-service-leave/jury-duty)

Employers make up the difference between the fees paid by the Court and the employee's usual salary. Public Service employees should apply to their own department or directorate for special leave with pay. They will receive their normal salary in the usual way. All other jurors will be paid in accordance with the *Juries (Payment) Determination 2019*

Please refer to [www.legislation.act.gov.au](http://www.legislation.act.gov.au)

### **How long will they be away and will they be available to work at any time while they are on jury service?**

People are usually on call for jury service for a period of four (4) weeks. However, if they are selected to serve on a trial which extends beyond that, they will be required to attend until the trial finishes and only when they are discharged by the trial Judge from further service.

During the period of their service, there may be days when their services will not be required and other days when they will be released after a short attendance. In these circumstances, jurors should return to their normal place of work, unless directed otherwise by the Judge or Sheriff.

### **Do I have to let my employee attend?**

Yes, you do. Employers have a legal obligation to release employees to attend for jury service.

In addition, Section 44AA (1) of the *Juries Act (1967)* provides protection to employees called for jury service against unlawful dismissal or injury by employers:

- (1) An employer shall not dismiss or injure an employee, or alter an employee's position to the prejudice of the employee, because the employee is summonsed to serve as a juror.

Maximum penalty: 50 penalty units (\$8,000), imprisonment for 6 months or both.

However, there are provisions for potential jurors to defer their service to another time if this is more convenient and under certain circumstances. If an application for deferral is granted by the Sheriff the person is expected to be available to attend when next requested (this will be within the next 12 months).

A further application for deferral for employment related reasons may not be granted unless there were exceptional circumstances.

You should be aware that it may become a Work Health and Safety issue if employees who work afternoon or night shift are required to attend for that shift when obliged to attend a full day of jury service.

Potential jurors are required to find out if their services are required for the next day, until they have been discharged from their summons. They will either receive a text message with this information each day or they can obtain this information via a recorded message or on our website.

### **For Further Information:**

**Enquiries:** (02) 6207 4269 (Mon– Fri - 8:30am to 4:30pm)

**Recorded  
Message:** (02) 6207 1792 (24 hours)

**Email:** [juryinformation@courts.act.gov.au](mailto:juryinformation@courts.act.gov.au)

**Website:** [www.courts.act.gov.au/supreme/](http://www.courts.act.gov.au/supreme/)

**Physical  
Address:** ACT Courts Precinct  
Knowles Place, Canberra City

**Postal  
Address:** GPO BOX 1548 CANBERRA ACT 2601