



Jury Service – What chance?

The trial of a person on an indictable offence in NSW is by a jury of 12 ordinary citizens who are deemed to be representative of the community. Accordingly, you don't need any special skills to serve as a juror, but must be over the age of 18 and a registered voter.

Each year about 250,000 potential jurors randomly selected from the NSW Electoral Roll are sent an Inclusion Notice advising that they are to be included in the Jury Roll. If you receive an Inclusion Notice you can apply the Office of the Sheriff to be removed from the Jury Roll if you're an excluded person or are otherwise exempt from Jury Service.

Who's excluded?

People may be excluded from the Jury Roll because they hold a particular public office such as:

- Members of parliament,
- NSW Police Force members,
- Public sector employees involved in law enforcement, and
- Lawyers.

People serving a term of imprisonment or detention are also excluded from the Jury Roll, as are disqualified drivers and undischarged bankrupts.

Who's exempt?

You may also claim an exemption from the Jury Roll on the basis of your occupation, and people entitled to claim this exemption include:

- Members of the clergy,
- Medical practitioners,
- Dentists,
- Pharmacists,
- People who have served as Jurors in the last three years, and
- A person who resides with, or has the full-time care of a person who is sick, infirmed or disabled.



Applying to be excused

If you're not excluded or exempt from the Jury Roll and subsequently receive a Jury Summons to attend Court, you can apply to the Sheriff to be excused depending on the kind of work you do, and your personal circumstances. You must have "good cause" to be excused which can include having a permanent mental or physical impairment, or if there is a conflict of interest, or some other knowledge or friendship you have that may result in you being perceived as lacking impartiality as a Juror.

You may also be excused if you're:

- a sole trader or contractor,
- have care or control of school aged children and are unable to make alternative care arrangements, or
- if you're in advanced stages of pregnancy.

What happens if you don't attend Jury Service

Unless you've been excused from Jury Service you must attend Court if you receive a Jury Summons. If you don't, you'll be asked to explain your failure to attend and, if your reason is not accepted, a fine of up to \$2,200 may be imposed. Employers are also obliged to release employees summoned for Jury Service without making them take leave.

Payment for Jury service

If you are selected as a Juror you will get paid an allowance which is intended to reduce any financial hardship you may incur while serving as a Juror. The allowance is not intended to be a normal wage or salary payment and the amount paid will depend on the length of the trial and whether you're currently employed or not. The current allowance for Jurors is \$106.30 to \$277.40 per day depending on the length of the trial.

Jury Selection

Juror anonymity is a feature of the NSW Criminal trial process. When selecting a Jury Jurors are identified only by number and so any challenges made by legal representatives to a person being on the final Jury are based solely on what the person looks like. This contrasts starkly with the United States where lawyers receive information about prospective jurors and are allowed to question them about their values and beliefs.

Recent statistics from the NSW Sheriff's Office indicate that there is now a greater diversity in juries than in the past with the split between the sexes being nearly equal. The statistics indicate that 81% of all jurors were employed with their ages fairly equally spread across all age groups.

What are your chances?

Of the 150,000,00 people sent a Jury Summons annually only 9,000 are selected to serve on jury panels in the NSW District and Supreme Courts but in reality, only 12% of those who attend court end up serving on a trial.

If you or someone you know receives an Inclusion Notice or Jury Summons and wants advice on their entitlement to be excluded or excused from Jury Service or would like more information about it please contact [Oliver Hagen](mailto:Oliver.Hagen@batemanbattersby.com.au) on 4731 5899 or email litigation@batemanbattersby.com.au.