

# Jury Regulation 2017

Explanatory notes for SL 2017 No. 167

Made under the

*Jury Act 1995*

## General Outline

### Short title

*Jury Regulation 2017*

### Authorising law

Sections 4(4), 7, 8(1), 63, 65, 72 and 74 of the *Jury Act 1995*

### Policy objectives and the reasons for them

Juries are a cornerstone of the justice system in Queensland. Jury service is an important way for the public to participate in the administration of justice, and to ensure the law is consistent with contemporary community standards.

The principal source of law governing the role and operation of the jury system in Queensland is the *Jury Act 1995* (the Act) and the *Jury Regulation 2007* (the Regulation).

The Act regulates various essential matters in relation to juries, including for example: juror eligibility and qualification; jury districts; jury panel selection; jury procedure, and juror's role, during a trial; and juror remuneration and allowances.

Section 74 of the Act provides that the Governor in Council may make regulations under the Act. A number of provisions in the Act also allow for regulations to be made for particular matters.

The Regulation currently prescribes:

- (a) how persons aged 70 or more may elect to be eligible for jury service;
- (b) the jury districts and the boundaries of each district;
- (c) the persons to whom the Sheriff of Queensland can assign responsibility for carrying out certain functions for a particular jury district to other specified persons;
- (d) the persons to whom a sheriff may delegate the sheriff's powers;
- (e) jurors remuneration and allowances, including travel allowance; and
- (f) the jury fees payable in a civil trial.

Under section 54 of the *Statutory Instruments Act 1992*, the Regulation will automatically expire on 1 September 2017.

The Regulation is critical to the effective operation of the jury system in Queensland and needs to be remade as the *Jury Regulation 2017*.

The *Jury Regulation 2017* will provide for the same matters as contained in the current Regulation. However, as a consequence of remaking the following minor and/or technical amendments are made, to:

- (a) enable persons aged 70 or more electing to be eligible for jury service to provide notices by email;
- (b) specify where maps or area maps for jury districts mentioned in schedule 1 can be inspected by the public;
- (c) omit the existing reference to the deputy sheriff being assigned certain functions and powers of the sheriff for particular jury districts; and instead replace this with relevant Supreme Court registrar. This amendment better reflects contemporary court administration positions in this area and will assist in helping to streamline court administration processes. In practice, deputy sheriffs will normally already be court registrars. The existing reference to the District Court registrar remains;
- (d) allow for travel allowance reimbursement for using a light rail vehicle (as is provided currently for a bus, train or ferry) and a licensed booked hire vehicle (consistent with that currently for taxis);
- (e) clarify that travel allowance is not restricted to a person summoned for jury service but payable to a person who serves as a juror or a reserve juror; reflecting current practices regarding such an entitlement;
- (f) ensure for the continuation of the Ipswich jury district as currently specified in schedule 1. The Ipswich jury district is the only district constituted by electoral districts (Bundamba, Ipswich and Ipswich West). This minor amendment provides certainty as to the area making up the Ipswich jury district; and
- (g) deal with transitional matters due to the remaking of the Regulation as required.

Other minor amendments made, such as renumbering, reflect contemporary drafting practice only.

The *Jury Regulation 2017*, other than Part 7, will commence on 2 September 2017 following the expiration of the Regulation. Part 7 will commence on 1 October 2017; and amends the definition of booked hire vehicle in the *Jury Regulation 2017* as a consequence of amendments to the *Transport Operations (Passenger Transport) Act 1994*.

## **Achievement of policy objectives**

The objective is achieved by making the *Jury Regulation 2017* which replaces the Regulation on its expiration. This will ensure the continued operation of the Queensland jury system under the Act.

## **Consistency with policy objectives of authorising law**

The *Jury Regulation 2017* is consistent with the policy objectives of the authorising provisions in the Act.

## **Inconsistency with policy objectives of other legislation**

The *Jury Regulation 2017* is consistent with the policy objectives of other legislation.

## **Benefits and costs of implementation**

The benefit of the *Jury Regulation 2017* is that by prescribing the matters required it continues to provide for the operation of the jury system in Queensland and as such the administration of justice.

There are no anticipated implementation costs associated with the *Jury Regulation 2017*. While the *Jury Regulation 2017* contains remuneration and allowance entitlements connected with jury service, these reflect the amounts currently prescribed in the Regulation.

## **Consistency with fundamental legislative principles**

The *Jury Regulation 2017* is consistent with fundamental legislative principles.

## **Consultation**

A consultation draft of the *Jury Regulation 2017* was circulated to the following key legal stakeholders and any comments provided were taken into account in drafting: the Chief Justice of Queensland, the Chief Judge of the District Court, the Queensland Law Society, the Bar Association of Queensland, Legal Aid Queensland, the Director of Public Prosecutions (Commonwealth) and the Director of Public Prosecutions (Qld).

A self-assessment by the Department of Justice and Attorney-General has determined that a Regulatory Impact Statement is not required as the *Jury Regulation 2017* is excluded under category (j) of the *Queensland Government Guide to Better Regulation* being a regulatory proposal relating to the administration of courts.