

NORTHERN TERRITORY OF AUSTRALIA
JURIES AMENDMENT REGULATIONS 2007

Subordinate Legislation No. 27 of 2007

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NORTHERN TERRITORY OF AUSTRALIA

Subordinate Legislation No. 27 of 2007*

Juries Amendment Regulations 2007

I, EDWARD JOSEPH EGAN, the Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, make the following regulations under the *Juries Act*.

Dated 15 August 2007.

E. J. EGAN
Administrator

By His Honour's Command

P. R. HENDERSON
Minister for Employment, Education and Training
acting for the
Minister for Justice and Attorney-General

* Notified in the *Northern Territory Government Gazette* on 22 August 2007.

1. Citation

These Regulations may be cited as the *Juries Amendment Regulations 2007*.

2. Regulations amended

These Regulations amend the *Juries Regulations*.

3. Repeal of regulation 2

Regulation 2

repeal

4. Amendment of regulation 4 (Jury district of Darwin)

Regulation 4

omit

Jingili

substitute

Johnston

5. Repeal and substitution of regulation 6

Regulation 6

repeal, substitute

6. Fee for civil trial

(1) For section 8(1) of the Act, the prescribed fee is:

- (a) if the trial lasts 9 days or less – \$240 for each day of the trial; or
- (b) if the trial lasts 10 days or more – \$480 for each day of the trial.

(2) For section 8(2) of the Act, the party liable to the fee:

- (a) must, before the court sits on the first day of the trial, submit a written estimate of the number of days the trial will last and pay an amount equal to the prescribed fee for a trial of the length estimated; and
- (b) if the estimate is exceeded – must, before the trial resumes on the first day on which the estimate is exceeded, submit a revised

estimate and pay an amount equal to the prescribed fee for a trial of the length estimated less the amount already paid; and

- (c) if the revised estimate is exceeded – must, before the trial resumes on the first day on which the revised estimate is exceeded, submit a further revised estimate and pay an amount equal to the prescribed fee for a trial of the length estimated less the amount already paid; and
- (d) must continue as indicated above if the trial lasts longer than the period estimated in the last estimate submitted under this regulation.

(3) If a court sits with the jury for part of a day, the day is counted as a whole day for subregulations (1) and (2).

(4) If it appears, at the end of a trial, that the amount paid under subregulation (2) exceeds the fee actually payable under subregulation (1), the amount overpaid must be refunded to the party.

6. Amendment of regulation 7 (Random selection by computer)

Regulation 7

omit

section 27(3)

substitute

section 27

7. Repeal and substitution of regulations 8 and 9

Regulations 8 and 9

repeal, substitute

8. Fees

(1) For section 60 of the Act, an employee who continues to receive ordinary pay and who has no deductions from other leave entitlements while on leave to attend for jury service is taken to have received payment for attendance.

Example for subregulation (1)

If, under by-law 20 of the Public Sector Employment and Management By-laws, the Chief Executive Officer releases an employee for jury service without deduction from pay or leave credits, that employee is taken to have received payment.

Juries Amendment Regulations 2007

(2) However, if the sheriff or deputy sheriff is satisfied that subsection (1) does not apply, the payment a juror or talesman is entitled to receive for attendance is:

- (a) for each day, or part day, of service as a juror for a trial:
 - (i) \$60 – if the trial lasts 9 days or less; or
 - (ii) \$120 – if the trial lasts 10 days or more; and
- (b) \$20 for each day, or part day, the person attends for service, but does not serve as a juror for a trial.

(3) If it is proved to the satisfaction of the sheriff that as result of attendance on a day, or part day, the juror or talesman has suffered financial loss, the juror or talesman is entitled to receive an additional amount for that attendance equal to the lesser of:

- (a) the amount by which the loss exceeds the amount payable under subregulation (2); and
- (b) either:
 - (i) \$30 – if the person serves as a juror for a trial; or
 - (ii) \$20 – in any other case.

9. Fares

(1) A person whose residence is more than one kilometre from the relevant Supreme Court is entitled to be paid for each journey made between the person's residence and the Court to attend the Court as a juror or talesman or to return home afterwards.

- (2) The fare payable under this regulation for a journey is:
 - (a) if public transport is available – the amount payable by the juror or talesman for using public transport for the journey; or
 - (b) in any other case – an amount calculated at 27 cents for each kilometre of the journey, measured along the shortest practicable road route.

8. New regulation 11

After section 10

insert

11. Transitional matters for *Juries Amendment Regulations 2007*

If immediately before the commencement of the *Juries Amendment Regulations 2007* (the "2007 regulations") a trial lasting 10 days or more has commenced but has not concluded:

- (a) for regulation 6 the prescribed amounts must be re-calculated as if the trial had commenced after the commencement of the 2007 regulations; and
- (b) for regulation 8 the juror or talesman is entitled to receive payment as if the trial had commenced after the commencement of the 2007 regulations.

9. Repeal of Schedule 1

Schedule 1

repeal

10. Amendment of Schedule 2

Schedule 2

omit

Dated the.....day of....., 19...

substitute

Dated: