



## Jury Exemption Regulations 2019

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I, General the Honourable Sir Peter Cosgrove AK MC (Ret'd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 07 February 2019

Peter Cosgrove  
Governor-General

By His Excellency's Command

Greg Hunt  
Minister for Health  
for the Attorney-General

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# Contents

<b>Part 1—Preliminary</b>	1
1 Name.....	1
2 Commencement .....	1
3 Authority.....	1
4 Schedules .....	1
5 Definitions .....	1
<b>Part 2—Exemption of certain Commonwealth employees from jury service</b>	2
6 Certain Commonwealth employees exempt from service as jurors in courts .....	2
7 Senior Commonwealth employees.....	2
8 Commonwealth employees involved in the administration of justice .....	2
9 Commonwealth employees working on biosecurity etc. ....	3
10 Commonwealth employees working for key institutions .....	3
<b>Part 3—Application, saving and transitional provisions</b>	5
<b>Division 1—Provisions for this instrument as originally made</b>	5
11 Application to liability to serve arising on or after commencement.....	5
<b>Schedule 1—Repeals</b>	6
<i>Jury Exemption Regulations 1987</i>	6



## Part 1—Preliminary

### 1 Name

This instrument is the *Jury Exemption Regulations 2019*.

### 2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	The day after this instrument is registered.	12 February 2019

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

### 3 Authority

This instrument is made under the *Jury Exemption Act 1965*.

### 4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

### 5 Definitions

Note: The expression ***Commonwealth employee*** is used in this instrument and is defined in the Act.

In this instrument:

***Act*** means the *Jury Exemption Act 1965*.

Section 6

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## Part 2—Exemption of certain Commonwealth employees from jury service

### 6 Certain Commonwealth employees exempt from service as jurors in courts

A Commonwealth employee covered by section 7, 8, 9 or 10 is exempt from liability to serve as a juror in:

- (a) federal courts; and
- (b) courts of the States (whether exercising jurisdiction in the State concerned or outside it); and
- (c) courts of the following Territories (whether exercising jurisdiction in the Territory concerned or outside it):
  - (i) the Australian Capital Territory;
  - (ii) the Northern Territory;
  - (iii) Norfolk Island;
  - (iv) the Territory of Christmas Island.

### 7 Senior Commonwealth employees

This section covers a Commonwealth employee:

- (a) who is an Agency Head (as defined in the *Public Service Act 1999*); or
- (b) who is an SES employee, or an acting SES employee, with a classification of Senior Executive Band 3 or an APS employee who holds, or is acting in, an equivalent position; or
- (c) who holds an office, or performs the duties of a position, that is comparable to that of an Agency Head, or an SES employee with a classification of Senior Executive Band 3.

Note: For *acting SES employee* and *SES employee*, see section 2B of the *Acts Interpretation Act 1901*.

### 8 Commonwealth employees involved in the administration of justice

This section covers a Commonwealth employee who is any of the following:

- (a) an officer of, or APS employee in, any of the following, whose duties involve the provision of legal services:
  - (i) a Department;
  - (ii) the Office of Parliamentary Counsel;
  - (iii) the Office of the Director of Public Prosecutions;
- (b) an officer or employee of the High Court;
- (c) a person who is either:
  - (i) an officer of a federal court other than the High Court; or
  - (ii) an APS employee whose services are made available for the purposes of the administrative affairs of a federal court other than the High Court;whose duties relate directly and substantially to the administration of justice;

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Section 9

- (d) an APS employee in the National Measurement Institute whose duties involve providing analytical or calibration services or advice;
- (e) a person employed under section 24 of the *Australian Federal Police Act 1979*;
- (f) a person who is any of the following:
  - (i) the Chief Executive Officer of the ACC;
  - (ii) an examiner appointed under the *Australian Crime Commission Act 2002*;
  - (iii) a member of the staff of the ACC referred to in subsection 47(1) of the *Australian Crime Commission Act 2002*;
- (g) a member of the Administrative Appeals Tribunal, the Registrar of that Tribunal or a member of the staff of that Tribunal;
- (h) a member of the National Native Title Tribunal, the Native Title Registrar, a Deputy Registrar of that Tribunal or a member of the staff assisting that Tribunal;
- (i) a staff member (as defined in the *Australian Securities and Investments Commission Act 2001*) whose duties involve the provision of legal services or investigating matters.

**9 Commonwealth employees working on biosecurity etc.**

This section covers a Commonwealth employee who:

- (a) is an employee of a Commonwealth body, or part of a Commonwealth body, that is declared under section 452 of the *Biosecurity Act 2015* to be a national response agency; and
- (b) is performing functions or exercising powers under Part 1 of Chapter 8 of that Act in respect of a biosecurity emergency during a biosecurity emergency period.

**10 Commonwealth employees working for key institutions**

This section covers a Commonwealth employee who is any of the following:

- (a) the Official Secretary to the Governor-General;
- (b) an SES employee, or an acting SES employee, who is assisting a Royal Commission;
- (c) a person performing the duties of Secretary to a committee of inquiry established under an Act;
- (d) a person holding, or performing the duties of, one of the following positions relating to a Minister:
  - (i) Chief of Staff;
  - (ii) Principal Adviser;
  - (iii) Senior Adviser;
  - (iv) Senior Media Adviser;
  - (v) Adviser;
  - (vi) Media Adviser;
- (e) the Registered Organisations Commissioner;
- (f) a Deputy Australian Building and Construction Commissioner;

## Section 10

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- (g) a person holding, or performing the duties of, one of the following offices or positions in the Department of the Senate:
  - (i) Clerk of the Senate;
  - (ii) Deputy Clerk of the Senate;
  - (iii) Usher of the Black Rod;
  - (iv) an SES employee (as defined in the *Parliamentary Service Act 1999*), or an acting SES employee (as defined in that Act), with a classification of Senior Executive Band 1;
  - (v) Secretary to a committee established by the Senate, or jointly by the Senate and the House of Representatives (including a committee established by an Act);or a Parliamentary Service employee (as defined in the *Parliamentary Service Act 1999*) performing the duties of a Clerk at the Table in the Senate;
- (h) a person holding, or performing the duties of, one of the following offices or positions in the Department of the House of Representatives:
  - (i) Clerk of the House of Representatives;
  - (ii) Deputy Clerk of the House of Representatives;
  - (iii) Clerk Assistant (Procedure);
  - (iv) Clerk Assistant (Committees);
  - (v) Clerk Assistant (Table);
  - (vi) Serjeant-at-Arms;
  - (vii) Deputy Serjeant-at-Arms;
  - (viii) Director (Programming), Table Office;
  - (ix) Director (Legislation and Records), Table Office;
  - (x) Secretary to a committee established by the House of Representatives, or jointly by the House of Representatives and the Senate (including a committee established by an Act);
- (i) a person holding, or performing the duties of, one of the following offices or positions in the joint Department (as defined in the *Parliamentary Service Act 1999*):
  - (i) Secretary;
  - (ii) Parliamentary Librarian;
  - (iii) Chief Information Officer;
  - (iv) First Assistant Secretary, Building and Security Division;
  - (v) Chief Operating Officer;
  - (vi) Chief Finance Officer;
  - (vii) Assistant Secretary, Capital Works Branch;
  - (viii) Director, Legal Services;
- (j) the Parliamentary Budget Officer;
- (k) an APS employee holding, or performing the duties of, a position of parliamentary liaison officer in the Department administered by the Prime Minister.



## **Part 3—Application, saving and transitional provisions**

### **Division 1—Provisions for this instrument as originally made**

#### **11 Application to liability to serve arising on or after commencement**

This instrument applies to liability to serve as a juror that arises on or after the commencement of this instrument.

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## Schedule 1—Repeals

### *Jury Exemption Regulations 1987*

#### **1 The whole of the instrument**

Repeal the instrument.