

Jury Exemption Regulations 2019

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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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Note: This table relates only to the provisions of this instrument as originally made.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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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*.

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;

(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;

(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.

Schedule 1—Repeals

Jury Exemption Regulations 1987

1 The whole of the instrument

Repeal the instrument.