

JURY SERVICE

State and Territory legislation provides guidance for the payment of employees for attending jury service. These laws vary dramatically in scope between each jurisdiction.

[Commonwealth – Fair Work Act 2009 \(Cth\)](#)

What is jury service?

 See *Fair Work Act 2009 (Cth)* ss 108 & 109

Jury service, and attendance for jury selection, is defined as an ‘eligible community service activity’ under the National Employment Standards (“the NES”). An employee is entitled to be absent from their employment for a period if that period consists of one or more of the following:

- time when the employee engages in the activity;
- reasonable travelling time associated with the activity; and
- reasonable rest time immediately following the activity.

 See *Fair Work Act 2009 (Cth)* ss 110

An employee must provide notice to their employer of their absence:

- as soon as practicable, which may be a time after the absence has started; and
- must advise the employer of the period, or expected period, of the absence.

 See *Fair Work Act 2009 (Cth)* ss 111

The NES states that an employee, other than a casual employee, is to be paid at their base rate of pay for the ordinary hours of work in the period. An employer has an obligation to pay, at minimum, for the first ten days of absence.

 See *Fair Work Act 2009 (Cth)* ss 112

The State and Territory legislation builds on the minimum standards under the NES and offers additional obligations by employers to employees. Specifically, the clauses in the NES will prevail where they are more beneficial to the employee than the entitlements under the state and territory laws.

Victoria (VIC)

The [Juries Act 2000 \(Vic\)](#) regulates jury duty in Victoria. The Act applies to full time, part time and casual employees and supersedes the minimum obligations under the Fair Work Act 2009 (Cth) and all enterprise bargaining agreements and employment contracts.

Payment for jury duty

In Victoria, jurors are paid \$40 per day, for the first six days and \$80 per day, thereafter. An employee cannot work for the business while on jury service as it is recognised as a full time job.

 See *Juries Act 2000 (Vic)* s 52

Employees who are full time, part time or casual and who have been summoned for jury service and have attended court, whether or not they have actually served on a jury, are entitled to reimbursement by their employer an amount equal to the difference between the amount of remuneration paid by the court and what they would have reasonably expected to have received from the employer as earnings for that period had they not been performing jury service. Please note for casual employees payment will be dependent on their roster, it is recommended members contact the Workplace Relations Advice Line for further advice.

An employee must notify their employer of any remuneration received by the court.

 See *Juries Act 2000 (Vic)* s 83

The court may impose a fine or imprisonment where an employer:

- terminates or threatens to terminate the employment of an employee; or
- otherwise prejudices the position of the employee

because the employee is, was or will be absent from employment on jury service.

Australian Capital Territory (ACT)

The [Juries Act 1967 \(ACT\)](#) regulates jury service in the ACT.

Payment for jury duty



See *Juries (Payment) Determination 2017 Disallowable Instrument DI2017-115*

For the first four days of a trial, ACT jurors are paid \$107.60 per day regardless of their employment status. From days five to ten, jurors are paid \$125.05 per day and from day eleven onwards, \$145.95 per day. The ACT also pays a travel allowance of \$18.15 per day to each juror for attendance at the court. Where attendance at the court is 4 hours or less, \$53.45. For private sector employees, the employer will need to make up the difference between the court payment and the employees base rate of pay.

New South Wales (NSW)

The [Jury Act 1977 \(NSW\)](#) regulates jury service in New South Wales.

Payment for jury duty



See *Jury Act 1977 (NSW) s 72*

For the first ten days of a trial, jurors will receive \$106.30 per day, and \$247.40 a day thereafter. Where there is a shortfall in wages, employees are entitled to be paid their normal wages by their employer. Jurors are also entitled to be paid a travel allowance of \$0.307 per kilometre per day.

Northern Territory (NT)

The [Juries Act 1963 \(NT\)](#) regulates jury service in the NT.

Payment for jury duty

For the first nine days of a trial, NT jurors are paid \$60 per day. From day ten onward, NT jurors are entitled to payment of \$120 per day. If a juror can prove that they have suffered a financial loss because of the jury service, they may apply for an additional payment of \$30 per day.

Queensland (QLD)

The [Industrial Relations Act 2016 \(QLD\)](#) regulates jury service in Queensland.

Payment for jury duty



See *Jury Regulation 2007 (QLD) s Schedule 2*

For the first nineteen days of a trial, jurors will receive \$122.10 per day, and from day twenty \$162.95 per day. Public transport costs and meal allowances will be provided for by the court. Employers have an obligation to make up the difference in pay for the entire period of jury service.

South Australia (SA)

The [Jury Act 1927 \(SA\)](#) regulates jury service in South Australia.

Payment for jury duty

In South Australia, jurors are paid a base rate of \$20 per day by the courts and an additional travel allowance of \$0.74 per kilometre by the Sheriff. Where an employee can show that they have lost wages as a result of jury duty, the employee can claim up to an additional \$135 per day from the Sheriff. Where there is a 'long trial', as defined by the Attorney General, the payment is increased. If an employer chooses to pay their employee while on jury duty, the employer may be reimbursed the \$20 base rate received by the juror.

State Government employees may apply to their relevant Government Department for special leave with pay and receive a travel allowance of \$0.74 per kilometre from the Sheriff.

Tasmania (TAS)

The [Juries Act 2003 \(Tas\)](#) regulates jury service in Tasmania.

Payment for jury duty

Employed jurors are entitled to compensation for their loss of wages from the court of up to \$238.66 per day. Unemployed jurors are entitled to a base rate of pay for their period of service that is dependent on the length of the trial. For the initial three days of a trial, the jurors will receive \$40 per day, and \$50 per day thereafter.


Jurors are paid at the following rates per kilometers travelled for jury service:

- \$0.4787 for a 2L engine capacity and over
- \$0.4117 under 2L engine capacity

Western Australia (WA)

The [Juries Act 1957 \(WA\)](#) regulates jury service in Western Australia.

Payment for jury duty

 See *Juries Act 1957 (WA)* s 58B

In Western Australia, employers must allow all classes of employees, including casual employees, to attend jury duty and continue to pay their usual wages or salary (may not include allowances). Employers are able to apply for a reimbursement of those wages so long as they are not a State Government employer. Self-employed jurors will be reimbursed by the State for any lost earnings and unemployed jurors get \$10 for a half day and \$15 for a full day for the first three days. From day four onwards, unemployed jurors get paid \$20 a day.

A travelling allowance is provided to all jurors, based on the public transport costs to and from the juror's normal place of residence and the court.

Frequently Asked Questions

Can an employer prevent an employee from attending jury duty?

It is an offence under all State and Territory legislation for an employer to terminate or threaten to terminate the employment of an employee or otherwise prejudice the position of the employee because the employee is, was or is to be absent from employment due to jury service.

Contacting the Victorian Chamber of Commerce and Industry

The Victorian Chamber's team of experienced workplace relations advisors can assist members with a range of employment, human resources and industrial relations issues.

Our experienced workplace relations consultants can also provide assistance to both members and non-members on a range of more complex matters for a fee-for-service. The consultants can, among other things, provide training to employees, conduct investigations and provide representation at proceedings at the Fair Work Commission.

For assistance or more information, please contact the Workplace Relations Advice Line on **(03) 8662 5222**.

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