



INFORMATION SHEET 1

Eligibility for jury service and disqualification from jury service

This information sheet discusses eligibility for jury service; disqualification from jury service because of professional background or criminal history; and links to the relevant legislation relating to jury service.

Eligibility

Eligibility for jury service is dealt with in section 23DH of the *Federal Court of Australia Act 1976*.

Section 23DH(1) provides that a person is qualified for jury service in the Federal Court of Australia if their name is on the jury roll for the relevant jury district and they are entitled to vote at elections for Members of the House of Representatives.

Disqualification: professional reasons

Disqualification for professional reasons is dealt with in section 23DJ of the *Federal Court of Australia Act 1976*, the *Jury Exemption Act 1965*, the Jury Exemption Regulations, and section 89 of the *Navigation Act 1912*.

Taken together, those provisions provide a list of people who are not eligible for jury service in the Federal Court of Australia because of their professional background. The list is at Attachment 1.

If you think that you may be disqualified from jury service because of your professional background, you should check the list at Attachment 1 to see if any of the categories apply to you.

Note that the list at Attachment 1 includes any person who is excluded by a State or Territory law from serving as a juror in a court of that State or Territory because the person's duties or activities are connected with public administration or emergency services.

The relevant provisions of State and Territory law can be found in the following Acts:

New South Wales	<i>Jury Act 1977</i>
Victoria	<i>Juries Act 2000</i>
Queensland	<i>Jury Act 1995</i>
Western Australia	<i>Juries Act 1957</i>
South Australia	<i>Juries Act 1927</i>
Tasmania	<i>Juries Act 2003</i>
Australian Capital Territory	<i>Juries Act 1967</i>
Northern Territory	<i>Juries Act</i>

Disqualification: criminal history

Disqualification because of criminal history is dealt with in section 23DI of the *Federal Court of Australia Act 1976*. A copy of section 23DI is at Attachment 2.

If you think that you may be disqualified from jury service because you have a criminal history, you should check Attachment 2 to see if any of the categories set out in subsection 23DI(1) apply to you.

Copies of legislation

All relevant Commonwealth Acts and Regulations can be accessed through the Federal Register of Legislation at:

- www.legislation.gov.au

State and Territory Acts can be accessed through:

- www.austlii.edu.au

Further information

If you need more information, visit the Federal Court website at www.fedcourt.gov.au/going-to-court/jury

The website includes fact sheets and other documents about dealing with juries.

Alternatively, you can contact the Sheriff of the Federal Court by:

- email at sheriff@fedcourt.gov.au, or
- phone at (02) 9230 8567
(ask to speak to a jury officer).



ATTACHMENT 1:

Disqualification for professional reasons

Section 23DJ of the *Federal Court of Australia Act 1976*

Under paragraphs 23DJ(1)(a) to (e) of the Federal Court of Australia Act, a person is not qualified for jury service in the Federal Court of Australia if they are:

- the Governor or Administrator of a State or Territory;
- a judge, or other judicial officer, of a court of a State or Territory;
- a member of the Parliament or Legislative Assembly of a State or Territory;
- a qualified legal practitioner who holds a legal practising certificate in a State or Territory; or
- a person whose duties or activities involve or are connected with:
 - the investigation or prosecution of criminal offences;
 - the administration of justice; or
 - the punishment of offenders.

Paragraph 23DJ(1)(f) provides that a person is not qualified to serve as a juror in the Federal Court of Australia if the person:

- is excluded by a State or Territory law from serving as a juror in a court of that State or Territory; and
- is so excluded because their current duties or activities involve or are connected with public administration or emergency services.

Jury Exemption Act 1965

Under the Schedule to the Jury Exemption Act, the following people are not qualified for jury service in the Federal Court of Australia:

- the Governor-General;
- a member of the Federal Executive Council;
- a Justice of the High Court or of a court created by the Parliament;
- a Senator;
- a Member of the House of Representatives;
- a member of the Fair Work Commission;
- a member or special member of the Australian Federal Police;
- a member of the Defence Force other than a member of the Reserves; and
- a member of the Reserves who is rendering continuous full time service.

Jury Exemption Regulations

Under Regulation 4 of the Jury Exemption Regulations, the following people are not qualified for jury service in the Federal Court of Australia:

- a person holding, or for the time being performing the duties of, an employment as a Commonwealth employee in respect of which the rate of salary equals or exceeds the rate of salary for the time being payable to an officer of the Australian Public Service occupying an office classified as Senior Executive Band 3.

Under Regulation 5 of the Jury Exemption Regulations the following people are not qualified for jury service in the Federal Court of Australia:

- an officer or employee of:
 - a Department;
 - the Office of Parliamentary Counsel; or
 - the Office of the Director of Public Prosecutions;

being an officer or employee whose duties involve the provision of legal professional services;

- an officer or employee of:
 - the High Court of Australia;
 - the Federal Court of Australia;
 - the Family Court of Australia; or
 - the Federal Circuit Court of Australia;
- a person employed as a chemist in the Australian Government Analytical Laboratories, being a person whose duties include appearing as an expert witness in court proceedings;
- a member within the meaning of the *Australian Federal Police Act 1979* and a person employed under section 24 of that Act;

- the Chief Executive Officer within the meaning of the *Australian Crime Commission Act 2002* and an examiner or a member of the staff of the Australian Crime Commission within the meaning of that Act;
- a person for the time being employed by:
 - the Australian Police Staff College; or
 - the National Police Research Unit;
- a member, or a member of the staff, of the Administrative Appeals Tribunal;
- a member, or a member of the staff, of the National Native Title Tribunal; and
- a staff member, within the meaning of the *Australian Securities Commission Act 1989*, being a staff member whose duties involve:
 - providing legal professional services; or
 - investigating matters.

Under Regulation 6 of the Jury Exemption Regulations the following people are not qualified for jury service in the Federal Court of Australia:

- a veterinary officer or other person employed in the Department of Primary Industries and Energy whose duties relate to the planning, co-ordination and monitoring of measures to limit the importation of exotic diseases into, or outbreak of exotic diseases in, Australia.

Under Regulation 7 of the Jury Exemption Regulations the following people are not qualified for jury service in the Federal Court of Australia:

- the Official Secretary to the Governor-General;
- a person performing duties as Secretary to:
 - a Royal Commission; or
 - a Committee of Inquiry established under an Act;
- a person holding, or for the time being performing the duties of, one of the following positions in relation to a Minister of State:
 - Principal Private Secretary;
 - Principal Adviser;
 - Senior Private Secretary;
 - Senior Adviser;
 - Private Secretary;
 - Adviser;
 - Press Secretary;
- the Industrial Registrar, and any Deputy Industrial Registrar, within the meaning of section 62(2) of the *Workplace Relations Act 1996*;
- a person holding, or for the time being performing the duties of, one of the following offices in the Department of the Senate:
 - Clerk of the Senate;
 - Deputy Clerk of the Senate;
 - Clerk-Assistant (Table);
 - Clerk-Assistant (Procedure);
 - Clerk-Assistant (Management);
 - Clerk-Assistant (Committees);
 - Usher of the Black Rod;
 - Principal Parliamentary Officer, Table Office;
 - 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;
- a person holding, or for the time being performing the duties of, one of the following offices in the Department of the House of Representatives:
 - Clerk of the House of Representatives;
 - Deputy Clerk of the House of Representatives;
 - First Clerk Assistant;
 - Clerk Assistant (Procedure);
 - Assistant Secretary (Committees);
 - Clerk Assistant (Table);
 - Assistant Secretary (Corporate Services);

- Serjeant-at-Arms;
- Director (Programming), Table Office;
- Director (Legislation and Records), Table Office;
- 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;
- a person holding, or for the time being performing the duties of, one of the following positions in the Department of Defence:
 - Deputy Director, Defence Signals Directorate;
 - Director-General, Alliance Policy and Management;
 - Deputy Chief of Facility, Joint Defence Facility, Pine Gap;
 - Australian Chief of Security, Joint Defence Facility, Pine Gap;
 - Engineer Class 3, Joint Defence Facility, Pine Gap; and
- a person holding, or for the time being performing the duties of, the position of Parliamentary Liaison Officer in the Department of the Prime Minister and Cabinet.

Navigation Act 2012

Under section 89 of the Navigation Act the following people are not qualified for jury service in the Federal Court of Australia:

- A seafarer of a regulated Australian vessel or a foreign vessel.

ATTACHMENT 2: Section 23DI of the *Federal Court of Australia Act 1976*

When a person is not qualified

(1) A person is not qualified to serve as a juror if:

- (a) the person has been:
 - (i) convicted of an offence against a law of the Commonwealth, a State or a Territory; and
 - (ii) sentenced to imprisonment for life, or to serve a term of imprisonment of more than 12 months, as a result of the conviction; or
- (b) the person has been:
 - (i) convicted of an offence against a law of a foreign country; and
 - (ii) sentenced to death, imprisonment for life, or to serve a term of imprisonment of more than 12 months, as a result of the conviction; or
- (c) the person has been:
 - (i) tried for an offence against a law of the Commonwealth, a State, a Territory or a foreign country; and
 - (ii) ordered to be detained for life, or for a period of more than 12 months, in a hospital, juvenile facility or other detention facility as a result of the trial; or
- (d) the person has, within the last 10 years, been:
 - (i) convicted of an offence against a law of the Commonwealth, a State, a Territory or a foreign country; and
 - (ii) sentenced to serve a term of imprisonment (including by way of periodic detention) as a result of the conviction; or
- (e) the person has, within the last 10 years, been:
 - (i) tried for an offence against a law of the Commonwealth, a State, a Territory or a foreign country; and
 - (ii) ordered to be detained in a hospital, juvenile facility or other detention facility as a result of the trial; or
- (f) the person is currently:
 - (i) serving a term of imprisonment (including by way of periodic detention); or
 - (ii) being detained in a hospital, juvenile facility or other detention facility; or
 - (iii) subject to an order for periodic home detention or periodic detention in a hospital, juvenile facility or other detention facility; or
- (g) the person is currently subject to:

- (i) a good behaviour bond or community service order; or
- (ii) a similar order; or
- (h) the person is currently being held in custody for the commission, or suspected commission, of a criminal offence; or
- (i) the person:
 - (i) has been charged with an offence against a law of the Commonwealth, a State, a Territory or a foreign country; and
 - (ii) is currently at liberty in respect of the offence until the person is required to appear before a court in respect of the offence.

Note: For paragraph (i), the person will be at liberty in respect of the offence if bail is granted for the offence.

Extended meaning of serving a term of imprisonment

(2) For the purposes of subsection (1), serving a term of imprisonment includes:

- (a) the case where:
 - (i) a person has been sentenced to a term of imprisonment; and
 - (ii) the sentence has been suspended; and
 - (iii) the period of suspension has not ended; and
- (b) the case where:
 - (i) a person has been sentenced to a term of imprisonment; and
 - (ii) the person has started serving the sentence; and
 - (iii) the person has been released on parole or probation or on a similar basis; and
 - (iv) that period of release has not ended.

Disregard convictions etc. that have been set aside

(3) For the purposes of this section, disregard a conviction, sentence or order if the conviction, sentence or order has been set aside on appeal or as a result of a pardon.