



# COURT ATTENDANCE AND JURY SERVICE POLICY

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**Policy Number:** GRC 0020  
**Policy Type:** Administrative  
**Responsible Officer:** Chief Executive Officer  
**Department:** Executive Office

Version	Decision Number or CEO Approval	Decision Date	Status / History
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7	Reviewed	17 June 2021	Review 30 June 2024

## 1. BACKGROUND

Council employees from time to time are required to appear in Court in relation to a variety of matters, either in connection with their duties, or on matters of a nature outside of those duties.

## 2. POLICY STATEMENT

### 2.1 Principles used to determine the policy

- The policy is to clarify an employee's responsibility in relation to the application of Court attendance and associated fees.
- Council accepts that employees are encouraged to serve on jury duty to fulfil their court-related, civil obligations in accordance with the *Jury Act 1995*.

### 2.2 Application of the policy

- This policy applies to all permanent, temporary, full-time, part-time and casual employees of the Goondiwindi Regional Council.

### 2.3 Court Attendance

- That where Council employees attend Court in the course of their employ, and receive Court Attendance Fees, the following is to apply:-
  - Where the employee lodges or intends to lodge a claim for wages in relation to such attendance with Council, such Court Attendance Fees are to be reimbursed to Council forthwith.
  - If a claim for wages is approved such wages will be paid for ordinary hours of

work. It is unreasonable to pay for any hours beyond ordinary hours of work. Any time at Court beyond ordinary hours would be considered a civic duty.

- That where Council employees attend Court where Council is a third party to any action, the following is to apply:-
  - Attendance is required to be notified by summons.
  - Court Attendance Fees are to be requested.
  - Where the employee lodges or intends to lodge a claim for the wages in relation to such attendance with Council, such Court Attendance Fees are to be reimbursed to Council forthwith.
- That where Council employees attend Court in relation to matters of a private nature, that Council has no obligation to meet any wages in regard to such attendance.
- That where an employee is paid Annual, Long Service Leave or TOIL with respect to any period co-incidental with Court attendance and such attendance is of a private nature, the employee is not required to reimburse Court Attendance Fees.
- An employee who is called for jury service is required to:
  - (a) Immediately notify their supervisor upon receipt of a Notice to Prospective Juror;
  - (b) Notify their supervisor of the dates they are required to undertake jury service;
  - (c) Provide their supervisor with a certificate of attendance from the sheriff's office upon completion of jury service.
- Supervisors are required to advise the relevant departmental director of all details and requests for jury service leave together with accompanying documentation.
- In circumstances where an exemption does not exist, a leave form is to be completed for the time required to fulfil jury service obligations.

#### **2.4 Exemptions from Jury Service**

- The *Jury Act 1995* provides provisions for exemption or ineligibility for Jury Service.
- A request for exemption from jury service can only be made by an employee.
- All work-related requests for exemption must be referred to the employee's relevant Director who will in turn consider the circumstances of the employee's request, and, if considered appropriate, will provide a letter of support to the Sheriff's office for their consideration.
- A letter of support can only be provided by the relevant Director after consultation with the employee and the employee's supervisor concerning the circumstances of the request.
- The factors which a Director must consider when determining whether a work related issue would constitute a valid exemption include the role of the employee, the work location of the employee, the availability of other employees during the relevant time period, the nature of the employee's position and relevant time constraints. Examples include the following:
  - (a) The employee is a key operator and it is not practicable or possible to replace the employee during the prescribed period of jury service;
  - (b) The employee is working in a rural or remote area during the prescribed period of jury service and it is not practicable or possible to replace the employee during such time;
  - (c) The employee is working on a particular project with a deadline during the prescribed period of jury service and due to the nature of the employee's expertise, it is not possible for another staff member to replace the particular employee.
- Where a Director is called for jury service, all requests for exemption will be referred to the Chief Executive Officer, who will comply with the provisions outlined above.

### **3. PURPOSE**

This policy has been developed to provide staff members with guidelines concerning Court Attendance and Fees.

### **4. POLICY OBJECTIVE**

The objectives of this policy are to:

- Provide clear guidelines for staff members when dealing with Court Attendance matters and
- To ensure a responsible and consistent approach to all Court Attendance matters.

### **5. REVIEW DATE**

June 2024

### **6. RELATED DOCUMENTS**

- *Jury Act 1995*



# JURY SERVICE FACT SHEET

## Information

If you receive a "Notice of Prospective Juror", please advise your Supervisor/Manager ASAP and forward a copy to HR for inclusion on your personnel file.

An employee shall notify their Supervisor/Manager as soon as possible of the date required to attend for jury service.

In the event that you are summonsed and do attend Court, please request the Court to pay attendance monies to Goondiwindi Regional Council as Council will pay you when attending the Court as if you were at work.

Council will not be responsible for any transport or meal costs incurred by you during this period.

On the days, or part days, that you are not required to attend Court, you are expected to be at work. In addition and for records purposes only, you should submit to Payroll an Application for Leave form for the days you attend at Court. Time taken for jury duty is not debited from any of your accrued leave entitlements.

Should you have any queries regarding this leave, please contact Human Resources on 46 520 216.