

- 1. TITLE:** **Court Attendance and Jury Service**
- 2. PURPOSE:** To prescribe the entitlements for employees required to attend court as a witness or to undertake service as a juror.
- 3. LEGISLATIVE PROVISION:** Section 34(2) of the *Public Service Act 1996*.
- 4. APPLICATION:** This directive applies to "public service employees" as defined in section 9 of the *Public Service Act 1996*.
- This directive **does not apply** to trainees whose conditions are set out in the order *Apprentices' and Trainees' Wages and Conditions (Queensland Government Departments and Certain Government Entities)*.
- 5. STANDARD:** The conditions and entitlements prescribed in the Schedule apply.
- 6. EFFECTIVE DATE:** This directive is to operate from **1 November 2001**.
- 7. VARIATION:** The provisions of the Schedule may be varied in accordance with a certified agreement made under Chapter 6, Part 1 of the *Industrial Relations Act 1999* or decisions of an industrial tribunal of competent jurisdiction.
- 8. INCONSISTENCY:** Sections 34 and 117 of the *Public Service Act 1996* and section 687 of the *Industrial Relations Act 1999* apply if there is a conflict with an act, regulation or industrial instrument.
- 9. SUPERSEDES:** Ministerial Directive 15/99: "*Court Attendance and Jury Service*".
- 10. PREVIOUS REFERENCES:** Sections 61, 62 *Public Service Management and Employment Regulation 1988* as in force on 24 February 1995.
Administrative Instruction No. 1145.
- 11. SEE ALSO:** Directive: 3/00: "*Travelling and Relieving Expenses*"

SCHEDULE

COURT ATTENDANCE AND JURY SERVICE

GENERAL CONDITIONS	
<p>Entitlement</p> <p>A public service employee (referred to as an “employee” in the schedule) subpoenaed to attend court as a witness shall be entitled to such expenses and leave as provided for in this schedule.</p> <p>An employee who is required to undertake service as a juror shall be entitled to such expenses and leave as provided for in this schedule.</p>	<p>Notification</p> <p>An employee is to notify the employer as soon as possible of the date the employee is required to attend court as a witness or to undertake jury service.</p>
COURT ATTENDANCE	
<p>Official capacity</p> <p>An employee subpoenaed or called as a witness in the employee’s official capacity -</p> <p>(a) is to pay any fees or allowances received for the employee’s attendance as a witness to the chief executive for payment into departmental funds; and</p> <p>(b) is entitled to be paid all necessary expenses incurred by the employee in attending court, including travelling allowances prescribed in ministerial directive: “<i>Travelling and Relieving Expenses</i>” (as amended from time to time) in the case of a public service officer.</p> <p>On behalf of the State or Commonwealth</p> <p>An employee subpoenaed or called as a witness by the State or the Commonwealth to give evidence other than in the employee’s official capacity -</p>	<p>(a) is to be granted special leave on full salary for attendance and any necessary travel time;</p> <p>(b) is to pay any fees received to attend as a witness to the chief executive for payment into departmental funds; and</p> <p>(c) is entitled to retain any expenses or allowances received for travel, accommodation or meals while attending court as a witness.</p> <p>Private capacity, civil action etc.</p> <p>An employee subpoenaed as a witness other than in the circumstances set out above -</p> <p>(a) is, at the employee’s option, to be granted either special leave without salary, recreation or annual leave, time off in lieu of overtime or accrued hours; and</p> <p>is entitled to retain any attendance fees or expenses or allowances received for travel, accommodation or meals while attending court as a witness.</p>
JURY SERVICE	
<p>Leave</p> <p>An employee, required to undertake service as a juror, is to be granted special leave on full salary for that purpose.</p> <p>Jury service fees</p> <p>Fees, received by the employee for serving as a juror during the period for which leave has been granted, are to be forwarded to the chief executive for payment into departmental funds.</p>	<p>However, where on any day during approved leave, the employee’s salary is less than the fees payable for that day, the employee is entitled to retain the difference between the salary and the fee.</p> <p>Travelling expenses</p> <p>An employee is entitled to retain any expenses or allowances received for travel, accommodation or meals while attending court as a juror.</p>