



MINISTER FOR EMPLOYMENT, TRAINING AND INDUSTRIAL RELATIONS

DIRECTIVE No. 15/99
July 1999

- 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 officers; and
 - temporary employees under section 113(2)(a) of the *Public Service Act 1996*; and
 - general employees engaged under section 112(2)(a) of the *Public Service Act 1996*.
- This directive does not apply to employees engaged on a casual basis under sections 112(2)(b) or 113(2)(b) of the *Public Service Act 1996*.
- 5. STANDARD:** The conditions and entitlements prescribed in the Schedule apply.
- 6. EFFECTIVE DATE:** This directive is to operate from **1 July 1999**.
- 7. VARIATION:** The provisions in 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:** Sections 61, 62 *Public Service Management and Employment Regulation 1988* Administrative Instruction No. 1 I 45

SCHEDULE

COURT ATTENDANCE AND JURY SERVICE

| GENERAL CONDITIONS | |
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| <p>Entitlement A public service officer, temporary employee engaged under section 113(2) of the <i>Public Service Act 1996</i> or general employee engaged under section 112(2)(a) of the <i>Public Service Act 1996</i> (referred to as “employee” in the schedule) subpoenaed to attend court as a witness or required to undertake service as a juror shall be entitled to such expenses and leave as provided in this schedule.</p> | <p>Notification An employee shall 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 An employee subpoenaed or called as a witness in the employee’s official capacity -</p> <p>(a) shall 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) shall be entitled to be paid all necessary expenses incurred by the employee in attending court, including travelling allowances prescribed in the directive “<i>Travelling and Relieving Allowance</i>”, in the case of a public service officer.</p> <p>On behalf of the State or Commonwealth 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) shall be granted special leave on full salary for attendance and any necessary travel time;</p> | <p>(b) shall pay any fees received to attend as a witness to the chief executive for payment into departmental funds; and</p> <p>(c) shall be entitled to retain any expenses or allowances received for travel, accommodation or meals whilst attending court as a witness.</p> <p>Private capacity, civil action etc. An employee subpoenaed as a witness other than in the circumstances set out above -</p> <p>(a) shall, at the employee’s option, be granted either special leave without salary, recreation or annual leave, time off in lieu of overtime or accrued hours; and</p> <p>(b) shall be 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 An employee, required to undertake service as a juror, shall be granted special leave on full salary for that purpose.</p> <p>Jury service fees 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 the period for which leave is granted, 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 The employee is entitled to retain any expenses or allowances received for travel, accommodation or meals while attending court as a juror.</p> |