

# Juror's handbook



QUEENSLAND  
COURTS

# Foreword

**by the Honourable Helen Bowskill, Chief Justice of Queensland**

Juries are an integral part of our legal system. They are comprised of men and women from the community, randomly selected from the electoral rolls.

Their role is to make the most important decision in any court case: whether or not the accused is guilty as charged (or, where juries are used in civil cases, who is at fault). They bring to the task a wealth of experience, common sense and insight.

Serving on a jury is a public duty for any citizen of our society – and one that you are only rarely asked to perform. It is also a privilege because, in this vital role, you will have the opportunity to make a direct contribution to the administration of justice in our State.

This handbook is a guide to what to expect from the moment you receive your summons until you give your verdict.

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## **What does the summons mean?**

The summons you have received means you have been selected for jury service.

It is not a guarantee that you will actually serve on a jury. That will be decided during another selection process called ‘empanelling’, which happens after you arrive at court.

The summons is a notice to make yourself available—to be ready to come to court when called.

## **How long will I have to be available?**

The summons tells you how long your period of service is (usually no more than four weeks, unless a particular trial runs longer), and the date your period of service begins.

You may not have to attend court every day during these weeks, but you must be available to attend if you are called.

## **How do I know when to attend court?**

You will be notified personally via text message if you have provided your mobile number. Information about whether you are required to attend will also be published in the daily law list section of the Queensland Courts website.

Whether you are required will not be determined until late on the afternoon before each day of your jury service. You can check if you are required daily during that period.

The identity of jurors is not published, so you will not be listed by name. Instead, you will need to check for your panel number. If your number is within the range of numbers listed, you must attend court.

This is how you do it:

- Refer to the summons to see which panel of jurors you have been assigned to and what panel number you have been given.
- Find out where your panel number will be published by reading the details under the heading ‘What you need to do’. These details will be different depending on where you live.

### In Brisbane

You can check on the evening of the previous working day. So if you want to know whether you are needed on a Monday, you can check on Friday evening. You do this by:

- ringing the recorded jury message on 3030 0327 after 5.30pm; or
- visiting the Queensland Courts website at **[www.courts.qld.gov.au/daily-law-lists](http://www.courts.qld.gov.au/daily-law-lists)** after 5.30pm and selecting “Brisbane Supreme and District Courts”.

You may also receive an SMS message if you have provided your mobile phone number to the court.

### Outside Brisbane

Your summons will tell you how to find out each day if you are required to attend court that day.

You can also find out by checking the daily law list for your local court. The law lists for each region are accessible from 5.30pm on the previous working day. So if you want to know whether you are needed on a Monday, you can check on Friday evening.

You can do this by visiting the Queensland Courts website at **[www.courts.qld.gov.au/daily-law-lists](http://www.courts.qld.gov.au/daily-law-lists)** after 5.30pm, and selecting the regional court where you have been summonsed.

You may also receive an SMS message if you have provided your mobile phone number to the court.

## **Time**

On the days you are required, you are likely to be needed from around 8.30am to 5.00pm.

*Please note that these times can vary.*

## **Which court do I attend?**

You go to the courthouse shown on the summons.

In Brisbane, you attend the Jury Assembly Area, 2nd Floor, QEII Courts of Law, 415 George Street, where the Supreme Court and District Court are located.

## **Transport**

Parking facilities are not available at any courthouse, so you are strongly urged to take public transport to and from court. You will be paid the cost of your public transport on the days you are required to attend court.

Parking fees will not be paid. Make sure you complete your travel allowance online form prior to attending court. If you fail to do so, you will not receive payment for any transport costs.

## **What should I wear?**

You do not have to wear business attire, but you should dress to at least a smart casual standard. Court proceedings are solemn occasions, so you should keep that in mind when deciding what to wear. You might also want to bring a jacket or jumper, as you may find the temperature in some courtrooms cool.

## What else should I bring?

Pursuant to the *State Buildings Protective Security Act 1983*, a security officer can search your belongings before entering the courts. Please do not bring in any prohibited items, e.g. knives, metal cutlery, nail files, leathermans, multi-purpose tools or glass bottles.

You should carry an electronic or paper copy of your summons with you at all times as it confirms your identity as a juror to court staff and security.

If your jury is deliberating, lunch is usually provided at the courthouse. Otherwise, you will be reimbursed a set meal allowance if the jury is permitted to leave the courthouse for a lunch break.

You can bring your own lunch if you prefer.

## Can I bring a mobile phone?

Yes, but you will have to turn it off while in courtrooms. If you are empanelled—that is, chosen to serve on a jury—you will need to leave it with the bailiff or registrar before entering the courtroom or jury room each day.

## Can I apply to be excused?

Yes, but only if your circumstances have changed significantly since you returned your questionnaire. You will need to immediately contact the sheriff or registrar and detail how your circumstances have changed and why you are unable to serve on a jury. You should include your contact details with your application.

You should complete your application online or send your application urgently by email or post to the address noted on the summons so it will be received no later than the Wednesday before your jury service

begins. If you have an urgent application that would not be received in time, contact the registrar on the phone number noted on your summons.

You can apply for a partial excusal, which means that you can be excused for a period of time during your service. For example, you may have to go interstate for business for a few days in the middle of your service. If your excusal is granted, you will still be required to perform jury service, but you will be allowed to go away on your business trip.

To apply for a partial excusal, you should contact the registry well before the time when you need to be excused. You can apply for excusal by talking to the registrar in advance, on one of the days when you are required to attend court.

If you are not excused by the registrar, you can still apply for an excusal in person by asking the Judge when you first attend court.

## **Can my employer apply for me to be excused?**

No. Your employer cannot apply for you to be excused. Only you can apply for excusal.

You will need to contact the registry if your absence will cause serious inconvenience at work. Your application for an excusal must be accompanied by a statement from your employer. The registrar will decide if your application is reasonable and able to be granted.

If you have not already discussed your jury service with your employer, you should do so straight away, taking your summons with you.



## **Can I be dismissed from my job for doing jury service?**

No, it is against the law for your employer to dismiss you or in any way disadvantage you for making yourself available for jury service.

An employer convicted of such a charge could face a period of imprisonment.

## **What happens when I arrive at court?**

The first thing you should do is report to the jury assembly area with an electronic or paper copy of your summons. A court official will be there to meet you, gather together your fellow jurors and explain administrative matters. Listen to the bailiff and court staff so that you know where you should be and what you should be doing.

You will then be taken into court. If you wish to be excused from jury service, this is your final opportunity. Let the bailiff know that you wish to apply. It is up to the judge to decide if your reason is acceptable.

The list of 'Expressions used in court' on pages 19–20 will help you to understand some of the legal expressions used in court. The diagram on page 10 will give you an idea of what a typical criminal court looks like.

The jurors remain at the back of the court, either seated or standing, for the empanelling process. The bailiff will be at the front for the purpose of swearing jurors in.

On each day you are required to attend court, you may go through more than one empanelling process.

## What does 'empanelling' mean?

Empanelling is the way jurors are chosen to serve on a particular trial. This is how it works:

- Cards showing the name, town/suburb and occupation of each juror are placed in a rotating box.
- The judge's associate removes the cards and calls the jurors one by one.
- If you are called, walk to the bailiff to swear an oath or to affirm to fulfil your service as a juror. You may choose either procedure. Let the bailiff know before you come into court if you wish to affirm or to swear on a particular holy scripture.
- At any time before the bailiff begins to recite the oath or affirmation, the prosecutor may call out 'stand by', or the accused or defence counsel may call out 'challenge'. If this happens, you must return to the back of the court. Another name will be called.
- If you are not 'stood by' or 'challenged', you will be sworn in as a juror and directed to your place in the jury box.

The procedure will be repeated with the names of those remaining until a complete jury is formed. There are twelve jurors on a criminal trial and four jurors on a civil trial. Both criminal and civil trials can have as many as three reserves.

## What if I already know something about the case?

To be impartial means that there is nothing that you know about a case, or feel or think about a case, that could affect your ability to decide the case objectively

and fairly. In any trial, it is important that you are in fact impartial, and also that other members of the community would also see you as impartial.

Things that may affect your ability to be impartial are knowing any of the people involved in the case, or something about them; or knowing or having a view about the case already because of what you have read about it; or perhaps a life experience that makes you feel concerned that you may not be able to be objective about the case.

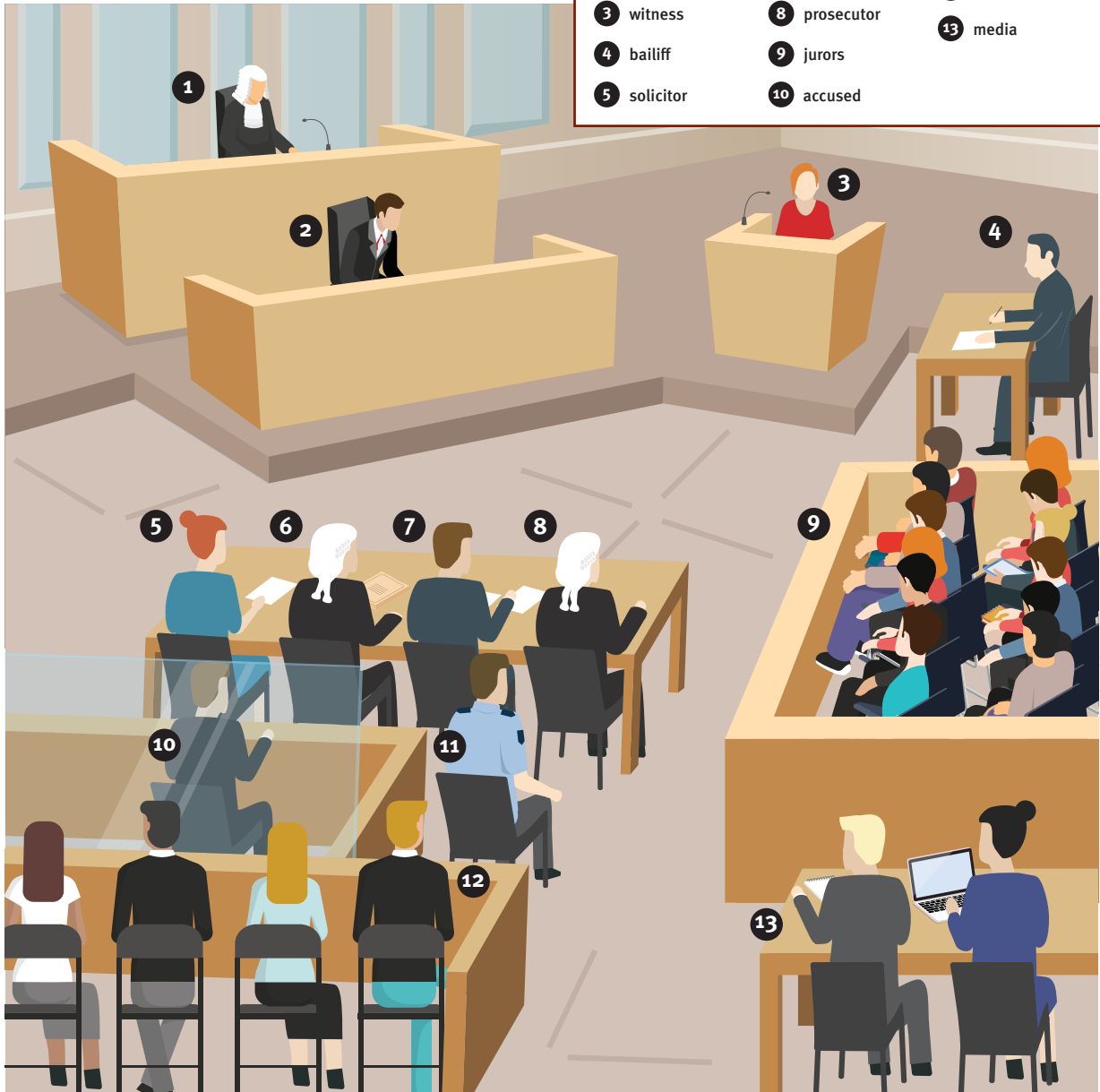
In a criminal trial, after the jurors are empanelled, the judge will ask the prosecutor to read out the names of prospective witnesses to the jury. You should listen carefully to see if you recognise any of the names. The judge will explain the importance of acting impartially. The judge will then ask if any of the empanelled jurors think they cannot act impartially in the trial, because they know something about the accused person, or any of the prospective witnesses, or because of some other reason such as prior knowledge of the case from whatever source or, perhaps, the very nature of the charge.

You should let the judge know if you are concerned about any of these things. If the judge decides it is appropriate, you may be excused from serving on that jury.

Those not initially empanelled must understand that they may still be selected if an empanelled juror is excused at that point, and it is important they listen carefully to the proceedings while they are in the courtroom.

# A typical criminal court

- 1 judge
- 2 judge's associate
- 3 witness
- 4 bailiff
- 5 solicitor
- 6 defence counsel
- 7 legal clerk
- 8 prosecutor
- 9 jurors
- 10 accused
- 11 corrective services officer or police officer
- 12 public gallery
- 13 media



## What should I do if somebody approaches me about my jury service?

If any approach is made to you—either in person, by phone or in writing—that causes you any concern about the discharge of your duties as a member of a jury panel, you should immediately notify the registry and, when you return to court, tell the bailiff.

## What if I'm not chosen to serve on a jury?

The most important thing to remember is that being 'stood by' or 'challenged' involves no reflection on your character or ability.

If you are not chosen to serve on a jury during your first empanelling process, you may be required to go through the process again if another jury is required.

If you are not chosen to serve on any juries that day, the judge or registrar will instruct you that you are able to leave for the rest of the day.

You may be required on another day. Remember to check each day to see if you are required to attend court.

In Brisbane you can do this by:

- ringing the recorded jury message on 3030 0327 after 5.30pm on the evening of the previous working day (for example, you would ring after 5.30pm on Friday to check if you are required on Monday).
- visiting the Queensland Courts website at **[www.courts.qld.gov.au/daily-law-lists](http://www.courts.qld.gov.au/daily-law-lists)** after 5.30pm on the evening of the previous working day.

If you live outside Brisbane, your summons will tell you how to find out each day when you are required to attend court.

## **What if I am chosen to serve on a jury?**

If you are empanelled, the judge will explain your role as a juror and how you should conduct yourself during the trial.

On your first day, you and the other jurors choose a speaker. In most cases, this happens during the first break after empanelling.

The speaker usually speaks for the jury in court.

It is up to the jurors to decide the role of the speaker in the jury room. Typically, the speaker sees that deliberations are conducted in an orderly manner.

If necessary, the jury may replace the speaker by selecting a new one.

During the trial, the speaker usually communicates with the judge on behalf of the jury. However, other jurors may address the judge if they feel it is necessary.

If you wish to address the judge, stand and wait until you are asked to speak. Call the judge 'Your Honour'.

When the jury is not in court, any communication you have with the Judge should be through the bailiff. Write down the question on a piece of paper and ask the bailiff to pass to the judge.

If you are empanelled on a jury, you need to attend court each day until the judge discharges you. So, until you are discharged, there is no need for the usual daily check to see if you should go to the court. Once you have been discharged, you will need to start checking again each day.

Do not discuss the evidence or the trial with anyone except the other jurors on the trial.

Do not make your own inquiries about the case. It would be unfair for you to act on information that is not part of the evidence and which the parties have not had the opportunity to test. For that reason, you must not use the internet or other material to conduct research about the case, or seek or receive information about the accused person or about other witnesses or other people associated with the case. Keep this in mind when using social media, the internet or talking with anyone.

It is a criminal offence for a juror to make inquiries about the person accused of an offence, whether personally or by having someone else do it.

If you are concerned that another member of the jury is biased, disobeying the directions of the judge or committing an offence then you should inform the judge of your concerns.

## **What if I need a break while I am in court?**

You will be given breaks during the day for morning tea, lunch and afternoon tea.

If you need another break, you should try to catch the attention of the bailiff, who will let the Judge know that you need to speak to him/her. You should then tell the judge that you need a break and why.

## What are my responsibilities during the period of my jury service?

- Make a note of the panel you are on and your panel number.
- Check to see when you are required to attend. In Brisbane you can do this by:
  - » ringing the recorded jury message on 3030 0327 after 5.30pm on the evening of the previous working day, or
  - » visiting the Queensland Courts website at [www.courts.qld.gov.au/daily-law-lists](http://www.courts.qld.gov.au/daily-law-lists) after 5.30pm on the evening of the previous working day.
  - » providing your mobile phone number to the court to receive SMS messages.

If you live **outside Brisbane**, your summons will tell you how to find out each day if you are required to attend court.

- If you are unable to attend (because you are sick or for any other good reason) telephone the number noted on your summons as early as possible (between 8.30am and 9.15am). If you are sick, you must also supply a medical certificate, which should be brought to the courthouse or sent to the address or email noted on your summons as soon as possible.
- If you are late arriving at court, you should go to the jury assembly room and let the bailiff or registry know that you have arrived.
- If you are absent from court without having been excused, you could be fined by the judge.
- You must attend the court punctually when you are required.



- When your panel number comes up, you must report to the jury assembly area by 9.15am unless you are told otherwise.
- If you are already on a trial, you should report to the bailiff assigned to your panel by 9.30am unless you are told otherwise.

## **What happens in the jury room?**

After all the evidence is presented and the Judge has summed up in court, the judge will ask the jury to retire to consider its verdict. You will then proceed to the jury room.

You are not allowed to talk to anyone apart from other members of the jury about the trial. Remember that the bailiff is not allowed to answer questions about what is happening in the trial.

If you have any concerns or difficulties with administrative matters, raise them with your bailiff or the registry.

If you cannot understand something from the trial or want more information on the evidence or the law, contact the judge through the bailiff. The judge may then reconvene the court and provide assistance.

You should listen calmly and carefully to the opinions of other jurors.

It is an offence for you to disclose confidential information about jury deliberations.

## **Will I go home each night?**

Normally you would go home each night during the trial.

When you and the other jurors have retired to consider your verdict and you have not reached a verdict by the end of the day, usually you will go home.

However, especially when you are considering your verdict, the Judge may order that you remain together. If so, you will stay the night at a hotel, and the court will pay for that accommodation as well as your meals.

## **Will I be paid for jury service?**

Yes, you are paid a daily rate for each day you have to go to court. If you are empanelled, the daily rate is in line with the minimum wage. This rate increases the more days you are asked to attend.

You can find out the current allowance by visiting [www.courts.qld.gov.au/jury-service/about-jury-service/payment-for-jury-service](http://www.courts.qld.gov.au/jury-service/about-jury-service/payment-for-jury-service) or asking at your local courthouse.

## **Additional payments**

Public transport fares are paid for those days when you are required to attend.

Please ensure you follow the instructions on your summons to claim travel allowance to the court.

If you are empanelled, the judge may allow you to separate for lunch, and you will be paid an additional allowance. If you are not permitted to separate for lunch, a meal will be provided.

Allowances are reviewed regularly. Contact the registry for the latest information.

## **How you are paid**

If you have provided your bank details online you will be paid by electronic funds transfer (EFT), otherwise a cheque will be posted.

You can also print a statement of attendance online or contact your local court for a statement to be posted.

Payment for public transport fares will be included for the days you are required to attend court.

If there is no public transport available, or you live so far from public transport that you have to drive your own vehicle a considerable distance to the nearest station, stop or terminal, you can claim a kilometric allowance.

**Note:** Parking fees will not be paid.

You can claim the travel allowance by submitting your claim online if you want your transport costs to be paid.

The court does not provide payment for costs associated with any other arrangements you need to make to be available for jury service.

## What else do I need to know?

- There is usually a break for morning tea at about 11.15am and for lunch from 1.00pm to 2.30pm. Your bailiff will inform you of lunch arrangements—whether it will be provided for you at the courthouse, or if you will need to buy your own, for which you will be paid an allowance.
- Court usually finishes for the day at 4.30pm.
- If you need to be contacted in an emergency during the trial, a message can be left at the registry office (in Brisbane) or at the courthouse (outside Brisbane).
- There is no smoking within the court precinct including the jury room and the grounds of the courthouse.
- A Juror Support Program will be available after the trial is over if you want to talk to a registered medical practitioner or psychologist about your experience. A brochure will be given to you when you are discharged.
- If you have any more questions, you should talk to the bailiff or registrar at your courthouse.

## Expressions used in court

An **address** is the final speech by the prosecutor or defence counsel.

An **affirmation** or **oath** is the solemn undertaking that witnesses make to tell the truth and the jurors make to give a true verdict based on the evidence presented at the trial.

A **bailiff** is a court officer whose duties include ‘swearing in’ the jury and witnesses, and safe custody of the jury.

A **challenge** is when the accused or the defence counsel objects to a person being sworn in as a juror.

The **defence counsel** is a lawyer appearing on behalf of a person accused of a criminal offence.

The **District Court** deals with serious criminal offences and a wide range of civil cases. It is presided over by a District Court judge.

The **opening** is the speech by the prosecutor or defence counsel explaining the evidence about to be presented.

A **panel** is a group of jurors.

The **prosecutor** is a lawyer appointed to conduct criminal prosecutions in the Supreme Court or District Court.

The **sheriff, registrar** or **deputy registrar** is a court officer whose duties include arranging the attendance of jurors at court.

**Stand-by** is when the prosecutor exercises the right to object to a person being sworn as a juror.

The **summing up** consists of the judge’s directions on the law and any comments on the evidence. When the judge finishes, the jury is asked to retire to consider its verdict.

The **Supreme Court** deals with the most serious criminal offences and important civil cases. It is presided over by a Supreme Court judge.

The **swearing-in** is the process of putting a witness under oath or affirmation to tell the truth.

The **trial judge** is the judge presiding over the hearing. You should refer to the judge as 'Your Honour'.

## For further information

- Refer to your summons, which lists contact details for further information. Your summons will also tell you how to find out if you are required to attend court each day.
- Refer to the Queensland Courts website [www.courts.qld.gov.au](http://www.courts.qld.gov.au)

**Your notes:**



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