



Justice
Court Services

Office of Sheriff Procedure Guide

Jury Investigations Employment Dismissal/Prejudice



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Jury Investigations: Employment Dismissal/Prejudice

Document information

Overview

Jurors in NSW have the right to perform jury service without the fear of being discriminated against by their Employer.

This document will:

- Explain the overall processes;
 - Describe the key policies and procedures; and
 - Provide links to other useful resources.
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Target audience

This document is written for all Office of the Sheriff employees.

Version history

| No. | Date | Notes |
|-----|------------|-----------------------------|
| 1.0 | March 2019 | New Procedure Guide created |

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Introduction to Jury Investigations: Employment Dismissal/Prejudice

Objective

This section is intended to provide background information that is necessary to understand jury investigations.

Key terms and question style format below are to help give staff an introduction to jury investigations.

Key Contacts The following terms are commonly used when discussing (topic name):

| Term | Definition |
|---|--|
| Commander Security, Intelligence and Risk | sheriffsintelligenceunit@justice.nsw.gov.au |
| Office of the General Counsel | enquiries_generalcounsel@justice.nsw.gov.au |
| NSW Jury Manager | jury_branch@agd.nsw.gov.au |
| Fair Work Australia | https://www.fairwork.gov.au/ |

What is the Legislation?

Section 69, 69A, 71 and of the Jury Act 1977

Can the Sheriff Investigate?

The Sheriff has no authority under the Jury Act 1977 to investigate the unlawful dismissal or prejudicial treatment of jurors by their Employer due to jury service.

What Court is an offence heard in?

Offences are prosecuted on a summary basis in the Local Court

Where can the public find more information?

Jurors may wish to consider lodging a formal complaint through *The Fair Work Ombudsman* if they believe their Employer is discriminating against them because of their jury service. More information is available at : <https://www.fairwork.gov.au/>



The Justice Public website has some generic information about jury service and employment available at:

http://www.courts.justice.nsw.gov.au/Pages/cats/jury_service/employers.aspx

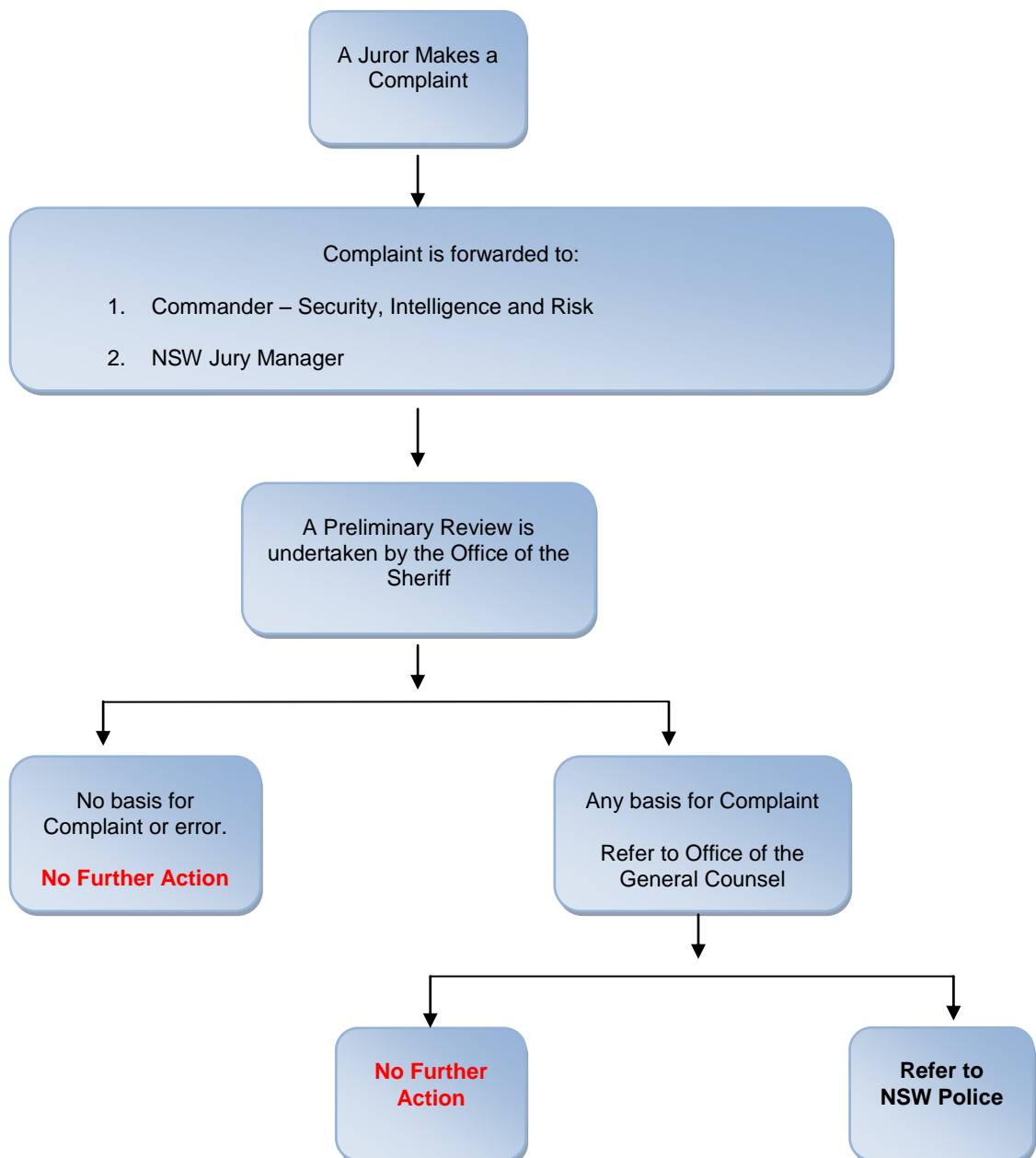
Process Map

Objective

This section is intended to provide a high level overview of core business processes when a complaint is received.

The Investigative Process

The following diagram summarises the key steps in the process.



Process 1: Complaint Entitlement

Objective

This section provides information on who can make a complaint and for what reason.

Who can lodge a complaint

Section 69 on the *NSW Jury Act 1977* specifies that an individual is entitled to make a complaint if their Employer prejudiced or dismissed them from the course of the employment provided :



- They have been summoned for jury service in NSW



- They have been dismissed or are being threatened that their employment will be dismissed by virtue of their jury service or



- Their employment has been altered or prejudiced or are being threatened that their employment will be altered or prejudiced by virtue of their jury service.

- A person who is employed full-time or a person who is employed casually for at least twelve months rostered on a regular, systematic basis.
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Process 2: Complaint handling and investigation

Objective

This section informs staff where to send complaints and the processes involving in reviewing and determining the merits of any complaints.

Refer the Complaint

Upon receipt of any complaint from a juror, the Officer must within 3 days forward the complaint to the Office of the Sheriff - Commander Security, Intelligence and Risk and the NSW Jury Manager at :



jury_branch@agd.nsw.gov.au

and

sheriffsintelligenceunit@justice.nsw.gov.au

Preliminary Review

The Commander Security, Intelligence and Risk or NSW Jury Manager will undertake a preliminary review within 10 days of the complaint and determine :

- The complaint is from a juror summoned for jury service in NSW
- The complaint refers to an allegation their employment has/may be jeopardised by virtue of their jury service
- The complainant is/was employed full-time or has maintained consistent and regular employment with the same employer for more than twelve months.

The Commander Security, Intelligence and Risk or NSW Jury Manager may elect to speak with the complainant or the complainants employer should they believe it may assist in a primary review of that matter

Sheriff Outcome

The Commander Security, Intelligence and Risk or NSW Jury Manager will refer that matter to The Officer of General Counsel (enquiries_generalcounsel@justice.nsw.gov.au) provided the elements in Process 1 are met.

The Commander Security, Intelligence and Risk or NSW Jury Manager will conclude the matter and take no further action if the elements in Process 1 are not met.

Updating the Complainant

The Commander Security, Intelligence and Risk or NSW Jury Manager will update the complainant of the outcome of the preliminary review and the next steps in the process (if any).

The Commander / Manager will also inform the applicant of their right to approach

the Fair Work Ombudsman in relation to the matter (<https://www.fairwork.gov.au/>)

Process 3: Stakeholder Engagement and Review

Objective

This section provides information on who is responsible to follow a complaint through to its conclusion.

Following up a Complaint

Any matter that is referred to the Office of the General Counsel or NSW Police Service must be closely followed by the Sheriff. The Commander Security, Intelligence and Risk or NSW Jury Manager should :



- Liaise with the referred Agency on 6 weekly intervals to confirm the progress of a matter
- Liaise with the Complainant on six weekly intervals and update them where possible as to the progress of a matter
- Update the Sheriff of NSW when a matter is concluded or not progressing satisfactorily.

