

JURY DUTY

**226. Mrs L.M. HARVEY to the Attorney General:**

Having served on a jury myself in the past, I refer to the Attorney General's statements on 28 February and 13 March relating to jury duty. I think the government's concerns relating to jury duty are a matter of interest to constituents and all members of this house. Can the Attorney General please provide members with greater clarity on his concerns on this issue?

**Mr C.C. PORTER replied:**

I thank the member for Scarborough for her question. It is obviously timely for this Parliament to be considering the issue of jury duty. It is an area I have been interested in for some time. As members pointed out, I have started to float ideas I had in embryo prior to the recent jury decision on the Matthew Butcher matter. I will share with the house some of the information I have received because it is interesting and shows that we have a real issue on our hands. In 2007, 56 458 Western Australians were summonsed for jury duty and 36 147 of those were excused. In 2008, 64 550 were summonsed, with 42 179 people excused. That means that the rate for each year is roughly 64 and 65 per cent. That means that 65 per cent of the people who receive the letter in the mail and achieve excusal from turning up to court to potentially serve on a jury do not even make the panel stage. Those excuses occur at the stage of the Sheriff's letter when it comes out. The recipient signs a statutory declaration, which is witnessed, and gives an excuse of one type or another. I will talk about that in a moment. As I have seen in court, many people who turn up at the jury panel stage have their number drawn out of a hat and give an excuse there and then to the judge, and are accordingly excused. As I understand it, they are not factored into these numbers. Of those excuses, 6 685 were based on work and employment; 5 834 people had full-time care of children under 14; 3 217 were self-employed; 2 820 had an illness; 2 495 argued sufficient importance or urgency—that could be marriage, a woman pregnant in hospital, someone travelling or an unemployed person going for a job interview; 1 800-odd were exempt through occupations, which is something we need desperately to look at; 1 600-plus said they had holidays booked; and 1 500 said they did not understand English. Based on my very rudimentary understanding of the small percentage of non-English speakers in Western Australia, it seems to me that some people might be having a lend of the statutory declaration system in claiming that they do not speak English.

**Mr E.S. Ripper:** You could listen to some of the speeches here and perhaps agree with that statement!

**Mr C.C. PORTER:** I am not suggesting we bring them in for lessons or anything of that nature. Fourteen hundred plus people were aged between 65 and 70 years—I am not sure why that in itself is a blanket excuse; and 13 112 came under other categories—namely: the application for excusal was received after the summons date; they did not bother to send in the statutory declaration or excuse until after the actual date. That is an enormous problem that we must move to solve as quickly as possible.

How has this problem developed? I think it is because of two things. Firstly, notwithstanding the 65 per cent of excuses, there are still plenty of people to serve on juries. The problem is that the people who are turning up to serve are not representative because of the large number of people who find excuses. The second reason this system has developed is that it is a very cheap system. A person who is not working is reimbursed \$10 for half a day, \$15 for a full day and \$20 from the fourth consecutive day onwards. They are paltry sums. Self-employed people can provide supporting documentation and, in effect, have their self-employed wage paid back to them by the state. Employers, who are required by the legislation to continue paying the wages of their staff as they are serving on jury duty, can be recompensed for it, although they are not entitled to be recompensed for the costs if they employ someone to temporarily fill the position of the person who is serving on the jury.

I perceive two consequences. I will be interested to gauge from the Leader of the Opposition whether they might be acceptable to him and members on his side of the house. There are two consequences for doing something like—I am not suggesting we would go necessarily this far—closing all those categories and saying that we will investigate extraordinary hardship as the only excuse. That would have the effect of decreasing that 65 per cent. It would have the effect of fewer cheap people serving on juries and more, if we like, expensive people serving on them.

**Mr E.S. Ripper:** You might want to rephrase that.

**Mr C.C. PORTER:** It is quite simply put: it would mean fewer people for whom it will cost the state less to recompense for their time on the jury and more people for whom it will cost the state more to recompense.

An opposition member interjected.

**Mr C.C. PORTER:** I think it would cost more than the present system, but it is a system that we must move quickly and efficiently to improve. I am sure it will cause great inconvenience to many people and will be, at least on the face of it, unpopular and potentially costly.