

*Your answers suggest that you may be entitled to take community service leave for jury duty, and you may be eligible for pay during, or part of, this period.*

## **Division 8—Community service leave**

### **109 Meaning of *eligible community service activity***

#### *General*

- (1) Each of the following is an ***eligible community service activity***:
- (a) jury service (including attendance for jury selection) that is required by or under a law of the Commonwealth, a State or a Territory; or
  - (b) a voluntary emergency management activity (see subsection (2)); or
  - (c) an activity prescribed in regulations made for the purpose of subsection (4).

### **111 Payment to employees (other than casuals) on jury service**

#### *Application of this section*

- (1) This section applies if:
- (a) in accordance with this Division, an employee is absent from his or her employment for a period because of jury service; and
  - (b) the employee is not a casual employee.

#### *Employee to be paid base rate of pay*

- (2) Subject to subsections (3), (4) and (5), the employer must pay the employee at the employee's base rate of pay for the employee's ordinary hours of work in the period.

#### *Evidence*

- (3) The employer may require the employee to give the employer evidence that would satisfy a reasonable person:
- (a) that the employee has taken all necessary steps to obtain any amount of jury service pay to which the employee is entitled; and
  - (b) of the total amount (even if it is a nil amount) of jury service pay that has been paid, or is payable, to the employee for the period.

Note: Personal information given to an employer under this subsection may be regulated under the *Privacy Act 1988*.

- (4) If, in accordance with subsection (3), the employer requires the employee to give the employer the evidence referred to in that subsection:
- (a) the employee is not entitled to payment under subsection (2) unless the employee provides the evidence; and
  - (b) if the employee provides the evidence—the amount payable to the employee under subsection (2) is reduced by the total amount of jury service pay that has been paid, or is payable, to the employee, as disclosed in the evidence.

*Payment only required for first 10 days of absence*

- (5) If an employee is absent because of jury service in relation to a particular jury service summons for a period, or a number of periods, of more than 10 days in total:
- (a) the employer is only required to pay the employee for the first 10 days of absence; and
  - (b) the evidence provided in response to a requirement under subsection (3) need only relate to the first 10 days of absence; and
  - (c) the reference in subsection (4) to the total amount of jury service pay as disclosed in evidence is a reference to the total amount so disclosed for the first 10 days of absence.

*Meaning of jury service pay*

- (6) **Jury service pay** means an amount paid in relation to jury service under a law of the Commonwealth, a State or a Territory, other than an amount that is, or that is in the nature of, an expense-related allowance.

*Meaning of jury service summons*

- (7) **Jury service summons** means a summons or other instruction (however described) that requires a person to attend for, or perform, jury service.