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Mr Peter Hennessy  
Executive Director  
NSW Law Reform Commission  
GPO Box 5199  
Sydney NSW 2001

7 February 2007

**Re: Inquiry into Jury Service**

Dear Mr Hennessy,

Thank you for the opportunity to comment on the issues raised in the NSW Law Reform Commission Issues Paper No. 28, concerning jury service.

We affirm the work the Commission is doing to improve processes around jury service, including attempts to ensure that juries properly represent the diversity of the community and ensure that employees are not penalised, or even dismissed, for doing their civic duty.

UnitingCare NSW.ACT made a preliminary submission to the Commission on 27 September 2006. In that submission we indicated that “we are not aware of any theological reason why Uniting Church clergy should have a right to exemption.”

This letter is to confirm that the NSW Synod of the Uniting Church in Australia does not object to the removal of the general right of exemption for ordained clergy, subject to a legitimate process for approving exemptions for ‘good cause’.

We request, however, that the “good cause” provisions are worded in such a way that certain circumstances in which ministers may find themselves can be recognised and the minister excused from the particular trial or for a particular time. These circumstances include when

- a) a minister has confidential pastoral information on matters that bear on the specific trial, or
- b) a minister has a professional responsibility as part of their normal ministry to provide pastoral care to individuals or families affected by the specific trial, or
- c) the needs of a family or community in crisis or in grief (but unrelated to the specific trial) are sufficiently pressing to justify their needs being given precedence over the civic duty of the minister at that particular time, or
- d) the minister has specific responsibilities such as presiding at a wedding or funeral, where it may not be either possible or pastorally appropriate to find an alternate, or
- e) the minister is a corrective services chaplain who might later be in a pastoral relationship with the offender if convicted.

In many cases, these may only require a deferment of jury service to a later time rather than a complete exemption from service. Some thought will need to be given as to how to evaluate such claims without the minister breaching pastoral confidentiality.

Yours sincerely,

Rev. Harry Herbert  
Executive Director