

Submission
No 9

**INQUIRY INTO THE ELIGIBILITY OF MEMBERS OF
PARLIAMENT TO SERVE ON JURIES**

Organisation: Western Australian Legislative Council
Name: The Hon Barry House MLC
Position: President
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20 July 2010

Hon. Christine Robertson MLC
Committee Chair
Standing Committee on Law and Justice
Legislative Council
Parliament of New South Wales
Macquarie Street
SYDNEY NSW 2000

Dear Ms Robertson,

Inquiry into the Eligibility of Members of Parliament to Serve on Juries

Thank you for your correspondence dated 30 June 2010. I wish you and your committee members the very best with your inquiry.

The Western Australian Law Reform Commission (WALRC) is currently undertaking an inquiry into the jury system in W.A. The WALRC's inquiry commenced in 2007, pursuant to a reference from the then Attorney General. A discussion paper was published in September 2009, and the Commission's final report is due to be tabled in Parliament in the near future.

The issue of Members of Parliament and jury service is part of the WALRC's inquiry. Under the current legislation, the W.A. *Juries Act 1957*, Members of Parliament are excluded from jury service for the term of their parliamentary appointment and for a further five years. I note that the Commission, in its discussion paper, recommended this statutory provision be maintained.

I concur with the maintenance of a statutory exclusion for Members of Parliament serving on juries. The primacy of the Parliament, and its right to the attendance of its Members for parliamentary business, is fundamental to the law of parliamentary privilege. This provision reinforces that important principle, and is necessary for the ongoing comity between the parliament and the judiciary.

If it assists your Committee, I will ensure that the WALRC's final report is forwarded to you upon its public release.

Yours sincerely,

HON BARRY HOUSE MLC
President of the Legislative Council