

Submission  
No 5

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

**Name:** The Hon Marie Bignold  
**Position:** Former Member  
**Date received:** 15/07/2010

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Dear Committee Members,

Thank you for inviting me to make a submission to the Committee. I believe that Members of Parliament should continue to be relieved of the obligation to serve as jurors in the administration of justice. There is a practical reason for this opinion, namely the fact that parliamentary members are engaged in their duties continually, even during parliamentary recesses. This was my experience and is typical of conscientious parliamentarians, who would not effectively cope with the uncertainties and vagaries of potential jury service, without detriment to their pursuit of parliamentary responsibilities. Moreover there is an important principle at stake, namely parliamentary privilege, which would be compromised even by the potentiality of being conscripted for jury service. A related principle concerns the nature of parliamentary duties as legislators and the public interest in protecting and preserving the conventional separation of that role from that of adjudication in legal proceedings.

The great responsibility of members of parliament to participate in the legislative process and to represent local electorates should cultivate a vocational attitude of consuming passion for that role, which should be emphasised and enhanced by conscientious commitment and appreciation of that responsibility. These high ideals would suffer at both the theoretical and practical levels if parliamentarians were liable to jury service. I sincerely believe that at a time when community values are at a low moral ebb, with increasing cynicism and disrespect of our public institutions, there is an urgent need for dedicated public service by our parliamentarians to be in evidence for the welfare and good of our society, and for that service to be genuinely and widely recognised by society. Anything that detracts from that objective [including removing the current immunity from jury service] should be resisted, while anything that facilitates that objective should be encouraged and promoted.

Your sincerely, Marie Bignold.