

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

Organisation: Queensland Legislative Assembly
Name: The Hon John Mickel MP
Position: Speaker
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HON JOHN MICKEL MP
SPEAKER OF THE LEGISLATIVE ASSEMBLY OF QUEENSLAND

9 JUL 2010

Hon Christine Robertson MLC
Committee Chair
Standing Committee on Law and Justice
Legislative Council
Parliament House
Macquarie Street
SYDNEY NSW 2000

Dear Chair

Inquiry into the eligibility of Members of Parliament to serve on juries

Thank you for your letter of 30 June 2010 inviting me to make a submission in regard to the above inquiry.

I make some brief observations below which may assist your committee with your inquiry.

The Queensland Parliament understands that the House of Commons has long recognised a parliamentary privilege of members' exemption from jury service. As McGee (2005, pg 638) notes "The House of commons has always claimed that its members are exempt from being required to serve on juries".

It is understood that the rationale behind this long recognised immunity is to ensure parliamentary proceedings are not hindered by the absence of its members (see Carney 2000, pg 195).

In Queensland, as in some other jurisdictions, rather than just being exempt from serving on juries Members are not eligible to do so by virtue of section 4(3)(b) of the *Jury Act 1995*. I cannot envisage any significant benefit to the community to be gained by repealing or amending that provision. Indeed, I believe that the presence of members on juries may attract media commentary – particularly on decisions made by juries which contain a serving member. Further, in my opinion, members serving on juries may also detract from the notion of separation of powers.

I wish you well with your inquiry.

Yours sincerely


HON JOHN MICKEL MP
Speaker