

**Submission
No 1**

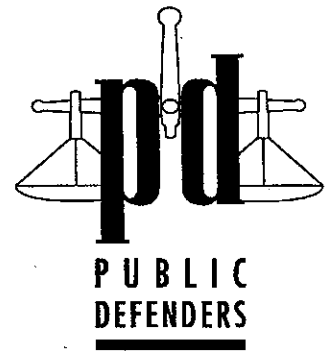
**INQUIRY INTO THE ELIGIBILITY OF MEMBERS OF
PARLIAMENT TO SERVE ON JURIES**

Organisation: Public Defenders
Name: Mr Andrew Haesler SC
Position: Deputy Senior Public Defender
Date received: 7/07/2010

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07 JUL 2010

LAW & JUSTICE



2 July 2010

The Honourable Christine Robertson MLC
The Standing Committee on Law & Justice Legislative Council NSW
Parliament House
Macquarie Street
SYDNEY NSW 2000

Dear Ms Robertson

Thank you for your invitation to make a submission to the inquiry into the eligibility of members of Parliament to serve on juries.

The Public Defenders do not support any proposal that would allow members of Parliament to serve on juries. Our opposition is based on the fundamental principle that Members of Parliament who make the laws which the Courts must apply, must not also sit in effect, as judges. Were members of the Parliament to sit on juries they would be both making and applying the law. It would cause a substantial breach in a fundamental principle underpinning our system of law and justice, that is, the separation of powers doctrine.

Jurors have the privilege of sitting as judges on their fellow citizen - that privilege is extended to most in the community. It does not need to be extended to those already privileged and honoured to make our laws.

We are not in a position to comment on questions of immunity or privilege given our view as stated above.

Yours faithfully


Andrew Haesler SC
Deputy Senior Public Defender