

Submission
No 13

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

Name: Mr Neville Newell

Position: Former Member

Date received: 4/08/2010

The Director,
Standing Committee on Law and Justice, LC
Parliament House
Macquarie House
Sydney NSW 2000

Ms Rachel Callinan
Committee Director
Dear Ms Callinan

Re: Inquiry into eligibility of Members of Parliament to serve on juries

I wish to address my submission in particular to point no. 6 of the terms of reference and points 3, 4 and 5 as a general consequence.

I believe that serving members of parliament or others such as magistrates and judges involved in the justice process should not serve on juries. In particular members of parliament could well be subjected to outside pressures in evaluating evidence in trial. Public pressure via the scrutiny that could influence a member's decision would not be conducive to a person's fair trial.

A serving member of Parliament could also see a trial as an opportunity to gain favour with an electorate; A situation again not conducive to a person's fair trial.

As well as serving members of parliament, and magistrates and judges, who have the responsibility of managing trials, immunity from serving on juries should be extended to any candidate endorsed by a political party at a future election or indeed any person who has publicly declared they will be a candidate at local, state or federal elections (ie. an independent).

Justice cannot be served by jury members responding to outside pressures in their deliberations or seeing these deliberations as an opportunity to improve their standing with a constituency. Justice can only be achieved by allowing for human frailties. Justice cannot be achieved in this case by legislation ignoring the human reality.

Justice would be improved by extending the privilege of immunity from jury service, not reducing it.

Yours truly,

Neville Newell
Former Member Legislative Assembly
4.08.2010