

the role of members of parliament.

If the Parliament were still a vibrant and active institution, relevant to a responsive democracy, I would have expected an institutional solution. Why ought there not to be permanent parliamentary committees on law reform? Why should the removal of injustice and the reform of the law be shrugged off or left to the bureaucracy? In short, why should members of Parliament, who go to so much trouble to get elected, accept such a passive role? Receiving, scrutinising, investigating and deciding upon proposals for legislative reform, to stimulate the Executive, would be a worthy function for the modern politician. Instead, many backbenchers are content to be a post-box for constituent complaints. And even here they are being replaced by the Ombudsman and new administrative tribunals. The backbencher in the Australian Parliaments is losing the traditional role but has not yet found a modern relevant function.

Well, what can be done to improve our system of government in Parliament? The list is long — but I would certainly include:

- a major review of parliamentary committees, especially to provide more detailed scrutiny of the quantity and quality of legislation;
- establishment of more parliamentary committees to investigate and report on neglected areas of economic, social and legal concerns;
- an increase in the number of sitting days of Australia's Parliaments, which by world standards are very low;
- revision of the end-of-session scurry which results in legislation made at sittings into the early morning hours;

- simplification of parliamentary divisions;
- overhaul of many parliamentary procedures which owe more to tradition than modern rational conduct;
- introduction of televising of parliamentary procedures;
- preparation by Parliament itself of regular news and analysis for presentation to the community through the modern media;
- reform by Parliament of its privileges and improvements of procedures for dealing with citizen complaints of abuse of parliamentary privilege by members;
- provision of better research facilities and more staff to parliamentarians;
- higher pay for fewer politicians — raised in quality and standing but reduced in number by a rationalisation of the levels of government and the size and number of our legislative bodies. By world standards we have more serving politicians per head than any other country. We need more quality than quantity.

* * *

empanelling juries

The Director of Public Prosecutions has suspended the use by prosecutors of police information concerning potential jurors (the *Age* 9 March 1988).

The practice in Victoria over many years has been to stand aside jurors who otherwise qualified for jury service on the basis of information provided by police. This information is thought to have contained the potential juror's

criminal history, police intelligence reports on persons known to police and attitudes of individuals to the police (the *Age* 6 March 1988).

In a recent case, Justice Vincent of the Victorian Supreme Court said that the Chief Commissioner of Police should not report on matters not specified in relation to potential jurors.

It is the aim of the system that in criminal trials nothing should be known about the jurors other than names and occupations. This is to avoid 'stacked' juries. The use of information other than that required under the Act may erode or be seen as eroding the impartiality of the jury.

Under the Juries Act 1976 (Vic) every person enrolled as an elector for the Victorian Legislative Assembly is qualified and liable to serve on a jury. However such persons become ineligible if they have been:

- convicted of treason
- convicted of one or more indictable offences and sentenced to imprisonment for a term or terms in the aggregate not less than 3 years (other than a conviction for which a free pardon has been granted);

or have been in imprisoned or on parole during the preceding five years.

Other persons who are ineligible are those:

- bound by a recognisance
- subject to a probation order
- undischarged from bankruptcy

After the ruling by Justice Vincent, juries empanelled in two cases before the County Court were discharged. The Crown Prosecutor had used a list containing information about potential

jurors, some of whom had been challenged as a result. The judges considered that the jurors were empanelled improperly.

* * *

odds and ends

□ *federal parliament acts on alrc reports.* The federal Parliament is currently considering two Bills based on reports by the Australian Law Reform Commission.

The first is a Bill based on the Commission's 1986 report: *Civil Admiralty Jurisdiction* (ALRC 33). The second Bill is based on a 1980 report: *Lands Acquisition and Compensation* (ALRC 14).

Introducing the Admiralty Bill for its Second Reading in the House of Representatives on 24 March 1988 the Deputy Prime Minister and Attorney-General, Mr Bowen said:

The need for reform in this area has been recognised over a long period. A Joint Committee of the Maritime Law Association of Australia and New Zealand and the Law Council of Australia, with Justice Zelling as Chairman, in 1982 had produced a joint report on reform of admiralty jurisdiction. The Law Reform Commission was required to have regard to this report in its consideration of the matter. It received as well input from other maritime and legal bodies, State governments and individuals whom it consulted in the preparation of the report. All were agreed on the need for reform of admiralty law. The report is a comprehensive analysis of admiralty jurisdiction and the Government, in seeking reactions to the report, found widespread support for early implementation of the recommendations