



Speech by

Hon. M. FOLEY

MEMBER FOR YERONGA

Hansard 25 August 1998

MEMBERS FOR KEDRON, BUNDAMBA, IPSWICH, CHATSWORTH AND MURRUMBA

Hon. M. J. FOLEY (Yeronga—ALP) (Attorney-General and Minister for Justice and Minister for The Arts) (6.36 p.m.): This motion accuses five members of this Parliament of criminal offences. Those criminal offences are not specified. No particulars are given of the offences which are alleged. Let me remind the honourable members who bring this accusation, the most serious accusation that one can make—an accusation of criminal conduct—that criminal conduct is not determined in a Parliament, it is determined in a court of law.

Ever since Magna Carta we have had the right to trial by jury. These people who come in here and pretend to have some adherence to the rule of law and to the institution of the Parliament accuse five people of committing criminal offences without any particularisation, without a shred of evidence and without any charge ever having been brought in a court of law. This is a monstrous way to proceed in a Parliament. This is an affront to justice and an affront to the institutions of the democracy.

Let us look at this motion. It is in four parts. Firstly, it asserts that certain members be collectively charged with admonition. Admonition is a penalty; it is not a charge. It goes on to say that they should be charged with contempt of the House. Unbeknown to them there is a provision under the Constitution Act to authorise the Attorney-General to prosecute a person for contempt, but in order to do that one needs to provide particulars and to say what is the subject of the alleged contempt. If this were to authorise the Attorney-General to go down to the Supreme Court to launch a prosecution, how long would the Supreme Court tolerate it? What am I to say to the Supreme Court—"They are guilty of contempt. I don't know what. I don't know when. I don't know how. It wasn't in the motion"? It would not last 30 seconds in the Supreme Court.

Let us turn to the second part—that certain members have committed criminal offences and official misconduct on or before 5 March 1990. We have dealt with criminal offences. Official misconduct is a term that is expressed in the Criminal Justice Act. Let me tell honourable members: this Parliament does not hear disciplinary appeals under the Criminal Justice Act. That is done through a Misconduct Tribunal. This is not a court of law. It is not a Misconduct Tribunal. If they do want to bring a matter before a Misconduct Tribunal, they have to have a charge, an allegation or a particular. People cannot simply wander down to the Caboolture Magistrates Court and say, "Your Worship, I have got a bad feeling about these five people. I think they have committed criminal offences", because the magistrate might ask them, "What are they?" and they will say, "Well, it will become apparent by the end of the case, Your Worship." Yet that is exactly what the member opposite is asking this Parliament to do.

The third element is that certain members have fled from justice without conviction or judgment. Let me tell honourable members that they are here; they have not fled. They have never been charged. The Director of Public Prosecutions says that they should not be charged, that nobody should be charged.

The final matter is more serious: that they be expelled from Parliament forthwith. These people—the people from One Nation—who are supposed to represent the will of the people say that this Parliament should put itself above the will of the electorate. They say that this Parliament should expel these members who have been duly elected. It is an utter disgrace; it is bizarre; it is an affront to justice. What is the contribution from Her Majesty's loyal Opposition? Another inquiry! They want

another inquiry—after it has been to the CJC, after it has been to the PCJC, after it has been to the two barristers, after it has been to the Director of Public Prosecutions and after it has been to Connolly/Ryan. This is a joke.

Mr BEANLAND: I rise to a point of order. We are not proposing another one; we want to continue the one that was there because Labor stopped it.

Mr SPEAKER: Order! There is no point of order. The member will resume his seat.

Mr FOLEY: The politically inspired Connolly/Ryan inquiry that the former Minister set up attempted to deal with this matter.

Time expired.
