Speech by

JULIE ATTWOOD

MEMBER FOR MOUNT OMMANEY

Hansard 8 August 2001

STANDING RULES AND ORDERS

Mrs ATTWOOD (Mount Ommaney—ALP) (12.11 p.m.): As a member of the Members' Ethics and Parliamentary Privileges Committee for the 49th Parliament and as chair of the committee for the 50th Parliament, I am pleased to be able to support the proposed standing order relating to the declaration of pecuniary interests in debate and other proceedings. The new standing order states that—

(1) Notwithstanding compliance with any other order of the House concerning the disclosure of interests, a member shall, in respect of any question in the House, declare any pecuniary interest (of which the member is aware) (whether or not it is a matter of public policy) that the member or a related person has in the question, if such pecuniary interest is greater than the interest held in common with subjects of the Crown or members of the House generally.

(2) The declaration in (1) above shall be made:

(a) at the beginning of their speech if the Member participates in debate on the matter in the House, Committee of the whole Legislative Assembly, or a Committee of the Legislative Assembly; or

(b) as soon as practicable after a division is called for on the matter in the Legislative Assembly, Committee of the whole Legislative Assembly, or a Committee of the Legislative Assembly, if the Member proposes to vote in that division.

(3) The Member's declaration shall be recorded and indexed in the Votes and Proceedings or minutes of proceedings of the Committee and in any Hansard report of those proceedings of that division.

(4) It shall not be necessary for a Member to declare an interest when directing a question seeking information.

As a political, elected representative, I have learned that the way we conduct ourselves is constantly under scrutiny by members of the public. After all, we are in our positions at the will of the people. Just as what we say and how we perform is subject to scrutiny, so too it is vital that our financial interests are transparent.

A tradition of the Westminster system is that there be a declaration of direct pecuniary interest. This means, in essence, that members should declare any direct financial benefit accruing to them. Transparency seems to be the best safeguard against a conflict of interest. Conflicts of interest are inevitable in public life as they arise from the potential conflict between public duty and private interest.

It is a requirement that members of parliament and their spouses declare their financial interests in a Register of Members' Interests yearly whilst they remain elected and update this information when necessary. However, the new standing order states that members should declare any pecuniary interest in relation to any question that is raised in the House about that matter. It makes sense that a member takes the matter of accountability seriously.

Where there is some personal or financial interest which may be related to, or affected by, a matter raised in the House, the member should be required to own up to that interest and put it on the public record. If they do not do this, then they cannot in all conscience vote on the matter. This standing order allows for the member to declare the interest during the first part of their speech for debate on the matter or as soon as practicable after a division is called on the matter.

It is very important for these standards of integrity in the parliament to be maintained as a longstanding tradition, otherwise the institution of parliament itself would become subject to corruption. What faith could we then have in a system that is not open and accountable but makes the laws which govern this state of Queensland?

I commend these standing orders to the House and I support the motion to adopt the revised sub judice convention, the procedures for raising and considering complaints of breach of privilege or contempt and new standing order 158A. The sub judice convention is a restriction that the Legislative Assembly imposes upon its debates.

The MEPPC of the 48th Parliament undertook a detailed review of the application of the sub judice convention in Queensland. The former Select Committee of Privileges last reviewed the convention in 1976. The MEPPC of the 48th Parliament concluded that the application of the sub judice convention in Queensland was more restrictive than in some other parliaments in Australia and overseas. In report No. 7 tabled in July 1997, that committee recommended a new sub judice convention. The MEPPC of the 49th Parliament recommended in its *Code of Ethical Standards Report*, tabled in September last year, that the new convention be adopted. The government accepted that committee's recommendation.

Since 1976 the judiciary has taken a much more relaxed attitude to the issue of contempt of court, and the media have taken advantage of this relaxed attitude by reporting about matters that are before the court. The situation had evolved whereby the media and the public in general were free to discuss matters before the court or other bodies such as royal commissions but, at the same time, members were restricted from doing so in the Assembly by the Assembly's application of the sub judice convention. For example, a member in their position as party leader or some other capacity could make comments outside the Assembly relating to matters before a court. Those comments might be reported widely to the media, but the member would not be allowed to refer to those matters in the Legislative Assembly.

A royal commission is not a court exercising criminal jurisdiction. It does not try cases and it is unlikely that a commissioner conducting a royal commission would be influenced by parliamentary debate. The MEPPC recommended that the sub judice convention should not apply to royal commissions. Under the revised sub judice convention, the convention will continue to apply to matters of a criminal nature. The sub judice convention should not suppress discussion on matters of public importance, providing there is no substantial risk of that discussion prejudicing a person's prospects of receiving a fair trial. Therefore, changes have been recommended to the application of the sub judice convention in respect of civil matters.

The MEPPC believes that the mere fact that a matter is to come before a civil court is not reason enough to restrict members from speaking out on matters of public interest. The committee believes that it is highly unlikely that a judge hearing a civil proceeding would be influenced in their decision about a particular case by what is said by members of parliament in the Legislative Assembly. The proposed new sub judice convention, therefore, applies within the period of four weeks preceding the date fixed for the determination of a civil case being heard by a jury. This is an appropriate safeguard. The new sub judice convention strikes an appropriate balance between the rights of the House to debate issues and the rights and interests of citizens involved in court proceedings. I commend the new sub judice convention to the House.

With regard to procedures for raising and considering complaints of breach of privilege or contempt, report No. 36 of the MEPPC, attachment A, clearly sets out procedures to be followed in referring matters of privilege to the appropriate authority. Attachment A provides details relating to how suspected breaches of privilege are to be treated with consistency by the Speaker or by the Members' Ethics and Parliamentary Privileges Committee. I commend these procedures to the House. I also commend the work of the MEPPC and committees and research staff.