



Speech by

## Fiona Simpson

MEMBER FOR MAROOCHYDORE

Hansard Wednesday, 7 February 2007

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### MOTIONS: DISSENTS FROM SPEAKER'S RULINGS (COGNATE DEBATE)

**Miss SIMPSON** (Maroochydore—NPA) (Deputy Leader of the Opposition) (3.33 pm): We have just heard the Deputy Premier try to trivialise what is not a trivial issue, try to patronise members of the opposition but, more importantly, try to patronise the intelligence of the broader community of Queensland by suggesting that we should not have the right to move these dissent motions to the Speaker's rulings on an issue that is not about the guilt or innocence of individuals who are facing judicial proceedings but is about the action of executive government. This state opposition, on behalf of the people, has tried to bring into this parliament an issue about the action of executive government and to make the government accountable for it.

We as a state opposition are not seeking to try individuals who are facing judicial proceedings. What we are trying to do is to make this government accountable for what has been a breach of the doctrine of separation of powers—a breach of a doctrine that we hear this sleazy government often talk about as being a hallmark of accountability in our Westminster democracy. Yet when the government is asked to account for its actions in this parliament, the people's parliament, it hides behind rules and procedures. The government should be held accountable and we should have the ability to ask those questions.

We have a farce here in Queensland when the Premier can go out into the general public and answer the questions of journalists that we as a state opposition are not allowed to ask in this parliament. We have a Speaker who says that he does not want this to be a kangaroo court. Clearly, from the rulings that this Speaker has made—an extreme view of the sub judice rule—he does not want this to be a kangaroo court. But, unfortunately, in the way the rulings have been interpreted, this parliament is being turned into a firewall for the government. This is the place where we should be able to ask questions about why certain events have occurred which are extremely serious in undermining the very fabric of the judicial processes in Queensland. If the Premier wants to hide behind a sub judice ruling, an extreme ruling of interpretation, and then try to act as though the parliament is under threat by us moving a dissent motion, I think that is truly the ultimate in arrogance.

We have heard the Premier talk about the separation of powers, yet in the lead-up to the events of this week we saw a government clearly intervening and messing around with judicial proceedings in a way that has brought to the fore major concerns about the way the justice system is run in this state. We have also just heard the Deputy Premier talking as though the state opposition did not have a right to bring this matter before the House. I would like to draw her attention to the fact that the sub judice rulings in other jurisdictions—and certainly in the way the media are held to account on sub judice—are interpreted far more broadly. There is a lot of case history that shows that the sub judice rule is interpreted far more broadly. But here in this parliament we are told that we are not allowed to mention the names of people who may be before the courts.

As the Leader of Opposition Business, the member for Beaudesert, has outlined, some of the interpretations that we have been faced with here in this parliament—vague interpretations about not even being able to mention the names of people before the courts—mean that we have not been able to ask the

questions in this public forum. There are a number of very contentious matters before the courts, but it is in regard to the actions of this state government in undermining such proceedings that we should not be hamstrung in talking about or should not have the right to speak about removed.

With regard to interpretations about contempt of court or the protection of the effective administration of justice, there can be no question that the opposition has not sought to undermine any external judicial proceedings. There is no question about that. There is also no question that the Speaker of this parliament has the ability to make rulings that do allow for far broader interpretations of comment on matters that are already being debated in the public arena. Unfortunately, we have seen a heavy-handed approach taken. We take no delight in moving motions of dissent from the Speaker's rulings. They are not trivial matters. They are serious issues and, despite the protests of the government—protesting its innocence in upholding the standards of this parliament—and despite the government's numbers that will vote these dissent motions down, the questions about how this public parliament has been gagged will not be removed from the public arena. This is not a kangaroo court. This is a parliament where the representatives of the people are being gagged from asking the very questions in relation to how this government in its sleazy actions is now behaving.

If we are to refer to the history of parliament, we know that the House of Commons—the very history of which is reflected in the colour of the carpet in this chamber—is where the people sought to take democracy and be fairly represented. They went into the House of Commons in order to start that process of the people's democratic role. I think it is a great shame when we in the evolved chamber of the House of Commons, where today we have the Westminster system of representative democracy, can no longer have the freedom to ask the questions that are, in fact, being asked outside of this chamber. That is a detrimental step with regard to where this Queensland parliament has gone.

I strongly support these dissent motions which have been moved by the state opposition with much gravity and concern. I would request that members opposite who have taken this to be an issue that does not deserve attention seriously think about this: if those members seriously believe it is not right to have government interfering with judicial processes the way that we have seen recently, if those members seriously believe it is unacceptable for the doctrine of separation of powers to be breached the way that their executive government has done, then they should vote with the state opposition. Those members should vote with those voices on this side who are saying that there has been a severe injustice not only to others who are facing judicial proceedings but also to the very fabric of democracy in this state.