



Speech by
Jeff Seene

MEMBER FOR CALLIDE

Hansard Tuesday, 6 February 2007

ROLE OF PARLIAMENT

Mr SEENEY (Callide—NPA) (Leader of the Opposition) (11.50 am): It is no longer possible to talk about many of the things that I wanted to talk about in this matter of public interest debate because of the rulings given earlier today. I may not necessarily agree with them but I respect them and I will abide by them. It is unfortunate that many of the issues that the general public would have expected this parliament to consider this morning have not been considered. It raises a whole series of questions about the relevance and purpose of the parliament if we have a situation where clear political issues cannot be raised and considered.

Any charges that might be before the court are a matter for the court and we all acknowledge that. The charges are a matter for the court; the politics are a matter for this parliament. This is the only place where those political issues can be considered. The innocence or guilt of any particular individual is a matter for the courts. The innocence or guilt of the government is a matter for this parliament. That is the purpose of this parliament. The government has to come to this parliament on a regular basis and subject themselves to questioning. It is not just our role as an opposition but also our responsibility to ask those questions on behalf of the community at large and to get those answers from the government to ensure that the government does justify the action that it has taken.

When the sub judice rules are used to subvert that process, it does not just annoy the opposition, it does not just let the government off the hook—

Mr SPEAKER: Leader of the Opposition, take your seat. I find your comments offensive to me as the Speaker and I would ask you to withdraw your comments in regard to sub judice.

Mr SEENEY: I withdraw. It was not meant to be offensive. I apologise if it was. The point I am making is that if the purpose of this parliament cannot be served because of sub judice rules then this parliament is weakened and the very purpose that we are here for is lost. We have a situation where the Attorney-General under our system of law can bring charges. I acknowledge that. But it also opens up the potential for—

Procedure—Speaker's Ruling—Question Out of Order

Mr SPEAKER: Leader of the Opposition, I will ask you to take your seat. I rule once again that under standing order 233 what you are indicating today goes to the very heart of the separation of powers between this parliament and what we should be considering as a parliament and what the judiciary should be considering in any particular court of law. I want you to understand that. It seems to be a very personal reference you have made in relation to me. I have said that I will take that on board and come back to the parliament in that regard. What I am ruling today in regard to standing order 233 is for the protection of the court process. It is not in any way, shape or form taking a particular side, as you alluded to previously in regard to my ruling.

I want to be very fair and independent in saying this. The standing orders are quite clear. Standing order 233 lays down a clear principle in respect of matters pending in courts exercising a criminal

jurisdiction. I have already indicated that the matter should not be referred to in a motion, a debate or question in any way, shape or form from when the charge is laid to the determination of an appeal.

The parliament has a role to play in many different forms. As a people's house it has a role to play, but under the separation of powers the other two elements have a role to play as well. This parliament can challenge executive government—the 18 members on my right. The members of the opposition have a perfect right to question the executive government at any time in this particular parliament, but one cannot ride roughshod over the standing orders that this parliament has agreed to. Each time members reflect on me in my ruling or each time a member disagrees with that ruling, they need to go back to the standing orders and try to change those, which I think this parliament would not want to do. If members want to respect the separation of powers, this is a matter before the court of the land and that matter should not be discussed in the parliament. It is as simple as that.

Leader of the Opposition, in the time remaining in your matter of public interest I ask you to address matters that do not allude to, refer to, impact on or influence any matter before the court.

Mr Malone interjected.

Mr SPEAKER: Who actually said that? It was the member for Mirani. These are matters outside of this parliament. Any matter outside of this parliament is not in my hands or yours. I am talking about matters before this parliament and in an independent way I take these matters very, very seriously. I dislike the imputations that have been made in relation to my role as Speaker and making an independent ruling. I will deal with that a little bit later in terms of the three motions you have moved. I am making a ruling as an independent Speaker and I intend to continue to do so. Under that framework I call the Leader of the Opposition.

Mr SEENEY: As I said at the beginning of my contribution, I respected the ruling that you made and I was endeavouring to comply with it. I will continue to endeavour to comply with it. The comments that I will make are hypothetical, broad, general comments and they bear no reference or allusion to any particular incident. We have to look at the purpose of this parliament and our role as the opposition and how we conduct it here in the parliament.

Mr Speaker, you spoke about the separation of powers and that was one of the things that I was coming to in my contribution. We all have to be sensitive to and aware of the separation of powers, but when the government itself can be accused of breaching the separation of powers there has to be a forum where the government is called to account. It cannot escape that scrutiny. Otherwise the system does not work. It is not just our role to do that; it is our responsibility.

The other matter that we need to consider and consider gravely in regard to the use of the sub judice rules is the issue that I was referring to before you intervened—and I am referring to it in broad, hypothetical terms—an Attorney-General, whoever it is in our system, has the right to bring charges against an individual or somebody in the community. But there is the potential at least that we need to recognise that if an Attorney-General brings those charges and then uses the sub judice rules associated with those charges to avoid scrutiny in this parliament then we have a real problem. I will not get into a debate about whether that has happened or not in this instance, but I believe those are things that this parliament should have been considering this morning because it is something new, it is something that has not happened before. This government has taken us to a point where these issues have never had to be considered before. I do not think that we have seen anything in Queensland politics like we have seen over the last week or so. I do not think Queensland politics has ever witnessed anything like that. If one understands the issues that are involved, the issues are not just about protecting Peter Beattie's hide or all the senseless backbenchers who were swept in here on his political popularity. The issues are about protecting the institutions that make our community work: protecting the institution of the parliament; protecting the institution of the courts; protecting the integrity of the Attorney-General—not protecting the person, but protecting the office—and protecting the integrity of the Director of Public Prosecutions.

Once again, it is not the person—not Leanne Clare—but the office which is much more important than the individuals who are involved and the particular political imperatives of the individuals involved. They are the issues that I would have liked to have addressed in some detail in this parliament this morning and you have ruled, Mr Speaker, in a particular way about sub judice which does not let those issues be discussed here. I accept those rulings, but the question we all must ponder with respect to that is: how now do we consider those issues? If not in this parliament, where? If not in this parliament, where do we get those questions answered and those matters considered? If we cannot bring the government to account in this parliament, where do we do it? Where does the opposition fulfil the role and the responsibility that we have been given by the people of Queensland? I will pursue those matters with you, Mr Speaker.