



Speech by  
**Grace Grace**

**MEMBER FOR BRISBANE CENTRAL**

Hansard Wednesday, 6 October 2010

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**MOTION: BYRNES, MR GV**

**Ms GRACE** (Brisbane Central—ALP) (6.08 pm): I rise to speak against the motion and for the amendment. Before I start, can I place on record how appalled I was to hear of the actions of this man—a man who was in a trusted position. I felt nothing but remorse for the victims—the young children—whom he abused over that time.

**Mr Johnson:** He's not a man, Grace.

**Ms GRACE:** I think the member is right. I take that interjection; he probably was not a man. But at the same time can I say that it beggars belief he was able to get away with it for so long and that there were 44 counts of sex abuse, including 10 of rape.

We need to lift the cloud of secrecy that surrounds many of these cases. This motion shows again the clear disregard that members opposite have for the judicial system in Queensland. It is a disgrace when the Speaker of this House has to remind members that they should not denigrate serving judicial officers. Queensland courts deal with a vast number of matters every day of the week, from Coolangatta to Cape York and west to Camooweal. The fact is that judges and magistrates are humans with all the frailties and imperfections that carries with it, just like members in this House. However, they do a remarkable job in the face of constant criticism and unfair comments from people such as the Leader of the Opposition.

No-one on this side of the chamber says that all members of the judiciary get it right 100 per cent of the time. But when one looks at the figures and the number of cases where the decision is questioned, it is preposterous to suggest that the entire judicial system is failing. If judges make a mistake, and it is only natural that this will sometimes occur—no-one is perfect—there is a process in place to allow their decisions to be reviewed by a higher court. If a sentence imposed in a District or Supreme Court is manifestly inadequate, the Attorney-General can appeal the sentence to the Court of Appeal. Those decisions about appeals are to be made by the Attorney-General, but after careful consideration of the available material. He needs to read the transcript, consider the relevant case law, look at the previous decisions of the Court of Appeal, consider the advice provided by the Director of Public Prosecutions and then determine whether there is a prospect of success in an appeal being made. This takes time, which is why the Criminal Code provides 28 days within which this can occur.

The judicial system is not a plaything of the opposition. It is not something that can be used for political mileage whenever it takes the fancy of members opposite. Calling on the Attorney-General to immediately appeal a sentence without proper consideration of the matters is typical of the disregard that the opposition have for the judicial system in Queensland. I was appalled by the conduct of members opposite yesterday and was pleased that the Speaker reminded them of their obligations this morning. It is one thing to be critical of a decision of a court or to question its wisdom; it is another thing entirely to criticise the character or conduct of a judicial officer in the exercise of their judicial functions. It is not the role of the opposition to try to sentence people for offences in Queensland. That is the role of a fearless, frank and free court. We have juries and judges for that. However, only an hour ago we had a member opposite say—

No magistrate should be guaranteed a job for life if they use poor judgement and/or questionable performance in the course of carrying out their duties. Members of the parliament have a performance review every three years. If we do not perform then the electorate ensures we are not returned.

That is their modus operandi. If they do not like the decision, kneecap them, get rid of them! Judge, law and jury is what those opposite want to be. However, they have a problem in identifying the doctrine of separation of powers; let me educate them. The doctrine refers to a system of government with three core functions: the legislative makes the laws—the parliament; the executive administers the laws—ministers and governments; the judiciary interprets the laws—judges and courts. Each branch is confined to the exercise of its own functions and must not encroach upon the functions of the other branches. The doctrine of the separation of powers had a celebrated moment in the history of Queensland politics. I will refer to that. I would hate to see a situation where those opposite become the lawmakers, the judges and the juries. Who could forget former Premier Joh Bjelke-Petersen's explanation of the doctrine of the separation of powers? Clearly, the record shows, he had no idea. Who followed later? Cooper. He was asked by a journalist the same question. Once again, from his answer, it was clear that he had no idea. For all to see, the question was met with a similar display of incomprehension—the same incomprehension we find today from those currently opposite in this House. After more than 20 years they have learnt nothing.