




Speech By
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MEMBER FOR INALA

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MATTERS OF PUBLIC INTEREST

Newman Government, Performance

 **Ms PALASZCZUK** (Inala—ALP) (Leader of the Opposition) (11.01 am): Over the past week, I think Queenslanders have been shocked by the Premier's unprecedented attacks on the judiciary. This has been echoed by voices from the Law Society, the Bar Association and, most recently, as of yesterday, from an opinion piece by Tony Fitzgerald. This is an unprecedented attack. It is an attack that is one of the worst that we have seen in living memory. What we have witnessed in Queensland since the March 2012 election is a government determined to chart a course to steer this state backward to a time that nobody wants to revisit, a time of almost 25 years ago that should be rightly consigned to the history books.

Madam SPEAKER: Order! Member for Maryborough, please take your conversation outside. If members wish to have conversations, go outside.

Ms PALASZCZUK: It is a time of almost 25 years ago that should be rightly consigned to the history books; a dark time, a dark place. We have watched appalled as this Premier leads his government and, at the same time, leads all Queenslanders back to a pre-Fitzgerald Queensland where the lines were not only blurred, but in many areas they were simply obliterated. In the past fortnight, we have seen this Premier, his Attorney-General, his cabinet and each of his members of parliament in this House amplify that effort, resolutely and doggedly attacking the very important principles governing the separation of powers. We have seen this Premier and this Attorney-General launch an extraordinary and unprecedented attack on the judiciary in their unyielding desire to assume absolute power, to ignore the very important line that must exist between the state and the judiciary, and to install themselves as not only law makers but also judge and jury to enact those laws.

This is a dark period we are entering. It is a dangerous period. It has come to define a government that is not content merely governing as it was elected to do, but now wants to control our legal system and control our courts. The Premier and the Attorney-General hope to achieve that by insulting our judiciary, by belittling our magistrates and our judges, and by sinking to a schoolyard level where name calling becomes the order of the day. They achieved this by bypassing this parliament's critical committee system and allowing just over two hours of debate on the amendments to the Criminal Law Amendment Act. By doing that, they bypassed any scrutiny and any opportunity for anyone to be consulted or to have important input. Then they unleashed the Premier who last week was behind some of the most offensive, ill-informed and deliberately divisive comments made about the judiciary in this state for decades. Those attacks were simply unprecedented.

Last week the Premier was interviewed by Greg Carey on 4BC radio. On that program the Premier set about attacking the judiciary in the manner of someone who understands absolutely nothing about the critical separation of powers. As the member for Bundamba highlighted this morning during question time, there is a pamphlet available to all primary schoolchildren and high school students visiting this parliament, and it is available to every member of this House. It is entitled

The separation of powers in Queensland. I table that for the benefit of all members. It might do them some good to actually make sure they are well versed in the convention and the doctrine that they have breached over the past two decades.

Tabled paper: Queensland Parliament Factsheet 2.1—The separation of powers in Queensland [3885].

To the judges, the Premier said—

You need to come out of your ivory towers ... they go home to their comfortable, well-appointed home and they talk among themselves.

He described and accused anyone who did not agree with his government's decision to grant the Attorney-General the power to decide who stays in jail and who gets out as 'apologists'. That is simply disgraceful. It is absolutely disgraceful language and it is disgraceful behaviour from the Premier of our state. As if to deliberately rub salt into the wound he has opened, the Premier insinuates that members of the bench actually face elections to office. Clearly, this is the mark of a Premier who does not understand our legal system, does not understand the important line that must exist between the parliament and the courts, and clearly will dish out insults to anyone who dares to disagree with him.

Mr Mulherin: He might be Premier, but he is no statesman.

Ms PALASZCZUK: I take that interjection. Let us examine what the real experts, the people with actual experience within the legal profession and members of the judiciary, have to say about what the Premier and the Attorney-General have done in giving themselves these new unprecedented powers. Let us start at the top with Tony Fitzgerald, author of the landmark 1989 Fitzgerald report and, in many ways, the architect of the anti-corruption regime that has shaped government in Queensland for the past two-plus decades. Queenslanders can decide for themselves whether Mr Fitzgerald's opinion is accurate or otherwise. What is absolutely clear from Mr Fitzgerald's comments yesterday is his disbelief in what the Newman government has done. I quote—

And it is incomprehensible that any rational Queenslander who is even remotely aware of the state's recent history could for a moment consider reintroducing political interference into the administration of criminal justice, even to the point of making decisions about incarceration.

He goes on—

It is foolhardy for politicians who lack material expertise to make major changes to the criminal law without first obtaining and acting on advice from criminologists ... prosecutors and other experts ...

He describes the new laws as draconian, and I concur. But the Premier and the Attorney-General would have no idea of Mr Fitzgerald's views. Why? Simply because they did not bother to ask him. They did not bother to consult with him, just as they failed to consult with anyone outside their cabinet, before they slammed these laws through the House in the early hours of the morning just over two weeks ago.

Government members interjected.

Ms PALASZCZUK: We are talking about the criminal law amendment bill. If members were here witnessing it—some of them were not here—they would understand what we quite clearly raised. In fact, we have been backed up by Tony Fitzgerald. We have been backed up by the Bar Association and the Law Society. These are the people who are coming out condemning what this government has done. This has been a shameful week in Queensland politics—a shameful week.

These members have no concept of Tony Fitzgerald's report into corruption in this state. They have no concept of the separation of powers in this state. They have no concept of what they have done. They have blurred the lines between the executive and the judiciary. Not content with that, anybody who does not support them—

Government members interjected.

Madam SPEAKER: Order! Members! The noise is starting to crescendo with the number of interjections competing with the person with the call. I call the Leader of the Opposition.

Ms PALASZCZUK: I remember the Fitzgerald inquiry. I know that there are some people sitting in this House today who remember it. Those members who do not remember it should have a good long read of the report. Tony Fitzgerald is a man of integrity. Tony Fitzgerald is a man whose views and opinions count for something in this state. For this government to ignore his views—

Government members interjected.

Ms PALASZCZUK: Let us keep going. Let us listen to what Mr Gary Crooke, the counsel who assisted Mr Fitzgerald during his inquiry 25 years ago, said. He said that history will record the move to give the Attorney-General the jailer's keys as akin to the transportation of convicts to Australia for petty offences two centuries ago.

Why did they not consult with people of the standing of retired judge Richard Chesterman—a long-serving and respected justice of the Supreme Court of Queensland?

A government member interjected.

Ms PALASZCZUK: Justice Chesterman was not soft on crime.

A government member: You are too.

Mrs Ostapovitch: Oh, you are.

Ms PALASZCZUK: I find those comments from the member for Sunnybank offensive and I ask her to withdraw.

Mr STEWART: I rise to a point of order, Madam Speaker.

Madam SPEAKER: Yes, member for Sunnybank.

Mr STEWART: I find those comments offensive. I was not even in my seat nor was I making any statements at the time. I ask that they be withdrawn.

Madam SPEAKER: Let us just settle for a moment. I am going to warn the member for Ipswich West under standing order 253A for interjections that did not use appropriate titles. I did not hear the member for Stretton, but did you make a comment, member for Stretton?

Mrs Ostapovitch: I was trying to explain.

Madam SPEAKER: You have been asked to withdraw under the standing orders.

Mrs Ostapovitch: No problem.

Madam SPEAKER: Could you please use your microphone and stand and do so.

Mrs OSTAPOVITCH: Yes, I will.

Madam SPEAKER: Could you please make it clear as to what you are doing.

Mrs OSTAPOVITCH: I withdraw.

Madam SPEAKER: Thank you. I call the Leader of the Opposition.

Ms PALASZCZUK: In conclusion, the law in its abhorrence, in all that it does to conscientiously and so thoroughly blur the lines must be repealed and replaced at the first opportunity. What this government needs to do today is apologise to the judiciary for their unprecedented attacks, the likes of which Queensland has not seen. We do not want to return to the dark days, we want a clear future.

(Time expired)