




Speech By
Hon. Anastacia Palaszcuk

MEMBER FOR INALA

Record of Proceedings, 1 April 2014

MOTION: ATTORNEY-GENERAL AND MINISTER FOR JUSTICE

 **Hon. A PALASZCZUK** (Inala—ALP) (Leader of the Opposition) (5.29 pm): The motion before the House tonight is very clear. I move—

That this House has no further confidence in the Attorney-General and Minister for Justice to perform the duties of his office.

It is an extraordinary step to bring a motion of no confidence in a member of the government and it is not something that the opposition would undertake lightly. However, the actions of the Attorney-General since he took over the portfolio of Attorney-General and Minister for Justice have been so lacking in the standards one might expect of the first law officer of this state that this action has become necessary. The Attorney-General started the term as a laughing-stock with the legal profession. His reputation rapidly declined from that point to what it is now.

Some of the Attorney's first actions were to close the diversionary courts in Queensland and to abolish court ordered justice mediations. His arrogance was palpable when, at his first estimates hearing as a minister, he dismissed my question as to whether he had actually visited the Special Circumstances Court with a wave of his hand and a dismissive, 'Highly unlikely now because I have abolished it'. It was embarrassing because the court was sitting that very day.

Then we had the instance when the Attorney-General decided he would appeal against a sentence imposed on Samantha Macey in the Magistrates Court. Samantha had appealed to the District Court and the Attorney-General, unhappy with the court's decision, appealed to the Supreme Court. The only problem was that he did not have standing to appeal. The Chief Justice ordered—

Unsurprisingly, the Attorney-General has this morning abandoned that proceeding and we ordered that the 'purported' notice of appeal, I suppose it should be called, filed on the 7th January 2013, be struck out.

Then there was the litany of legislative failures. The Attorney-General attempted to give effect to the LNP election policy to increase penalties for police evaders. The Supreme Court in Cairns found that it was ineffective, so he was forced to introduce amendments in the second bikie bill to correct the error.

Then we witnessed the spectacular failure of the Criminal Law Amendment (Public Interest Declarations) Amendment Bill 2013. That bill was drafted with transitional provisions that were to apply if the bill were found invalid by a court. As I pointed out during the debate, it was the first time that I had ever seen legislation drafted in contemplation of being declared unconstitutional. Luckily it was, because that is exactly its fate. I have to say that I did envisage it would at least make it to the High Court, but it did not even make it that far. It was struck out as invalid by the Court of Appeal. It was criticised by the then President of the Law Society. Her objection to the laws reflected that of many other legal stakeholders. On ABC Radio she very diplomatically skirted around the question of whether the Law Society has confidence in the Attorney-General. She might not have been prepared at that time to make such a declaration, but the opposition has no qualms. Even the then President of the Bar Association, Roger Traves QC, opposed the bill. He said—

The Bar Association of Queensland opposes the Criminal Law Amendment (Public Interest Declarations) Amendment Bill 2013 and strongly encourages the government to let the bill lie in the parliament while it is given further consideration.

In fact, this bill has become so notorious that it is already the subject of an assignment question for constitutional law students at a Queensland university. Students have been asked to imagine that it at least made it through the Court of Appeal and what argument would they bring against its validity in the High Court.

The bikie laws have also been the subject of a High Court challenge. An application has been filed in the High Court challenging the validity of the legislation and we await the court's decision as to the validity of those bills. As well as the constitutional questions around those laws, there have already been problems associated with their drafting. When the Attorney-General introduced the first bikie laws, his definition of 'participant' in a criminal organisation was drafted very widely. During debate I pointed out that a definition would include two lawyers going to a court with their client. Therefore, at 1.20 am the Attorney-General introduced amendments to ensure that they were not included.

These are all examples of an Attorney-General who is out of his depth. It is evidence of an Attorney-General who has insufficient legal experience to do the job that he is charged with. However, the events of last week show that it is much more serious than just ineptitude. The Attorney-General betrayed the confidence of the President of the Court of Appeal, revealing details of a confidential consultation he had held with her over judicial appointments. The Attorney-General is a solicitor—he is an officer of the court—yet he has chosen to disregard his obligations to keep confidential what is considered confidential. For the Attorney's benefit, rule 9 of the Australian Solicitors Conduct Rules states that you must not disclose any information which is confidential to a client, but you should also be aware that at common law you will generally owe a duty of confidentiality to certain persons who may not be defined as clients.

Therefore, is it any wonder that the outgoing Solicitor-General has described the Attorney-General as untrustworthy and said that the public should be alarmed by his conduct? Mr Sofronoff wrote an opinion piece in the *Courier-Mail* where he said that it was now impossible for anybody to offer Mr Bleijie honest and candid advice in confidence. He said that Mr Bleijie has shown he is prepared to betray a confidence and Queensland deserves much better from its first law officer. Mr Sofronoff stated—

It is not just startling, but it is also a matter for public alarm that the Attorney General believes that it is permissible to reveal what he claims to be part of his confidential consultation with the president of the Court of Appeal.

Further, he stated—

That he would have done so under any circumstances at all short of legal compulsion is shocking.

That he has done so for personal and momentary political gain by attacking a respected servant of the public is unacceptable.

And further—

What is most unfortunate, his conduct has the hint of a nasty schoolboy's snicker in it.

Government members interjected.

Ms PALASZCZUK: They may well snicker. The former Solicitor-General has described the Attorney-General as unethical and ignorant and his actions as indefensible, and has called on him to resign. Mr Sofronoff has questioned whether Mr Bleijie has the aptitude for the job of Attorney-General, saying that the state has a chief law officer who does not seem to understand that breaching Justice McMurdo's confidence is indeed a problem. He said—

Having regard to the unawareness that he's shown about what he's done, it seems clear to me that that must carry over into his other functions, and it's really difficult to conclude otherwise than that he should go and do something else for which he might be suited.

I think those words say it all. For the benefit of the House and newer members, I point out that Walter Sofronoff was appointed Solicitor-General in 2005. He served in that position for four—

Mr Bleijie interjected.

Ms PALASZCZUK: Here the Attorney goes again, snickering. Is this the sort of behaviour one would expect of the state's first law officer?

Honourable members interjected.

Mr ACTING SPEAKER: Order! Members will cease interjecting. The Leader of the Opposition has the call.

Mr Bleijie interjected.

Ms PALASZCZUK: Your whole backbench is watching you.

Mr Bleijie interjected.

Ms PALASZCZUK: The whole backbench is watching you and—

Mr ACTING SPEAKER: Order! There is too much crossfire across the chamber. Members will speak through the chair. The Leader of the Opposition has the call.

Ms PALASZCZUK: Mr Sofronoff served in that position for four previous Attorneys-General. In their time, he has never ever spoken out against the actions of an Attorney-General in this state. The fact that he has taken this unprecedented action is very telling. Tony Fitzgerald, who presided over the most in-depth inquiry—

Mr Stevens: Who?

Ms PALASZCZUK: Yes, they ask, 'Who?' Let it be recorded. I take the interjection from the member for Mermaid Beach who said, 'Who?' He asks who Tony Fitzgerald is. He presided over the most in-depth inquiry into corruption and the excesses of government in Queensland's history. What did he have to say? He had quite a lot to say! He said—

Extraordinarily, those attacked by Bleijie include one of Queensland's most respected judges, the President of the Court of Appeal ... a woman of absolute integrity who has served Queensland as a judge with great distinction for more than 20 years.

In one sense, she was an obvious target. It was the Court of Appeal over which she presides which held that Bleijie's madcap scheme to give himself power to overrule a court's decision that a prisoner be released was invalid.

Bleijie's bizarre response includes a proposal for a new appeal court gives some indication of how far the Justice Department is out of control.

It is appalling that a junior solicitor appointed to a position which is unsurprisingly far beyond his competence and experience has betrayed her honour's confidence and defamed her.

(Time expired)