




Speech By
Hon. Stirling Hinchliffe

MEMBER FOR SANDGATE

Record of Proceedings, 16 September 2015

MOTION

Ethics Committee

 **Hon. SJ HINCHLIFFE** (Sandgate—ALP) (6.27 pm): I rise to oppose this extraordinary and unprecedented motion, which is how we heard it described by the Leader of the Opposition. In the first instance I will largely confine myself to addressing the first element of the motion about the delivery of an ‘instruction’ to the Ethics Committee.

As the member for Southern Downs—having been in this place for a quarter of a century—ought to know, the Ethics Committee is a quasi-judicial body, and seeking to instruct it would debase its independence and the important role it plays in allowing for appropriate natural justice to be experienced by those people before it. Matters of privilege relating to the alleged failure of a member to follow an order of a previous PCCC are very, very serious. It is neither the convention, nor appropriate, for the House to instruct the Ethics Committee to report within a certain time frame.

I would suggest that standing order 271, which relates to such restrictions, notes that a matter referred to the Ethics Committee must not be debated in the House until such time as the committee has reported on the matter. While this is narrowly defined, this motion does open the issue of whether that is seeking to somehow expose and develop some sort of debate or referral of this matter. I think that is a problem in itself, but ultimately it is important that we allow the committee to have sufficient time to thoroughly investigate the allegations. In doing so, it is the committee’s prerogative as to when it reports to the House. It is in the best position to determine the time that it needs and the things that it needs to consider in order to thoroughly investigate the matter. So again, those opposite, listen and learn. Standing order 270 regarding the procedures of the Ethics Committee states that the committee can—

... request any person the subject of complaint in the matter to provide a written explanation of any allegations contained in the complaint; and

- (c) shall, if the person the subject of complaint disputes the allegation:
 - (i) give the person the opportunity to be heard; and
 - (ii) give any persons that the person nominates the opportunity to be heard; and
- (d) may obtain information from such other persons, and make such inquiries, as it thinks fit.

...

(6) The ethics committee must not, in any report, make a finding that is adverse to any person unless it has given the person:

- (a) full particulars of the complaint; and
- (b) the opportunity to be heard in relation to the complaint.

In summary, this is about affording anyone the subject of such inquiries due process and natural justice—all of those members of the House who might at some point be subject to it—and affording the committee sufficient time to carry out its inquiries in a thorough manner, and any person the subject to the complaint sufficient time to respond to any of those allegations.

To that extent, 13 October is patently a ridiculous and unreasonable time frame for the committee to undertake such investigations. As we should know by now, the opposition does not let rules or good processes get in the way of political expediency. The LNP and its predecessor, the National Party, have long been in undermining and debasing our parliament. They have absolute form in this regard. There are, as we heard, legion examples in the 54th Parliament. Their lack of respect in this motion is therefore unsurprising. Just because you can does not mean you should. As enlightenment philosopher David Hume's naturalistic fallacy puts it, 'that is does not mean ought'.

The member for Mansfield mentioned suspicion. This House can be rightly suspicious about the motivation of this motion; that it is not, as suggested by the member for Mansfield, the good order and management of this House's committees but base political expediency. They have form in the last parliament. We see it again in moving this motion. I urge the House to oppose this extraordinary motion.