

Speech By

Dr Christian Rowan

MEMBER FOR MOGGILL

Record of Proceedings, 25 August 2026

MOTION

Dissent from Speaker's Ruling

Dr ROWAN (Moggill—LNP) (Leader of the House) (7.41 pm): I rise to oppose the motion as moved by the Manager of Opposition Business dissenting from the Speaker's ruling of 26 June 2026. Mr Deputy Speaker, I note your statement at the commencement of this debate and the parameters associated with it.

A motion dissenting from a ruling of the Speaker is a serious procedural step and ought to be considered by this House accordingly. The question before us is not whether individual members agree with the subject matter of the question asked by the member for Algester, nor whether members may have preferred that the question be answered; the question is whether in ruling that question out of order the Speaker acted properly and consistently with the standing orders, which are established rulings of this House and longstanding Westminster principles that underpin the sub judice convention. For the reasons I will outline, it is clearly evident that the Speaker did act appropriately and consistently.

Standing order 233 reflects a longstanding principle of parliamentary practice concerning matters that are before the courts. It provides that, subject always to the discretion of the chair and the right of the House to legislate on any matter, matters awaiting or under adjudication in all courts exercising a criminal jurisdiction should not be referred to in any debate, motion or question if doing so could prejudice those proceedings. Importantly, this is not a limitation imposed upon the parliament by the courts. It is a restraint which the parliament imposes upon itself, recognising both the extraordinary privilege that is attached to the proceedings in this House and the corresponding responsibility upon elected members to ensure this privilege is exercised appropriately. That distinction is fundamental to understanding the ruling which is the subject of this motion.

Members speaking in this House enjoy the protection of parliamentary privilege. The courts cannot regulate what is said here in the same manner as statements made outside this place. It, therefore, falls to the House itself and, ultimately, to the Speaker as its presiding officer to ensure proceedings do not improperly intrude upon active criminal proceedings or prejudice the administration of justice. This principle is not unique to Queensland. It is deeply embedded in Westminster parliamentary practice.

In considering the longstanding Westminster practice which informs our own standing orders, it is appropriate to have regard to Erskine May, the authoritative text on parliamentary law, privilege and practice. Erskine May makes clear that the sub judice convention extends to parliamentary questions as well as motions and debate, and its application is ultimately a matter of discretion for the chair. There can, therefore, be no serious procedural proposition that questions without notice occupy some different or protected category. They do not.

The longstanding rules, precedents and practices which underpin our Westminster parliamentary system recognise that the sub judice convention applies to parliamentary questions, just as standing order 233 expressly applies to questions in this House. These are well-established principles designed

to ensure the freedom and privilege of parliamentary proceedings are exercised with proper regard for the administration of justice. The fact that this matter arose during question time does not alter the application of the standing order nor the Speaker's responsibility to exercise the discretion conferred upon the chair. That is why it is critical to examine and understand the actions taken by the Speaker on 26 June 2026.

It is important to note that earlier that week a question had been permitted concerning legal fees associated with the same broader matter. However, the fact that an earlier question proceeded did not bind the Speaker in the subsequent application of standing order 233. Indeed, in answering that question earlier in the week, on 23 June the Attorney-General expressly recognised that the matter was before the courts and that it would be inappropriate for her to comment upon it.

On the morning of 26 June, the Speaker, in a statement to all members of the House, specifically reminded the House of the sub judice convention in the context of criminal matters and related proceedings following his concern that the member for Maiwar had begun 'to skirt around a suppression order in debate' the previous evening. It was against that background that the member for Algester subsequently asked her question without notice concerning legal costs incurred in maintaining a suppression order related to a criminal matter. The Speaker did not make that decision lightly. He paused proceedings, took advice and ruled the question out of order. The Speaker subsequently provided further explanation for the basis of that decision, including reference to the previous rulings of Speaker Reynolds.

Those earlier rulings are particularly relevant. Speaker Reynolds observed that, while it is for the courts to regulate debate in the wider community which might transgress contempt because the matters in question are pending in criminal courts, it is vital that no privileged or prejudicial debate occur in this House. The Speaker, the member for Condamine, then explained the application of that principle in the circumstances before him—namely, the criminal matter was clearly sub judice, an order made by the court relating to that criminal matter fell within the scope of standing order 233 and applications relating to that criminal matter, including appeals concerning an order, were similarly to be regarded as sub judice.

That was not the creation of a new rule, nor was the Speaker constrained from applying the standing order because an earlier question had proceeded. It was the considered application of an established rule and established precedent to the circumstances then confronting the chair. The Speaker was, therefore, doing precisely what the standing orders require the presiding officer to do: exercise his procedural discretion as to whether a question could properly be permitted in circumstances involving active criminal proceedings.

In my remaining time I wish to highlight the broader constitutional consideration which members should not overlook. The relationship between parliament and the judiciary is sustained not simply by strict legal boundaries but by longstanding conventions of mutual respect. The Clerk of the Parliament has written extensively on this subject, observing that any understanding of the separation of powers within our system of government must consider not only its legal framework but also the conventions of mutual respect which underpin that separation.

In considering parliamentary practice specifically, the Clerk notes that parliaments have long sought to avoid conflict with the courts through standing orders or practices which prevent debate about matters awaiting adjudication. He expressly identifies the sub judice convention in Queensland as one such practice and notes that it is reflected in standing order 233. This is an important point. The courts must be permitted to determine matters before them according to law upon the evidence and submissions properly placed before them. Equally, parliament must remain free to debate public policy, scrutinise executive government and legislate according to its constitutional responsibilities. Neither principle is diminished by recognising the other. Indeed, the strength of the Westminster system has long depended upon the capacity of its institutions to exercise their considerable powers with appropriate restraint.

It is also important that the House recognise the nature of the discretion involved. Standing order 233 expressly makes its operation subject to the discretion of the chair, and that discretion exists for a reason. Questions of sub judice necessarily involve judgements about the nature of proceedings, their status and the potential for parliamentary proceedings to prejudice them.

The standing orders entrust that judgement to the Speaker. Similarly, the Speaker is entrusted with the authority and responsibility to determine the application of the convention. On this occasion, the Speaker identified an active criminal matter, considered a question concerning a court order associated with that matter, paused proceedings to take advice, applied standing order 233, subsequently explained the reasoning to the House and identified previous rulings supporting the approach taken. This is an entirely proper exercise of the responsibilities of the chair.

The sub judice convention has endured because it reflects a fundamental principle of responsible parliamentary government. Parliamentary privilege gives members an extraordinary freedom to speak, but with that freedom comes an obligation upon the House to ensure its proceedings do not improperly interfere with the administration of justice. Standing order 233 gives effect to that obligation in Queensland.

The ruling of 26 June 2026 was consistent with the text and purpose of that standing order, with previous rulings of Speakers of this House and with longstanding Westminster parliamentary practice. It respected the proper constitutional relationship between this parliament and the judiciary and it represented a considered exercise of the discretion which this House has entrusted to its Speaker. For those reasons, both I and the Queensland government oppose the motion of dissent as moved by the member for Springwood, and I encourage all honourable members to join with the state government in opposing the member for Springwood's motion.