



COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



**THE SENATE**

**COMMITTEES**

**Legal and Constitutional  
Affairs References Committee**

**Reference**

**SPEECH**

**Wednesday, 23 November 2011**

BY AUTHORITY OF THE SENATE

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## SPEECH

<b>Date</b>	Wednesday, 23 November 2011	<b>Source</b>	Senate
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<b>Questioner</b>		<b>Responder</b>	
<b>Speaker</b>	Joyce, Sen Barnaby	<b>Question No.</b>	

**Senator JOYCE** (Queensland—Leader of The Nationals in the Senate) (16:05): I seek leave to make a statement in respect of business of the Senate notice of motion No. 1.

Leave not granted.

**Senator JOYCE:** I move:

That so much of the standing orders be suspended as would prevent Senator Joyce making a statement relating to notice of motion No. 1.

The motion moved by Senator Xenophon pertains to an issue that in this parliament has been one of those issues that has sullied this chamber. It is something that needs to be ventilated. We have had a senior QC from Sydney present a major report on this issue. It involves the gang rape of an Aboriginal girl at the age of 14 at the John Oxley Youth Detention Centre. I find it appalling that not only was it voted against but the Australian Greens have denied leave twice for discussions around this issue in this chamber. It is one issue when there is a cover-up; it is another issue when that cover-up is maintained and we try to run down the capacity of people to ventilate this issue. This lady is coming to Canberra and she deserves to be heard. She has a right to be heard. This lady is coming to Canberra. We knew that there was something wrong when the Queensland government tried to pay her out to keep her quiet on this issue. It is without doubt that she was raped. It was confirmed that she was raped. People acknowledged that she was raped. It is just that she never got her day in court. Because of a partial mental incapacity, the elements of justice have worked against her. I remember a previous motion in this parliament trying to get the Rofe report tabled, and that was denied. But of course we will pursue this issue. We will pursue this issue because it is right, because it is just and because it must be ventilated.

I cannot believe that Dr Bob Brown, who has stood up so many times for those who are apparently at the periphery and need the protection of this chamber, would deny leave for this issue to be dealt with and that he would then vote against it. And he denied leave not once but twice. I think it is incumbent upon us to use the power that is within the Senate for those who are at the margins, who are most exposed. It is incumbent on us to do what is right, to do what is just, to do what is proper. This issue must be dealt with. It will be dealt with. I will continue to pursue it for as long as I am here.

I commend Senator Xenophon for pursuing this issue. I commend my colleagues who are standing behind this issue. I commend people such as Senator Brandis and others who have the diligence in the legislative process and also the heart of justice to pursue this process and pursue it relentlessly until such time as we get a result, until such time as this person gets her day in court. If she cannot get her day in court then at least the Senate can provide a day so she can have her side of the story told. This person wants her story told. She wants to tell the story about what happened to her. This person wants to ventilate the issues pertaining to her, how she was held down and two people gang raped her.

### **Opposition senators interjecting—**

**Senator JOYCE:** Four? Four people gang raped her, and no-one is denying that this happened. But now this chamber is compounding the offence because we are denying her the capacity to have her issue ventilated. This is something that should just go through on the voices. If there is nothing to be protected then there is nothing to worry about. It is an issue about one individual's justice. It is an issue about what this chamber is supposed to represent, and it is not going to go away. We will pursue it time and time again.

There will be other votes that will come up, so my question is to the Australian Greens—and I know there are people within the Australian Greens who are troubled deeply by this, because they know inherently that what they did is wrong and must be corrected. They know inherently what the proper process is, and denying people

leave to speak about it is not the proper process. It emphasises the guilt, emphasises the shame that surrounds this issue. We have dealt with this issue in Queensland. The reason people have pursued this issue since that time is that they know that in Australia this is our Watergate—only this time the people who did wrong got away with it.