



The Honourable Rod Welford MP



20 July 2004

**Attorney-General
Minister for Justice**

In reply please quote: 2004/04281

Your reference: 264:03

Mr N Laurie
The Clerk of the Parliament
Queensland Parliamentary Service
Parliament House
George Street
BRISBANE QLD 4000

Dear Mr Laurie

Thank you for your letter of 17 June 2004 forwarding a copy of a petition, tabled paper number 264-03, regarding the rule of the law and the Heiner Affair.

The petition refers to the democratic right of the “governors” and the “governed” to be treated equally before the law.

Naturally the Government supports the principle of equality before the law, and that the law should be applied consistently. This is why decisions relating to the charging and prosecution of alleged offenders are not made by the Government.

Decisions relating to instituting and conducting criminal prosecutions are made, at the first instance, by the police and then by the prosecution. The Director of Public Prosecutions is an independent statutory authority who is charged with the responsibility of determining whether a prosecution should be undertaken. Once a prosecution is commenced, the Court hearing a charge determines whether or not the offence charged can be made out on the evidence, and whether or not the evidence is sufficient to support a conviction.

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The Government does not influence or interfere in any of these decisions.

The petition also asks that the House take all steps to ensure the appointment of an independent Special Prosecutor to investigate matters relating to the so-called "Heiner Affair". The "Heiner Affair" has already been the subject of numerous investigations and inquiries, including by the then Criminal Justice Commission. A former Director of Public Prosecutions advised that no charges could be laid.

Given that, the Government does not believe that the expenditure of any more public money on this matter could be justified.

Thank you for referring this petition to me.

Yours sincerely

A handwritten signature in black ink, appearing to read "Rod Welford", with a long horizontal flourish extending to the right.

Rod Welford MP