



Speech by

**BILL FELDMAN**

**MEMBER FOR CABOOLTURE**

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Hansard 29 April 1999

**DEFAMATION (MATTERS OF PUBLIC INTEREST) AMENDMENT BILL**

**Mr FELDMAN** (Caboolture—ONP) (10.20 a.m.): I move—

"That the Bill be now read a second time."

This is a modest but far-reaching and visionary amendment to the Defamation Act 1889. It is best first of all to say what this amendment does and what it does not do. It will enable any person to expose crime, graft or official misconduct concerning an agency of Government, without being sued, if what is said is substantially true, and if what is said is not actuated by malice. It will provide no protection to persons whose motive is to injure another person.

There is no such thing as victimless crime. In the end, the entire community is the loser, and the whole community has to pay. There is no room in any Government agency for crime, graft, corruption or official misconduct, and the sooner it is dealt with, the better. The reality is that publicity is necessary to expose corrupt behaviour, and to generate the political momentum to force the Government of the day into action. The Bill seeks to reinforce the highest standards of conduct in relation to official conduct and expenditure of public moneys, and will remove the special protection existing for corruption and official misconduct which our current defamation law provides.

At the end of the day, after its torturous and lengthy proceedings, the Fitzgerald inquiry revealed little more than any two well versed detectives could have said in an evening to the press. Such an exposé would have achieved much the same result, and would have been much cheaper than the inquiry, but such disclosures have not been forthcoming and are not possible in Queensland, because of the terror of our present laws which help to hide corruption rather than expose it.

The Fitzgerald inquiry rightly expressed the view that the media could be, and should be, far more active and effective in their public role of exposing crime and corruption. However, the media or whistleblower runs the very real risk of being sued witless by the very people involved in crime, graft, corruption and official misconduct just for publishing the truth so that the people of this State can judge for themselves what is going on.

Many commissions and inquiries over the years have criticised the press most unjustly. The present law creates great injustice because it punishes anyone, including the press, for speaking out in exposure of crime, graft, corruption or official misconduct, under threats of massive damages. The present law rewards criminality and wrongdoing and punishes the innocent for merely speaking the truth. If we are to break the back of crime, graft, corruption and official misconduct in Queensland, then this Bill is absolutely necessary.

If this Bill was law 10 years ago, then the excuse for the destruction of the Heiner documents would not exist. The Heiner case exposes the terror that even Ministers and Government have of the present law, which not only fails abysmally to protect integrity or the innocent but also victimises any person, including the press, who dares to expose what is really going on. The present law has in fact created a flourishing paradise for corruption.

The Defamation Act has killed timely information that the public should know, especially at election time. For example, if a Premier were involved in receiving large sums of money from a drug dealer, and then ordering police officers to arrest anyone who spoke out, the people ought to know, via

the press. This Bill will take the gun away from the head of the media to enable them to publish the substantive truth of matters of this kind.

If Kevin Condren was wrongly charged, and sentenced to years in prison for an offence that he could not possibly have committed as he was in the watch-house in Darwin when he was supposed to have been in Mount Isa, then it is important for the public to know just what went wrong so that there will be no repeat. Then take Mr Budd, the United States journalist who was thrown into prison because he told the truth. He was merely repeating what a staff member of a Minister had told him. Thanks only to the outcry of world media exposing the barbaric laws currently existing in the State, which this Bill will amend, Mr Budd was released. He had committed no crime, and yet this innocent man could have been left rotting in jail for his integrity.

The present defamation law, which criminalises the innocent by bankrupting them or throwing them into jail for speaking the truth, is an evil law, and obviously gives great joy to those involved in crime, graft, corruption or official misconduct. The laws of Australia were formed on suppression of information with respect to graft, crime, corruption, official lying, official deception, and various other official evils and activities. The notion was that a lie really did not matter that much because people might not believe it, but that communication of the truth must be suppressed at all costs because the people might believe it. This was the origin of the phrase, "The greater the truth, the greater the libel."

Whether or not honourable members are going to boldly strike a blow for freedom of speech in this tiny field—that of integrity in public administration—is a matter for their own conscience. A vote against this Bill is a declaration that crime, graft, corruption and official misconduct is to be specially protected, and that Queensland will remain an unsafe place for any person who exposes it.

This Bill is a forerunner of liberties which it is pretended we have, but which we do not have. This Bill recognises that Australians, especially those who live in Queensland, should no longer tolerate the existence of an evil law born of brutality and corruption. This modest Bill will go a long way to ensuring that the present corrupt law, which criminalises the innocent and rewards the criminals and wrongdoers in the Government with financial jackpots, will be a thing of the past.

I exhort all honourable members of this House to support this Bill to demonstrate that they are strong supporters of integrity, and that they believe the people, as the shareholders of this State, have the right to know what is really going on. This House cannot properly tolerate a lesser standard of integrity than that which applies in any other sphere of life. As Shakespeare said, "The good that men do is oft interred with their bones; the evil that they do lives after them."

The Parliament does not have to tolerate this dysfunctional law any longer. I am glad to say that this Parliament had no part in making it, but it can expunge it once and for all for the greater good of this State. I am sure that the honourable member for Brisbane Central will welcome this Bill. In fact, my sympathies go out to him for the years of bastardry he endured from others who attempted to ruin his career. The passage of this Bill, with his support, will give him and every successive Premier the satisfaction of knowing that if there is crime, graft, corruption or official misconduct, it will be promptly and thoroughly aired in the public arena, starting from the passage of this Bill. As for the Opposition, I ask them to place their claimed integrity before politics in this case.

In conclusion, I am committed to the belief that the people of Queensland deserve the highest standards of integrity, because we know that they will support the Bill, if only from the fear that they could one day fall foul of an evil law—a law for the protection and rewarding of crime and corruption. I present this Bill to the House with the most sincere request that it be passed without delay and to declare the law so that people no longer need to live in terror of the consequences of speaking the truth. I expect that all honourable members will feel the same way. I commend the Bill to the House.

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