



Speech by

JOHN MICKEL

MEMBER FOR LOGAN

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JUSTICE LEGISLATION BILLS

Mr MICKEL (Logan—ALP) (5.41 p.m.): I pay tribute to the members of the Members' Ethics and Parliamentary Privileges Committee who have spoken in this debate this afternoon. My friend the member for Warwick always makes a valuable contribution in the committee, and he made a valuable contribution in summing up the committee's deliberations with respect to the incident suffered by the honourable member for Chermside in March 1998.

During the committee's investigation into the matter of privilege relating to the security of members in their electorate offices, the committee noted the apparent anomalies in the Criminal Code regarding the offences of disturbing the Legislature, disturbance in the House when Parliament is not sitting and, of course, going armed to Parliament House.

Under section 56A of the Criminal Code, it is an offence for any person to create or to join in any disturbance at Parliament House or within the precincts thereof at any time when Parliament is not sitting. The penalty is \$100 or imprisonment for up to six months. Similarly, under section 56B, it is an offence to go armed to Parliament House or to the grounds or precincts of Parliament House without lawful excuse, whether or not the Parliament is in session. The penalty is also \$100 or imprisonment of up to six months. However, the seemingly lesser offence of disturbing the Legislature when it is in session, which is also an offence under the Criminal Code, carries a penalty under section 56 of up to three years' imprisonment.

The committee believed that the offence of going armed to Parliament House was the more serious offence. However, under the current provisions, this serious offence carries a much lighter penalty than the somewhat lesser offence. As the committee noted in its report No. 28, the anomalous position, therefore, exists whereby the offence of creating a disturbance carries a maximum penalty of three years' imprisonment, but the more serious offence of going armed to Parliament House carries a maximum penalty of a fine of \$100 and/or six months' imprisonment.

The committee believed that anomalies and inconsistencies in the penalties of the Criminal Code provisions relating to disturbing the Parliament lessen the deterrent value of those provisions. In its report, the committee recommended that sections 56A and 56B of the Criminal Code be amended to rectify current anomalies between the penalty provisions of sections 56, 56A and 56B. The proposed amendments to sections 56A and 56B correct this anomaly.

It should also be noted that, under section 78 of the Criminal Code, the similar offence of interfering with political liberty carries a maximum penalty of three years' imprisonment. A similar offence under section 28 of the Commonwealth Crimes Act also carries a maximum penalty of three years' imprisonment.

The member for Clayfield mentioned security in electorate offices—and I think with good reason. Over the past couple of years—like it or not—we have had to increase the amount of security in members' electorate offices. We now have glass partitions to prevent people from climbing over counters and accessing the staff in those offices. These are not changes that members of Parliament wanted; they are simply changes that have been forced upon us by some reckless elements within the community. And when I say "reckless"—yes, there is an element of that, and we have seen evidence of it. It is nothing new, as the honourable gentleman from Warwick indicated when quoting from Clem Lack's book.

Nevertheless, there are occasions when people in real trauma attend upon members. They have moments of extreme personal anguish and distress, or they simply feel mucked around by Government departments. And if they have been mucked around enough, they will vent that anger upon us. I can remember, in my former capacity, the work that was brought to us by people suffering personal anguish, in particular with immigration cases. They were always particularly difficult and high-stress cases, particularly when they related to family reunion. It was the people who were extremely upset by those cases who lost control on some occasions.

Also, the security at Parliament House has been increased. Measures have been upgraded over the years to the point at which staff now have to wear security ID and people's belongings are subject to X-rays at the front and back doors. These measures are not something that any of us wanted; they are changes that were forced upon us. However, our security measures have not reached the same stage as they have in Parliament House in Canberra. I do not condone anybody taking their protest to any Parliament House in a violent way. I think a person can make their point without being violent about it.

The honourable gentleman from Tablelands referred to the security in this country. In a day and age when there is a considerable degree of public cynicism, and people are not moved to violence, it is still far better that this House be the clearing house for community views. I believe that those community views need to be tested. This House needs to reflect the tensions, the disagreements, the downright grumpiness sometimes, the challenges and the optimism of the community at large. And it does this when there is free and open debate in this Chamber. If people—no matter which area they represent—feel that they can come in here and put forward that point of view fearlessly and forthrightly, then this Parliament is doing its job. It is the clearing house for community attitudes and, under those conditions, I believe that people feel that they are being listened to. It is when they feel alienated from that process that we do a great disservice to ourselves and the community at large.

As members have heard today, there was an unfortunate incident involving the Government Whip, the member for Chermside. We sympathise with him for that. The honourable gentleman from Clayfield also referred to members' houses. There was an incident that I mentioned in an earlier debate as being quite disgusting. That was when the gun lobby—one of the fringe elements—decided to post on the Internet pictures of the houses of members of Parliament with whom it disagreed.

There can be no greater sanctity for members of Parliament than the privacy of their own homes. The member for Mansfield quite rightly raised concerns about a company that is going around photographing people's houses and placing them on a computer system. In discussions I have had with the member for Mansfield, he has pointed out the outrage that has been expressed in his electorate office. Several hundred people have phoned his electorate office complaining about that system. And why are they complaining about it? Because people regard their homes as their sanctuaries; and so it is with members of Parliament. When we get home, we regard that as our sanctuary and it is something that we should protect. The member for Clayfield was quite right when he alluded to the privacy that members of Parliament should be able to rely upon.

I commend the Honourable the Attorney-General for acting so swiftly in tidying up the anomaly to which the committee referred. I also thank the other committee members who did not make a contribution to this debate today, but who certainly made a contribution in the committee, which brought forward the report. I also thank the officers who service that committee for the manner in which they identified that problem. On that happy note, I thank the Attorney-General and commend the Bill to the House.
