



Speech by

Mrs J. SHELDON

MEMBER FOR CALOUNDRA

Hansard 25 March 2003

PARLIAMENT OF QUEENSLAND AMENDMENT BILL

Mrs SHELDON (Caloundra—Lib) (2.51 p.m.): This bill retitles part 3 of the act 'Parliamentary papers' as 'Parliamentary records' and replaces current sections 48 to 51 of that part with new provisions which incorporate the broader concept of a parliamentary record. The bill also defines the meaning of a parliamentary record to be a record relating to proceedings in the assembly and the bill further states that a record relating to proceedings in the assembly may be in any form, permanent or otherwise, or made at the same time as the proceeding to which it relates or otherwise. For example, the record may be in audio or visual form and last only a short time.

The amendment bill is designed to protect officers of the Parliamentary Service and external service providers who facilitate the Internet publication of parliamentary proceedings. The bill does this by extending parliamentary privilege to an entity engaged by the Speaker or Clerk or a chairperson of a committee for the publication of a particular authorised parliamentary record or their authorised delegate. The bill also provides that the assembly may impose conditions on the publication. For example, the assembly may impose conditions on the publication of the proceedings by a person who has accessed the Internet broadcast. Publication in contravention of a condition imposed by the assembly may be treated by the assembly as a contempt of the assembly. We are yet to hear whether that will necessarily be so. I guess it is up to the government and the Premier to state whether that will be regarded as a contempt. I think there is justification for it to be so treated if there is a deliberate publication in particular for a malicious purpose. We will see what happens in that regard.

As the Members' Ethics and Parliamentary Privileges Committee, of which I am a member, has responsibility for considering allegations of contempt, the committee will be interested in perusing any conditions. Indeed, if Minister Foley is going to sum up this debate, I ask that he address the question I raised about whether publication in contravention of a condition imposed by the assembly should be treated as a contempt.

The Members' Ethics and Parliamentary Privileges Committee has responsibility in relation to parliamentary privilege under section 93 of the Parliament of Queensland Act 2001, and the committee has a particular interest in the Parliament of Queensland Amendment Bill because it alters the scope of parliamentary privilege. In its report No. 44, the Members' Ethics and Parliamentary Privileges Committee of the 49th Parliament recommended that the committee be consulted in relation to any bills affecting the powers, rights and immunities of the assembly, its committees or members. The committee therefore welcomed the opportunity that the Premier provided to us to review and comment upon the Parliament of Queensland Amendment Bill. It was pleasing to see that the government of the day sought the committee's input with regard to it.

This amendment bill facilitates the publication and broadcast of parliamentary proceedings over the Internet and, specifically, the bill extends the existing absolute protection currently afforded under the Parliament of Queensland Act to people involved in the publication of parliamentary papers and to authorised publishers who facilitate the publication of the parliamentary proceedings over the Internet. It is appropriate, of course, that these authorised publishers should be protected from civil or criminal liability in connection with the publication of the proceedings under the Parliament of Queensland Act. However, the existing provisions in the Parliament of Queensland Act relate to publication in printed form. The existing provisions do not deal with publication by another medium such as the Internet. The amendment bill extends the existing protection to authorised publishers involved in facilitating the broadcasting of the parliamentary proceedings in any form, including Internet broadcasting.

Mr Deputy Speaker, as you would well know having yourself been a former chair of the Members' Ethics and Parliamentary Privileges Committee, in conjunction with this bill the committee is running information seminars for honourable members today. There will be one at 3.30. There was one this morning and there will be another some time this evening. I recommend that members attend, if they are able, because there are possibly more obligations on members when there is a direct broadcast over the Internet. They need to think about what they say and do and adhere to the parameters and guidelines for how we should act in this place.

I for one totally support freedom of speech. I do not want to see members curtailed in what they say or do here. I think that could overlie that. At the same time, all honourable members would have to agree that at times our language, the way we deal with each other and the perception of parliament is not good when we see snippets on the television at night. I do realise that these are usually the most heated exchanges and the things that create the greatest sensation. But the great majority of what happens in this House never gets shown—the real work. That is why people out there have no real idea of what a parliamentarian does. Members would know from experience in their electorates that they do not know. It is incumbent on us to have a certain standard while not restricting what have always been the rights of a member of parliament. There are a number of issues that have to be considered in that. I will not go into them here because we will be covering them in our seminars. Mr Deputy Speaker, I hope that you will be attending one of those seminars not only to listen and learn but also to enlighten us with your vast experience in this field.

Mr Foley interjected.

Mrs SHELDON: I would have to agree with the minister. In this case that is very appropriate. I say to members: I am sure we all support this bill. It is timely. I think we will have to look at ourselves, our presentation and what comes across. In some regards it is of concern that this is a direct broadcast, particularly in relation to matters that could be defamatory or sub judice and where names are mentioned. That is why it is vital that if members are intending to mention a constituent's name or a matter relating to them that is cleared with them first. So if they are not listening to the Internet, they may hear about or be contacted about it by someone else. In respect of contentious issues that does happen. Quite often the media will follow up and try to contact a person. If the person is agreeable and has said, 'Look, I want this issue raised. I am sick of no action' or whatever then that is fine. It is important that the permission is sought from that person to do so. This is a bill that, given the advances in technology, we obviously need and one that I am sure we will all support.