



Speech by

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MEMBER FOR TABLELANDS

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CRIMINAL CODE AMENDMENT BILL

Ms LEE LONG (Tablelands—ONP) (9.48 am): I rise to speak to this amendment to the Criminal Code. We simply cannot allow people to deliberately tell untruths and escape scot-free, and that is what this bill will allow. If these amendments go through, they will give a free pass to anyone to deliberately tell untruths with impunity. Under these amendments, the only control over deliberate untruths will be the threat of being held in contempt of parliament. And is that a real threat? Is that a risk that would trouble anyone?

Let us have a look at how it would work. Perhaps the minister might deliberately speak falsely to an estimates committee, for example. Section 38 of the Parliament of Queensland Act spells out that whether any particular conduct is contempt of the assembly or not, as defined under section 37, is 'a matter for the Assembly to decide'. It is very clear that under this proposal the minister would have his actions brought before the Legislative Assembly where his own side of politics would have the numbers. It would be up to his mates to decide if he has committed contempt. What might their decision be, one wonders? Could they possibly vote along party lines to save their colleague?

If, by some quirk of circumstance, the vote went against the minister and he was actually found to be in contempt, what penalty would apply? At present, under the Criminal Code, deliberately giving false evidence can attract a seven-year jail term. That is a hefty penalty indeed. However, when this amendment bill is passed, the maximum penalty will be the same as for any other offence of contempt. A fine might be imposed and no jail time will be served, except if there is a default on the fine. How long would that jail time be? Section 40(3) spells it out—

The Assembly may order the person to be imprisoned, as directed by it:

- (a) until the fine is paid;
- (b) until the end of the session of the Assembly, or a part of the session.

We are all familiar with the length of a session. At most, it is four days. That is a long, long way short of the seven years under the existing Criminal Code provisions.

I turn to the argument of members opposite and, indeed, as outlined in the explanatory notes, that section 57 of the Criminal Code threatens the freedom of speech in debates or proceedings in parliament. What does section 57 state? It states—

Any person who, in the course of an examination before the Legislative Assembly or before a committee of the Legislative Assembly, knowingly gives a false answer to any lawful and relevant questions put to the person in the course of the examination, is guilty of a crime and is liable to imprisonment of seven years.

It does not refer to debates or any other functions of parliament. It specifically applies only when a person is being examined by parliament or a committee. As it stands, it poses no risk to the freedoms and protections that apply here.

Finally, I turn to the existing section 47 of the Parliament of Queensland Act 2001. It specifically provides for the times when conduct is both a contempt and an offence against another act. The circumstances that these amendments attempt to circumvent are already covered in existing legislation.

Indeed, under that section, the matters which triggered this bill were brought before parliament for a decision as to whether they were dealt with as contempt or prosecuted.

In fact, this is a done deal because, today, Labor has the numbers. As a result, it will walk with impunity down a very ugly path. However, the nature of things is such that sooner or later they will be on the opposition benches, and no doubt they will take a different view then. I oppose this bill.