



Speech by

**Ted Malone**

**MEMBER FOR MIRANI**

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## **CRIMINAL CODE AMENDMENT BILL**

**Mr MALONE** (Mirani—NPA) (8.17 pm): I rise to speak in the debate on the Criminal Code Amendment Bill. I have a great deal of concern, as other speakers on this side of the House have. I will go over some very basic issues. As we represent our electorates we always strive to be accountable. That is the fundamental for being a member of parliament. The greatest thing we as members of parliament cherish and hold dear is our credibility.

I am just wondering how we can go back to our electorates and answer the questions that will be asked of us. We will be asked how we were able to pass through this parliament legislation that allows members of parliament to sit before a committee and not necessarily tell the truth. That is a fact. That is exactly what this is about. The reality is that that is what we are talking about. Those opposite can go on with the fancy legalistic arguments in this House but they will not cut it with the general public. They will not cut it in our electorates.

Most members would say that most of our constituents would say that members of parliament lie, anyway. I have to assure members that there are people across-the-board who look up to members of parliament. They understand that we are doing a difficult job and most times under extreme circumstances. We all have people come into our offices from time to time who are at the very end of their tether. They rely on us to give them support and head them in the right direction. I believe that this bill will make things even more difficult.

I believe that we will lessen our credibility very substantially by passing this bill. We will make our job far more difficult. There is no doubt that members on the other side of the House will come out with some fancy press releases et cetera that indicate that this is no different to any other jurisdiction throughout Australia, but the fact remains that the Queensland parliament is far different to any other state parliament or the federal parliament for that matter.

Queensland really does not have any accountable mechanisms in this parliament in terms of a Senate or an upper house to question the decisions of the government. In actual fact, the committee system itself is flawed because the committees are made up of four members of the government and only three members of the opposition. So at the end of a day if a vote is taken in a committee, as happens from time to time, the government will always win the argument.

I can remember when we set up the committee system in the Queensland parliament in 1994. There was a lot of contention at that stage about whether the system was going to work. The reality was that it did not matter so much what the departments or the ministers said because, at the end of the day, if there was a debate or if the process was questioned, the government ultimately had its way.

I can remember some of the estimates committees that I sat on in that first year. Indeed, in most cases, the truth was not necessarily a big part of the answer with some ministers. Answers were certainly given, but they were not necessarily answers to the questions. The answers were very rambling and convoluted and did not necessarily relate to the questions put by the committee. That was the accepted way in those days of getting through the committee process.

I have to say that the committee system has become a bit more focused nowadays. Indeed, I have gone from being very sceptical to thinking now that it is an effective way of questioning the departmental process and it is a fairly effective mechanism even for the ministers to understand what is happening within their own departments.

If we are going to have a process where ministers can deliberately misrepresent the truth when giving evidence to committee hearings—which will happen—there is little point in continuing with the committee process. The reality is that if the committee reports that come out do not necessarily bear any resemblance to the truth of what is happening within the department, what is the point of having a very expensive committee process? We really are taking a backwards step, and passing this legislation really does reflect on all of us.

The member for Nicklin made a very passionate speech about what he would like to happen if the opposition were to gain government. I can assure him, as others would, that accountability and credibility are a big part of being a member of the Queensland parliament, and we would inevitably do the right thing if we were in that position.

The issue of freedom of speech and being able to robustly represent our electorate in this place is a very important part of being a member of the Queensland parliament, but that has got nothing whatsoever to do with the legislation we are putting before the House. There is no reason why we cannot have robust debates in this place or why answers to questions without notice should be stifled. This legislation will not change that. As has been said on almost a daily basis, the position we had before this legislation allowed ministers to answer in the way they saw fit. So this legislation will not stifle the debate. We are not ensuring that ministers are able to embellish the truth when they answer the questions in the parliament every morning. But the reality is that we are changing the fundamental way in which we handle our estimates committees and the committees of the parliament. I believe that is a shame; I really do.

This legislation we are passing will reflect on all of us, not only those on the other side of the House. The public are reasonably apathetic and I suspect that, with all the goings-on in the media right now, the government hopes this legislation will slip through without too much media attention. But there are people in our electorates who do read *Hansard* and who do listen to reports that come out of this parliament, and they would be absolutely horrified to think that we are passing legislation that allows ministers and members of the executive to not necessarily tell the truth in a committee hearing.

I can expand even further, even though I have not done a lot of research on this bit. The reality is when we place a question on notice in this place, is it absolutely necessary that that will have to be answered truthfully? When we ask questions on notice pre committee, have the answers got to be strictly legit and in accordance with all the protocols? I have to say that there are not too many speakers on the government side of the House tonight to defend those positions.

At one stage, we had a fairly tumultuous period in the Queensland parliament where we saw ministers in the National Party actually go to jail for misrepresentation. The member for Murrumba mentioned the liabilities that arise when coming to this place. I can tell members that 20 years ago people went to jail because they came to this place, and they served a jail term. It was not necessarily because they did something wrong; it was because when a new government came into this place they changed the rules. That is a whole different ball game to what is happening here tonight, but I have to assure members that there is a longstanding convention in this parliament that credibility is everything, and we have to maintain that.

As I said before, I believe we will go backwards, and irreversibly so, when this legislation is passed. It really is a shame that there are no more government members to try to defend the government's position tonight. With those few words, I oppose the legislation.