



Speech by

Andrew Powell

MEMBER FOR GLASS HOUSE

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CRIMINAL CODE (HONESTY AND INTEGRITY IN PARLIAMENT) AMENDMENT BILL

Mr POWELL (Glass House—LNP) (8.05 pm): I rise to contribute to the debate on the Criminal Code (Honesty and Integrity in Parliament) Amendment Bill. Many of my colleagues have already addressed—and many more will—the specific ramifications and examples of the abuse of relevant clauses of the current Criminal Code. I would like to focus more on the broader social consequences and the implications of having one rule for parliamentarians and one rule for the broader public.

Taryn, my wife, and I work extremely hard to ensure that our children are growing up fully appreciating the negative consequences of giving false evidence. We are using the experiences of our own childhoods in trying to instil the traits of honesty and integrity in our children. My parents certainly taught me. I understood that when I knowingly gave false evidence to them I was punished. On one particular occasion the punishment dispensed by my parents was quite substantial, and rightly so; the crime was quite significant and compounded by the fact that I knowingly gave false evidence. But I learned my lesson.

I must admit that I was somewhat gobsmacked to discover that knowingly giving false evidence in this esteemed House is not treated as the crime it is. Intrigued, I went in search of the justification for the introduction of this baffling piece of legislation which was introduced back in 2006. I refer to the explanatory notes for the Criminal Code Amendment Bill 2006. The notes state—

Section 57 of the Criminal Code provides that any person who knowingly gives false evidence, in the course of an examination before the Legislative Assembly or a committee of the Legislative Assembly, is guilty of a crime and is liable to seven years imprisonment.

The Parliament of Queensland Act 2001 provides that the same behaviour is contempt of Parliament, to be dealt with by the Parliament. The confusion caused by these contradictory processes needs to be rectified.

Section 57 of the Criminal Code is also inconsistent with the fundamental tenet of the Westminster system, embodied in section 8 of the Parliament of Queensland Act 2001, that debates or proceedings in Parliament can not be impeached or questioned in any court or place out of the Parliament. A criminal provision such as section 57, which allows the possibility of the prosecution of a Member for what the Member says in the House, is inconsistent with the principle established by Article 9 of the Bill of Rights (1688).

So there is a discrepancy between the Criminal Code and the Parliament of Queensland Act. Let us see how we overcame that, and again I refer to the 2006 explanatory notes. They state—

The Bill repeals section 57 of the Criminal Code to ensure that the principle inherent in Article 9 of the Bill of Rights (1688) is preserved and reinforced. For Members, this will bring Queensland into line with the position in the House of Commons, the Commonwealth Houses of Parliament and the Parliaments of other States and Territories. For non-Members, the position will be the same as for the Commonwealth Houses of Parliament.

Members and non-Members will remain liable to be dealt with for contempt of Parliament under the Parliament of Queensland Act 2001.

There is a novel approach: the 2006 amendments were justified on the basis that there was confusion between the Criminal Code and the Parliament of Queensland Act. So what do we do? We dumb down the Criminal Code so the parliamentarians are treated differently from the broader community. I thought this was a Smart State. I thought the idea was to smarten up, not dumb down. Quite frankly, I do not care if the House of Commons, the Commonwealth and other states have these amendments in the Criminal Code. Let us set a new benchmark.

To knowingly give false evidence is a crime, and it is time we were treated the same as any other Queenslander, which is why I support this bill. As the Leader of the Opposition said in his second reading speech—

This Bill makes it clear that any member in this House and anyone else appearing before it, if you deliberately provide false evidence to parliament or one of its committees you commit a crime.

The Leader of the Opposition continued—

It's now up to this Premier and her Government to support this Bill and show that they too will not tolerate providing false evidence to parliament by its members and the only way to show real honesty and integrity is to support this Bill.

The Leader of the Opposition concluded, and I concur—

This is a test of honesty, a step closer to restoring faith in the process of parliament and a vital step to proving to the people of Queensland the truth truly does exist in parliament.

At the end of the day, how could I look my constituents in the eye knowing that I would not be punished in the same way they would be if I knowingly gave false evidence? How could I look my family and friends in the eye? How could I look at my wife, my sons and my daughters knowing that they would be treated differently from me? It is simply not good enough. It is time to get smart, set a new benchmark and restore honesty and integrity to this fine establishment. I commend the bill to the House.