



Speech by

Lawrence Springborg

MEMBER FOR SOUTHERN DOWNS

Hansard Wednesday, 7 October 2009

CRIMINAL CODE (HONESTY AND INTEGRITY IN PARLIAMENT) AMENDMENT BILL

Mr SPRINGBORG (Southern Downs—LNP) (Deputy Leader of the Opposition) (8.34 pm): The last time I looked at the record of who comprised the courts of Queensland, I saw that they were made up of mortals. They were not made up of supernatural individuals. From time immemorial, ever since human beings have established courts, those courts have been adjudicated by mortals. I am not quite sure which planet the honourable member who spoke before me is on when he talks about supernaturals. Maybe he has been watching too many supernatural programs on television and has not been gravitating very much towards earth when it comes to understanding the proposition before the parliament today.

It might be wise to consider why we are debating this issue today. This has happened because of the confluence of circumstances that is an appalling indictment and nothing but a dark stain on public administration by the Labor Party in Queensland in recent times. It goes back to 2005 when the then Minister for Health, Gordon Nuttall, was called before the parliamentary estimates committee, as all ministers are, and was asked repeatedly by the shadow minister if he was aware of any issues with regard to the lack of qualifications of overseas trained doctors.

An opposition member: Again and again and again.

Mr SPRINGBORG: He was asked again and again and again. Indeed, I understand that he was asked on more than a dozen occasions. In addition to being asked the question on more than a dozen occasions, it was also pointed out to him that section 57 of the Criminal Code contained a criminal penalty that could apply if he provided deliberately false evidence before a parliamentary committee. Notwithstanding that particular fact, then Minister Gordon Nuttall continued with the proposition that he was not aware that there were any particular issues.

We also saw the extraordinary set of circumstances where a senior departmental officer—indeed, I believe it was the deputy director-general or the director-general—was asked if the information or evidence given by the minister was correct and he said that it was not and that the minister had been briefed on the issue. He said that the then minister was aware of problems and had been briefed on issues with regard to the lack of qualifications of certain overseas trained doctors. Despite that direct contradiction, the member of parliament continued with the false proposition that he was unaware of it, even though it was brought to his attention over and over and over again that he could have been contravening then section 57 of the Queensland Criminal Code.

Therefore, let us not hear any more nonsense from members opposite about this being some sort of misadventure for a member of parliament who was ill informed or that it was a misadventure for a member of parliament who made some sort of slip that was not calculated. This was a deliberating misleading. Indeed, it was a lying to the parliamentary estimates committee that was investigating the health department's estimates.

Earlier on we saw a disgraceful performance by the Attorney-General. He sought to portray this section of the Criminal Code, which was taken out by the Labor Party and is to be brought back in if we pass this bill tonight, as some sort of antiquated proposition. In many ways the father of the current

Australian Constitution was Sir Samuel Griffith. He was one of the pre-eminent legal minds of his time. He was a Chief Justice and an Attorney-General.

Mr Cripps: He was the first Chief Justice.

Mr SPRINGBORG: As the honourable member for Hinchinbrook said, he was the first Chief Justice and a Premier of Queensland. He has been acknowledged as making significant contributions to the development of the Australian Constitution, which still stands today. Many sections of that document were put forward by that honourable gentleman. That was the nature of the man. This is the person who wrote the Queensland Criminal Code, which has stood the test of time and which has not been amended very greatly since it was written and adopted by the Queensland parliament over 100 years ago. This is a person who has stood the test of time in an intellectual and a legal context—more so than any other person who has sought to stand in his shoes since then.

We have also heard a proposition tonight by the Attorney-General that former deputy premier Joan Sheldon was found to have deliberately misled the parliament. That is not true. Whoever wrote that in his speech has misled him, and I hope he has not deliberately misled this parliament. The former deputy premier was found to have inadvertently misled this parliament, as had the opposition leader of the time, Peter Beattie, and other members of parliament. The Members' Ethics and Parliamentary Privileges Committee simply advised that member that they should do the right thing and correct the record and actually apologise for inadvertently providing that information to the parliament which they may have believed to be true but was indeed not true. There is a very big difference between that and the proposition that somebody deliberately and maliciously in a most calculating way misled the parliament.

One member has been found to have deliberately misled the parliament and that is a former member for Ipswich West, Jack Paff. Very few people have been found to have deliberately misled a parliament in the Westminster system. Mr Paff was one of those and the parliament dealt with him. However, there is no correlation between what happened in that case with Mr Paff and what happened with Gordon Nuttall. In that case we saw the Labor Party of the time adjudicate on one of its own. It circumvented the normal process of this parliament and snuffed out the opportunity for the MEPPC to adjudicate the truth of the proposition which was put forward by the former member for Sandgate, Gordon Nuttall.

The Labor Party knew that he was guilty. It did not want to expose him, so it sought to exonerate one of its own in the most appalling display of partisanship and circumvention of that particular committee that we have seen in recent times in this parliament. Who knows what would have happened if that committee had the opportunity to adjudicate the facts of the matter and to deliberate? Who knows what sort of penalty it might have been able to impose upon that member of parliament? Members should keep in mind that the then member for Ipswich West, Mr Paff, was suspended from this parliament for 21 days.

That is why we cannot trust the Labor Party. We cannot trust the Labor Party to do the right thing by this parliament. As far as the Labor Party is concerned, it will always hold blood above principle; that is, it always holds its blood brothers above principle. That is protection of blood above principle. If it were interested in principle it would have let the MEPPC do its job—if it had wanted to properly deal with it as parliamentary contempt. That is if we believe in its proposition that it was not for an external agency such as the DPP or the courts of Queensland to adjudicate this matter. Rather than judge it itself and exonerate its mate, it should have let the MEPPC deal with the matter. However, it did not do that and therein lies the problem. When it comes to partisanship and protection of its own, the Labor Party will always revert to type. It is fundamentally in its DNA.

The honourable member for Murrumba also put forward another extraordinary proposition—that is, that the judges of Queensland are appointed depending upon the partisanship and the way that the government of the day sees the issues of the day. What an appalling indictment on the independence of the judiciary. What an appalling indictment of not only him as a former Attorney-General but other Attorneys in this parliament. I have never heard a proposition quite like that.

The other thing he said is: who are these people to adjudicate the truth or otherwise of what somebody has actually said? Our courts do it on a regular basis. They actually empanel jurors to look at the charge of perjury. Do honourable members know what perjury is all about? It is about telling a lie to a court. So we actually trust a panel of our peers—jurors—to make a decision on whether somebody has lied or not. With regard to that particular circumstance, does the honourable member lack confidence in courts to be able to do that? We are saying that the courts have done that all the time, but this government does not have confidence with regard to that. We certainly cannot have confidence in this government to come into this place and to properly deal with the matters at hand. Otherwise it would have referred this issue to the Members' Ethics and Parliamentary Privileges Committee rather than exonerate one of its own.

It is very important that this legislation is passed tonight because it reinstates an essential provision of the Queensland Criminal Code. It is one which has stood the test of time, one which was developed by a pre-eminent legal mind—one of the great legal scholars of Australian history—and one which should be reinstated. As other members have said, this is a unicameral parliament. It is unique. We need to restore the reputation of our parliament, trust and integrity. These provisions will go a long way towards doing that.