



Speech by

**Hon. Jarrod Bleijie**

**MEMBER FOR KAWANA**

Hansard Tuesday, 19 June 2012

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## **CRIMINAL LAW (FALSE EVIDENCE BEFORE PARLIAMENT) AMENDMENT BILL**

### **Introduction**

 **Hon. JP BLEIJIE** (Kawana—LNP) (Attorney-General and Minister for Justice) (2.30 pm): I present a bill for an act to amend the Criminal Code and the Parliament of Queensland Act 2001 for particular purposes. I table the bill and the explanatory notes. I nominate the Legal Affairs and Community Safety Committee to consider the bill.

*Tabled paper:* Criminal Law (False Evidence Before Parliament) Amendment Bill [347].

*Tabled paper:* Criminal Law (False Evidence Before Parliament) Amendment Bill, explanatory notes [348].

I am pleased to introduce the Criminal Law (False Evidence Before Parliament) Amendment Bill 2012. The bill fulfils the Queensland government's pre-election pledge that within our first 100 days of forming government we would make it, once again, illegal to lie to parliament—that is, that we would re-enact repealed section 57 of the Criminal Code which contained the offence of false evidence before parliament. As per the government's pre-election commitment, the drafting of these amendments commenced within the first 30 days of forming government.

This government has been clear in giving to the people of Queensland an undertaking to restore accountability in government. This is a central part of our action plan in government. This bill contributes to restoring accountability in government.

The Queensland community expects its parliamentarians to act responsibly and with the highest of integrity. This bill reintroduces the criminal offence of giving false evidence to parliament or its committees. Knowingly giving false evidence before the parliament or one of its committees is conduct cutting to the heart of parliamentary privilege and is conduct deserving of criminal sanction.

This government has pressed to restore this offence which was repealed under the previous administration. Our commitment to reintroduce this offence means that, by allowing the courts to deal with this conduct, issues of cronyism and political interference are addressed. Further, the criminal justice system is better equipped to judge the veracity of an accused's evidence while ensuring the accused is afforded full procedural fairness. The reintroduction of section 57 into the Criminal Code can only serve to enhance the reputation of our parliament. I will briefly address the specific amendments.

The bill amends the Criminal Code to reintroduce the repealed section 57 (False evidence before Parliament), with amendment, to make it an offence to knowingly give false evidence to parliament or its committees. A maximum penalty of seven years imprisonment applies.

It is acknowledged that there is a tension between an offence like section 57 and the parliamentary privilege of freedom of speech. The offence contemplated by section 57 cannot be prosecuted effectively if evidence cannot be brought before a court of the parliamentary proceeding in which the allegedly false

evidence was given. As the elements of the offence occur during the debates or proceedings of the Assembly, use of the evidence would on its face breach the law with respect to parliamentary privilege.

The amendment expressly deals with this tension. New section 57 makes it clear that parliamentary privilege of freedom of speech and debate is abrogated to the extent necessary to prosecute the person for the offence. The new provision clarifies that the offence applies to members of parliament as well as non-members.

Further, a complementary amendment to the Parliament of Queensland Act 2001 is included. This amendment is made to ensure consistency of operation within the Parliament of Queensland Act by making it plain that answers given before the Legislative Assembly are treated in the same way as answers given before a committee in terms of their admissibility in a criminal proceeding or a proceeding before the Assembly or its committees.

The Legislative Assembly will retain the right to decide whether particular conduct should be dealt with as a contempt of parliament or whether it should be prosecuted under the new offence.

The bill signifies the government's intention to bring back accountability in government. This bill reinstates the criminal offence of giving false evidence to parliament or its committees. These amendments will ensure accountability is restored to this place. I commend the bill to the House.

### **First Reading**



**Hon. JP BLEIJIE** (Kawana—LNP) (Attorney-General and Minister for Justice) (2.34 pm): I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.

### **Referral to the Legal Affairs and Community Safety Committee**

**Madam DEPUTY SPEAKER** (Mrs Cunningham): Order! In accordance with standing order 131, the bill is now referred to the Legal Affairs and Community Safety Committee.