




Speech by

Hon. Jarrod Bleijie

MEMBER FOR KAWANA

Hansard Thursday, 2 August 2012

CRIMINAL LAW (FALSE EVIDENCE BEFORE PARLIAMENT) AMENDMENT BILL

 **Hon. JP BLEIJIE** (Kawana—LNP) (Attorney-General and Minister for Justice) (12.39 pm), in reply: I thank all honourable members for their contributions to the debate on the Criminal Law (False Evidence Before Parliament) Amendment Bill 2012. In particular, I thank my colleagues on this side of the House. Before I turn to general statements about the bill and before I refer to some members' statements made during this debate, I want to lay it out honestly and deliberately what we are on about.

Mr Ruthenberg: Please do, Minister.

Mr BLEIJIE: The few Labor Party members who have spoken in this debate have said, 'We support it with reservation because of the privileges of the parliament. We would not want parliamentarians to get caught up in what they say.' Make no mistake: this is being changed because the Labor Party recalled parliament to protect one of its own. That is what we are talking about here. Labor can disguise it under the false pretence of being worried about the privileges of parliament, but this law has been in the Criminal Code for many, many years. As far as I know, one issue where it has potentially arisen was with Gordon Nuttall—a Labor Party former minister.

Make no mistake: this is not about questioning the privileges of this parliament and what members may or may not say. This legislation is fixing a piece of law that was removed to protect one of their own—Gordon Nuttall, a former minister. Reintroducing section 57 of the Criminal Code is an illustration of the government's commitment to restoring accountability in government and meeting the expectations of Queenslanders that parliamentarians act honestly, responsibly and with the highest of integrity.

The bill reintroduces the criminal charge offence of giving false evidence to parliament or its committees. The bill re-enacts repealed section 57 of the Criminal Code with amendment. Repealed section 57 contained the offence of false evidence before the parliament, with a maximum penalty of seven years imprisonment applying. A key difference between the repealed section 57 and the new section 57 is that the new section 57 makes it clear that parliamentary privilege of freedom of speech is abrogated to the extent necessary to prosecute the person for the offence.

The bill also reintroduces, with amendments that I will be moving later, repealed sections 56 and 58 of the Criminal Code. The bill also amends the Parliament of Queensland Act 2001 to ensure that answers given before the Legislative Assembly are dealt with in the same way as answers given before a committee in terms of their admissibility in certain criminal proceedings or a proceeding before the Assembly or its committee. 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. When it comes to integrity, the former Beattie-Bligh governments—

Mr Stevens: Couldn't spell it.

Mr BLEIJIE: They couldn't spell it, they don't understand it and they were certainly tainted by the Gordon Nuttall brush and the events of 2005, following which they removed section 57 of the Criminal Code to essentially legalise lying in this great place. They repealed section 57 after former health minister Gordon Nuttall deliberately misled parliamentary Estimates Committee D on 8 July 2005. I know that

members have referred to the estimates committee process where this all took place, but I would like to read the transcript because I think it shows just what went wrong and the train crash that ultimately occurred. On 8 July 2005 in the estimates we had the following—

Mr COPELAND: Minister, I refer to your statement about the process of recruiting overseas trained doctors. It was reported in the *Courier-Mail* on 30 April this year that—

Nuttall's position is that he did not know about the widely held concerns over the proficiency of overseas trained doctors streaming into Queensland, nor did he know, he says, about the worries over the lack of screening of their qualifications because he said nobody, not his Director-General, Dr Steve Buckland, his Head of Health Services, Dr John Scott, nor any of their underlings had told him. 'In all the briefings given to me when I became minister, all the briefs were by way of senior management coming in and talking to me about their issues. This issue of overseas trained doctors was never raised—never ever raised.

Minister, do you stand by that statement that you were never ever advised by your department of the issues relating to overseas trained doctors?

Mr NUTTALL: What issues are you referring to?

Mr COPELAND: About the training, the concerns over proficiencies, the registration of those doctors coming into Queensland or any of those issues regarding OTDs as you were quoted as saying?

Mr NUTTALL: I stand by the statement I made.

Mr COPELAND: You were never ever briefed?

Mr NUTTALL: I stand by the statement I made.

Mr COPELAND: Minister, could I ask Dr Buckland and Dr Scott whether they agree that you were never ever briefed on the issues of OTDs?

Mr NUTTALL: I am happy for them to answer that, but let us get it very clear when we talk about the issues of overseas trained doctors. The question is around the competency of overseas trained doctors. Is that what you are getting at?

Mr COPELAND: Widely held concerns about the proficiencies of overseas trained doctors, which is what you said. There has been a whole range of issues that have been raised over the proficiencies of overseas trained doctors for 18 months, and you said that you were never ever briefed about any of those widely held concerns.

Mr NUTTALL: I will let Dr Buckland answer and Dr Scott can answer.

Dr Scott: Certainly, my understanding is that in discussions that I had had with the minister's office and with the minister in the past, either on the basis of one to one or in concert with other officers of Queensland Health, the issues had been raised. But I think also that there have been other meetings in the past with outside agencies like the AMA or the Rural Doctors where I understood that those issues had been raised as well.

The circus continues a little further and then Mr Nuttall says—

The issue around the competencies of overseas trained doctors was never brought to my attention. It was never brought to my attention that there were problems around the competencies of overseas trained doctors by anyone, and, as I said to you, I stand by that statement.

Mr COPELAND: Thank you, Minister. Dr Scott has just said that his belief was that they indeed were raised with you.

Mr NUTTALL: And I am telling you they were not.

Mr COPELAND: Could we perhaps get Dr Buckland to clarify the position? Yes or no, Minister? That is all we need.

Mr NUTTALL: I do not quite understand what you are trying to get at here.

Mr COPELAND: I think it is a very important issue—that you have publicly criticised—

Mr NUTTALL: And where is this in the estimates? I have tried to clarify it with you, but I am trying to come to grips with where this is in terms of the estimates that we are trying to address, or are you trying to run a parallel inquiry to Commissioner Morris?

It then got a bit hot and contested. I think they had to take a morning-tea break. After morning tea the show continued. There was then another page of statements and then Mr Nuttall says—

I am glad we have clarified that. Because what you have got there and what you have said there is this: the article referred to by you this morning appeared in the *Courier-Mail* earlier this year following issues in Bundaberg being raised publicly. That is where it initially came from. My comments in that article related to the situation at the Bundaberg Base Hospital, although they were reported in a broader fashion ... I want to make it very clear—very clear—at no stage was I briefed about the competency of any overseas trained doctor at the Bundaberg Base Hospital and, as I outlined today, I stand by these comments. If you look at that article it says 'when I first became minister'. If you ever reach the dizzy heights of being a minister, what will happen to you is that your new department will brief you—give you briefings on all areas of your department.

...

Mr COPELAND: Well—

Mr NUTTALL: That is right, that is what it says.

Mr COPELAND: Minister, you have just said two different things.

Mr NUTTALL: No, I did not.

Mr COPELAND: You did. In the context of that quotation—which was reported more broadly than you actually said—you said that you were not briefed about overseas trained doctors at Bundaberg Base Hospital and that that is what the quotation pertains to. You have now just said again, reiterating what you said earlier, that the issue of OTDs was never raised with you.

Mr NUTTALL: Listen to what I said.

Mr COPELAND: I am trying my best, Minister. It would be very easy to clarify it if you would allow Dr Buckland to answer.

Mr NUTTALL: If you are prepared to listen you will understand. What I said in that article, and you quoted it, is that when I became the minister—is that what it says?

It is quite confusing, isn't it? I do not know where Mr Nuttall was going with all of this. They then continued—

Mr COPELAND: It says that when you became the minister, in all the briefings given to you—

Mr NUTTALL: That is right.

Mr COPELAND: In all the briefings—

Mr NUTTALL: That is right. So when you become the minister—

Mr COPELAND: So when did the briefings stop after you became minister?

This is where this circus came from. What happened then is of course that complaints were made. The CMC investigated the allegations of misrepresentation and of knowingly misleading the committee, and the CMC recommended through the prosecutors to the Attorney-General at the time that a prosecution should take place.

So as the Attorney was sitting in her office looking at this brief and wondering what was going to happen to Mr Nuttall, the Premier at the time recalled parliament. The Labor Party was thinking, 'Let us not be judged. Let our ministers not be judged by what they say or if they potentially mislead parliament. Let us just change the Criminal Code so he gets off.' There was a real chance that Mr Nuttall would have been prosecuted under section 57 of the Criminal Code, but do you know what happened, honourable members? When the prosecution either looked at it or decided to prosecute, they had nothing to prosecute Mr Nuttall under because the Labor Party had repealed section 57. Although the evidence was there and the prosecutors were ready, they could not prosecute Mr Nuttall because the Labor Party took elements of the prosecution out of the Criminal Code so therefore he could not be prosecuted. If you applied it to any provision in the Criminal Code—like stalking, harassment or any of those provisions—it is exactly the same. If a Labor Party member was up on that sort of charge, the Labor Party would come in here and take it out of the Criminal Code to let one of their own off. That is not how you treat the Criminal Code in Queensland. That is not how you treat the people of Queensland. You cannot stand up and say that your government is all about integrity and accountability when you proceed down that path.

I have outlined essentially the history of what the CMC said in their report concerning Mr Nuttall being referred to parliament. It was clear that Labor demonstrated by their actions a complete and absolute contempt for this parliament by recalling the parliament on that fateful day and rushing through the repeal of section 57 on the night that the Beaconsfield miners were rescued. When the Criminal Code Amendment Bill was introduced by the former Labor Attorney-General, Linda Lavarch, and was passed on 26 May 2006, some sat in this place and did not speak against it but voted for it. Some who sat in this place then are still in this place today serving in the opposition but they did not speak against this, which shows a complete contempt.

Mr Stevens interjected.

Mr BLEIJIE: I will take the interjection from the honourable Manager of Government Business. I can recall debates we had trying to get this through when we were in opposition, and I can recall the statements made by the former premiers Peter Beattie and Anna Bligh and the glowing character references they gave to Mr Nuttall when they recalled parliament. If the new members do not know, parliament was not due to sit but they created a special session of parliament to get Gordon Nuttall off potential charges and prosecution under former section 57 of the Criminal Code. That is not what we are elected to do. That is not what legislators are elected to do—to make laws to suit our friends or to make sure that our friends cannot be prosecuted.

The LNP are well on the way to restoring accountability and integrity into Queensland politics. We cannot restore accountability and integrity with a little green paper or a little white paper, like Anna Bligh tried to do; we need to show actions. You cannot just expect the Queensland voters to think you believe in integrity and accountability; you have to show it by your actions. The Labor Party certainly had many actions but they were not the actions of integrity, accountability, openness and transparency. I am glad the

LNP government is on the way to showing a new level of accountability and integrity in Queensland with the reintroduction of section 57 of the Criminal Code.

As I outlined in my second reading speech, I intend to move a number of amendments to the bill to implement recommendations 1, 3 and 4 of the Legal Affairs and Community Safety Committee. Amendments will be made to reinsert into the Criminal Code contemporary versions of repealed sections 56 and 58. Repealed section 56 prohibited persons from disturbing the legislature. Repealed section 58 applied to witnesses refusing to attend or give evidence before the parliament or a parliamentary committee. New section 56, 'Disturbing the legislature', will in effect reinsert the repealed section but with minor drafting changes to the language of the original section to reflect modern drafting practices. When we talk about section 56, we are talking about people who attend when parliament is sitting. We note the gallery is empty but it has been full on occasions recently.

Ms Palaszczuk: No-one here to listen to you? What a disappointment.

Mr BLEIJIE: I take the interjection from the Leader of the Opposition. The public may not be up in the gallery listening to me but they are certainly online in their workplaces watching the parliamentary proceedings. I tell the shadow Attorney one thing: we do not stack the public gallery, we do not incite the public gallery for fear or favour and we do not crank them up. We do not sit up in the public gallery inciting the hatred that is shown to politicians. We respect the public's right to be able to sit in that gallery and remain silent as debate occurs on the floor of this chamber. I cannot remember a time in history when any Liberal National Party member sat in that gallery and incited the hatred that we saw a few weeks ago—because we respect the right for the public to protest but not in this place.

When the Clerk of the Parliament put in a very, very well written submission to the committee, I looked at it and I made the call that we should reintroduce section 56. The behaviour we saw in the parliament a few weeks ago drew criticism from this side of the place but a happy face from one person opposite, the member for South Brisbane. As people were being ejected from this chamber, all the member for South Brisbane could do was smile and laugh because what she had set out to achieve had happened—the people got thrown out. The member for South Brisbane has talked about Fitzgerald and Joh Bjelke-Petersen—

Ms TRAD: Mr Deputy Speaker, I rise on a point of order. He is making accusations—

Mr BLEIJIE: Oh, you should know all about that.

Mr DEPUTY SPEAKER (Dr Robinson): Order! Attorney-General, I will hear the point of order.

Ms TRAD: I find the statements the Attorney-General made offensive and I ask that they be withdrawn.

Mr DEPUTY SPEAKER: Attorney, you have been asked to withdraw those statements. It would help the House if they could be withdrawn.

Mr BLEIJIE: Mr Deputy Speaker, I withdraw the comments. One of the funniest things I have heard in this place is the member for South Brisbane saying that she is offended by comments, because as we saw today she can dish it out but she cannot cop it. The member for South Brisbane is like a chess board over there—she is like the knight behind waiting to take out the pawn in front to move forward.

Mr DEPUTY SPEAKER: Attorney-General, could you adjourn the debate?

Mr BLEIJIE: Mr Deputy Speaker, I was on fire!

 **Hon. JP BLEIJIE (Kawana—LNP) (Attorney-General and Minister for Justice) (4.01 pm),** continuing in reply: Thank you, Madam Deputy Speaker.

Mr Johnson: Do you remember where you were up to?

Mr BLEIJIE: Who said that? I thank the member for Gregory for asking, by way of interjection, if I remember where I was up to. I recall—

Mr Johnson: I'll remind you.

Mr BLEIJIE: I will seek a bit of reminding because I recall I was in full flight about the member for South Brisbane. I think that is always a good place to start when one is on their feet in this place. Perhaps we could start where we left off a couple of hours ago. I was talking about the member for South Brisbane, particularly in relation to the reintroduction of section 56 of the Criminal Code to which I will be moving amendments. Section 56 deals with disobedience in the public gallery when parliament is in session. The reinstatement of this section will allow it to again be a criminal offence under the Criminal Code. I was using the example that we saw a few weeks ago in this chamber during debate on the amendments to the civil partnerships legislation with respect to the behaviour of people in the gallery. Most of us, apart from one in the chamber, thought it was absurd behaviour.

Mr Hart: Is there a penalty for inciting it?

Mr BLEIJIE: There is no penalty for inciting it, but there certainly—

Ms Trad: Who incited it?

Mr BLEIJIE: I will tell the member for South Brisbane who incited it. The member for South Brisbane incited the behaviour in the gallery a few weeks ago.

Ms TRAD: I rise to a point of order. I find the remarks offensive and untrue and I ask they be withdrawn without qualification.

Madam DEPUTY SPEAKER (Miss Barton): Order! Would the Attorney-General please withdraw without qualification for the benefit of the House?

Mr BLEIJIE: For the benefit of the House I withdraw. With respect to section 57, I would point out that, in her contribution to the debate, the opposition leader and honourable shadow Attorney-General said that ministers will use this new law as an excuse not to answer questions. I think that is what she said. The examination under section 57 is not meant to capture everyday workings of the parliament. However, if the Leader of the Opposition is suggesting that it should, then the member for South Brisbane would be found to be breaching that provision every time she pledged allegiance to the Leader of the Opposition. From time to time members do pledge allegiance to their leaders. The 78 of us on this side pledge allegiance to the Hon. Campbell Newman. If the shadow Attorney-General is suggesting that I ought to change it so as not to bring into line general debate in the House, then every time the member for South Brisbane stands on her feet or says in the party room on level 9 that she supports the member for Inala in her quest to be Premier of the state she would be in breach and it would number many, many times. I am reminded from whence we came at lunchtime—in fact, this is where I did leave off. I was talking about the game of chess with the seven on the board opposite and the member for South Brisbane sitting in the back there like one of the knights or one of the other—

Mr Johnson: Do you know what she said? Checkmate!

Mr BLEIJIE: The knight stands at the back there and says, 'Checkmate'. Who does she have in line? Not the king or the queen, but the little pawn in the front, the Leader of the Opposition, the member for Inala, who we know is on a very short leash. We know that Anthony Chisholm and the Labor Party put the member for South Brisbane in there for one purpose only—and she claps with laughter. I think she is clapping in agreement because the member for South Brisbane cannot come into this place and try to hide her ambitions with laughter and joy. We know what is going on here.

For the benefit of the shadow Attorney-General, who has just joined us, I was responding to her questioning about section 57. The opposition leader should be listening to this because I am responding directly to her question that she asked me. If she wants it to capture everyday discussion in the parliament, as I said, the member for South Brisbane would at times breach that trust and allegiance that she swears to the Leader of the Opposition. That is in direct response to the Leader of the Opposition.

I do not want to know what people think about me; I want to know what the real opposition leader—the one sitting behind her in the white jacket—thinks about her. The member for South Brisbane can stand with the jug of water and fight all she wants, but the reality is that she is here for one purpose only and that is to take over the position of the Leader of the Opposition in this parliament. We saw it yesterday when we found out that the *Courier-Mail* had approached the 'star attraction' for a profile piece. One would think it would be the Leader of the Opposition but, no, it is the insignificant member for South Brisbane. She gets a full-page spread in the *Courier-Mail* because we know her ambitions and so does the *Courier-Mail*. A little birdie told me that not only did the *Courier-Mail* want to do a profile piece on the member for South Brisbane, but has anybody noticed that *Party Games* on the ABC on a Friday has gone? It has gone because they had so many complaints about the Leader of the Opposition, the member for Inala. Not only did the public complain about the member for Inala and her performance on *Party Games*, but they also wanted a replacement—none other than the member for South Brisbane. The ABC wanted *Party Games* between the government and the insignificant member for South Brisbane, not the Leader of the Opposition.

What we have is a whole campaign, like the Labor Party Peel Street campaign that we see time and time again led by Chisholm and Trad opposite, all for the benefit of that seat in front of her, just as the knight comes forward and checkmates the little pawn in the front row. That is what is happening here. The member for South Brisbane—

Mr Byrne: Return to the bill.

Mr BLEIJIE: I am talking about the bill. I am talking about integrity, ethics, accountability, openness and transparency. I am being as open, honest and transparent as I can with respect to the seven opposite. The member for Rockhampton—I see him laughing now—knows that one day he is going to have to support the member for South Brisbane in her—

Mr Springborg: Deputy leader.

Mr BLEIJIE: He might be the deputy leader. I take the interjection because it certainly will not be the member for Woodridge, it certainly will not be the member for Mulgrave and it certainly will not be the member for Bundamba based on her performances in parliament during the last week. Certainly the member for Rockhampton may just have to do the deal with the member for South Brisbane.

I thank the committee chair, the member for Condamine, Mr Ray Hopper, for his diligence in carrying out his duties with respect to this committee report. I think this bill represents a good opportunity for Queensland.

Mr Johnson: For honest Queenslanders.

Mr BLEIJIE: I take the interjection. Honest Queenslanders would not stand for what the Labor Party did. The member for South Brisbane was not a member of this place, but I suspect that she was in a high-profile spot in the Labor Party in Peel Street, and I suspect that she knew exactly what happened when the parliament was recalled to get rid of section 57 so that Gordon Nuttall could not be prosecuted. What was her role in that?

Ms Trad: Where was I?

Mr BLEIJIE: I am asking you where you were. I am asking what role you played in the Labor Party. Did you play a role in the Labor Party in getting rid of section 57 of the Criminal Code? Was it a policy of the Labor Party?

Ms Trad: Where was I?

Mr BLEIJIE: I do not know where you were. I am asking you. I am making an assumption about where you were. Correct me if I am wrong. Where was the member for South Brisbane when this was being debated in parliament? I say to honest Queenslanders: members of the Labor Party cannot come in here and hide behind this veneer that the issue they have with respect to this bill is some parliamentary privilege that goes back in time. I will tell members what goes back in time: section 57 of the Criminal Code. That is what we are reintroducing. It is shameful that it was taken out of the Criminal Code in the first place. It has taken a Liberal National Party government, through openness, transparency and accountability, to bring it back.

I am surprised that those opposite are supporting it. They know that they can do nothing but support it because they know that the position they took at the time was wrong. They know that the position they took at the time was wrong and they have no choice but to support these amendments reintroducing section 57 into the Criminal Code. They know that it was wrong at the time. It is one of the most shameful acts in Queensland's political history. Members opposite can go back in time and mention Fitzgerald as much as they want, but all we have to mention is all of the jailed former ministers. How many former ministers are serving time in jail or have just been released from jail? The Labor Party has more jailed former ministers than the Liberal National Party ever had, and those opposite should be ashamed of themselves for supporting such legislation in the first place.