




Speech by

Tim Mulherin

MEMBER FOR MACKAY

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CRIMINAL LAW (FALSE EVIDENCE BEFORE PARLIAMENT) AMENDMENT BILL

 **Mr MULHERIN** (Mackay—ALP) (Deputy Leader of the Opposition) (12.11 pm): The Labor Party understands the intention of this bill. We understand this is primarily a symbolic gesture of goodwill and accountability from the Liberal National Party. However, we in the Labor Party also know that accountability is more than gestures, more than words, more than legislation. Accountability is first and foremost an attitude that must be internalised within individual politicians. It must also be a clear expectation from the Premier because organisational ethics are set from the top. Legislation, regulations and an impartial watchdog like the CMC are necessary but not sufficient conditions for accountability. They can investigate, uncover and prosecute breaches after the fact and they have an important deterrent effect, but they do not in and of themselves ensure accountability.

Accountability is a proper public expectation but also an individual choice. Individual politicians can even approach the Integrity Commissioner to get advice on issues of integrity and accountability. It does not just mean the bare minimum that politicians are truthful in parliament; it means that they are truthful outside of parliament. It means they do not try to hide problematic information. It means that they do not dodge questions. I worry, notwithstanding this legislation, that this new government is not living up to community expectations when it comes to accountability.

The Premier came to power presenting himself as a builder, a can-do man, and so far he has been a total failure. He and his ministers have stripped funding from incredibly important community programs like Family Planning Queensland, Sisters Inside and social housing tenancy advocacy groups. The Premier and his ministers have appointed LNP cronies to important high-paying public positions, often without due process being followed. The LNP government has sidelined the parliamentary committee process to fast-track bills through parliament. The Premier and his ministers have purposely misrepresented the Queensland economy and the government's finances for political purposes. And the LNP have sacked thousands of hardworking public sector workers with little warning.

I think it is worthwhile to dwell on the government's savage job cuts a little bit longer because they betray both a disturbingly cavalier attitude to people's lives and a breathtaking breach of faith. Prior to the election, when he wanted public servants to vote for him, the Premier was emphatic when he said, 'The Public Service has nothing to fear from me.' After the election, of course, it was a different story. The government has already sacked thousands of employees and there will be thousands more sackings to come. Losing your job, losing your income, losing your livelihood is, of course, something to rightfully fear. If the Premier had made his intentions clear before the election instead of purposely misrepresenting them, many people would have thought twice before voting for him. When it comes to public servants the Premier campaigned as Roald Dahl's big friendly giant, promising sweet dreams and continued employment. But he has governed as Freddy Krueger, delivering nightmares for Queensland's dedicated public servants. The Premier has slashed, cut and burned. It is not enough that the government has fired employees left, right and centre; they have belittled and disparaged them as well. In this chamber the Treasurer said 'that a real job is in the private sector'. In the space of just nine words the Treasurer managed to disparage

every single one of Queensland's more than 200,000 public servants. He told every single teacher, every single nurse and every single firefighter that their work does not matter. Of course, nothing could be further from the truth. Labor understands the important job these people do even if the Treasurer and the government do not.

None of these failures to live up to public expectations of accountability will be stopped or discouraged by this legislation under consideration. Section 57 of the Criminal Code will not stop the LNP saying one thing and doing another. Accountability is about more than gestures; it is about legislation. So far this government has shown no commitment to accountability in its day-to-day actions and this legislation will not change that.

I think it is worthwhile to take a look at the history of section 57 of the Criminal Code in a bit more detail and how it interacts with the primacy of parliament. The primacy of parliament was hard won and the mere fact it has existed for centuries should not make us guard it with any less zeal. When the House of Westminster passed the Bill of Rights in 1688 it included under Article 9 the provision that the freedom of speech and debates or proceedings in parliament ought not to be impeached or questioned in any court or place out of parliament. The provision does not mean that parliamentarians are unanswerable; it means that they must answer to parliament.

The government would have us believe that misleading parliament currently has no sanction, that people who do so get off scot-free. That is quite simply not the case. Currently giving false evidence to the parliament is dealt with through parliamentary mechanisms as a contempt of parliament. The government points to Gordon Nuttall, but the reality is Gordon Nuttall is proof that the system works. If it did not he would not be in prison. He has been behind bars for three years. He will not be eligible for parole for another three years. Who referred Gordon Nuttall to the CMC? It was the then Premier Peter Beattie. The previous Labor government was the most open and accountable government in Australian and Queensland history. He has also been dealt with appropriately through the provisions allowing parliament to pass judgement for contempt of its proceedings. That is why the reintroduction of section 57 of the Criminal Code is not something to be treated lightly. It is not self-evident that the existing systems are inadequate.

Section 57 of the Criminal Code is not a common provision in other comparable jurisdictions. Lying to parliament is not treated as an offence to be dealt with through the courts in the Commonwealth parliament, the New Zealand parliament or in the House of Westminster. I believe the only other jurisdiction with a corresponding provision is Western Australia. All other similar legislatures reserve the right to deal with parliamentary proceedings themselves.

We understand the motivation of this bill and we believe it is at heart a good motivation. However, we still harbour concerns that it may have unforeseen consequences, particularly given the brief period it was before the committee. Several of the submissions received complained about the short time available to them to scrutinise the bill and offer feedback. The committee also recommended that a number of other changes to the Criminal Code should be considered. I note that these have not been addressed by the government. We think that a bill which potentially significantly affects the primacy of parliament is worthy of greater consideration. I do not oppose this bill as I believe that it is ultimately well intended. I do, however, have reservations that need to be addressed by the Attorney-General. Well intentioned actions can have unintended consequences, as the government may find to its own detriment further down the track.

Accountability is fundamental to good government, and to the extent that the bill offers greater accountability I welcome it. However, in the short time this government has been in office, it has not shown a commitment to accountability befitting modern Queensland. The bill will not change the fact that thousands of Queenslanders are out of work because of this government. It will not change the fact that soon there will be many more Public Service redundancies. It will not change the fact that the Premier massively misled Queenslanders during the election campaign. Queenslanders deserve and rightfully expect accountability from their government. So far this government has shown a serious contempt for accountability. Unfortunately, despite its best intentions, this bill will not change the character of this government.