1. The Member for Surfers Paradise and then Leader of the Opposition and Shadow Minister for the Arts, Mr John-Paul Langbroek MP, introduced the Criminal Code (Honesty and Integrity in Parliament) Amendment Bill 2009 on 19 August 2009.
2. The Explanatory Notes to the Bill state the purpose of the Bill is to amend the Criminal Code to introduce the offence of giving false evidence to Parliament and the Committees of the Parliament. The *Parliament of Queensland Act 2001* is also to be amended to ensure that acts of contempt of Parliament that amount to providing false evidence are prosecuted under the Criminal Code offence.
3. The proposed new section 57 of the Criminal Code is in almost identical terms to the section 57 repealed by the *Criminal Code Amendment Act 2006*. It seeks to change the current position of the Legislative Assembly having exclusive jurisdiction to deal with a person who provides false evidence to it or to one of its committees.
4. The Bill is in similar terms to the previously introduced Private Member’s Bill Criminal Code (Truth in Parliament) Amendment Bill 2008 which failed to pass.
5. Section 57 of the Criminal Code was repealed because it was inconsistent with the fundamental tenet of the Westminster system, established by Article 9 of the *Bill of Rights 1688* and embodied in section 8 of the Parliament of Queensland Act, that debates or proceedings in Parliament cannot be impeached or questioned in any court or place out of the Parliament.
6. Constitutional history shows that the protection of the proceedings of Parliament against external interference, particularly by the Crown, was a particularly important development. A criminal provision such as section 57, which allows for the possibility of the prosecution of a Member for what the Member says in the House, is inconsistent with this important principle. The examination of the truth or falsity of statements made by an accused Member in a criminal court instead of in the House is contrary to accepted notions of parliamentary freedom of speech.
7. The absence of section 57 does not mean that Members of Parliament (and non-members) are not accountable for their actions in Parliament and for answers provided to lawful questions put to them in either the Assembly or in committee proceedings. Parliamentarians answer for their conduct in the House to the House itself and, ultimately, to the electorate. It does not mean that Members of Parliament are immune from prosecution in relation to general Criminal Code provisions, nor are they immune from civil liability in matters which fall outside the limits of parliamentary privilege.
8. Cabinet decided to oppose the Criminal Code (Honesty and Integrity in Parliament) Amendment Bill 2009.
9. Attachments
* [Criminal Code (Honesty and Integrity in Parliament) Amendment Bill 2009](Attachments/CrimCodeHIPAB09_P.pdf)
* [Explanatory Notes](Attachments/CrimCodeHIPAB09Exp_P.pdf)