

Criminal Code (Honesty and Integrity in Parliament) Amendment Bill 2009

Clause and Explanatory Notes

Introduction

In 2006 this provision of the Criminal Code was repealed for questionable reasons that subsequently lead to allowing Members of Parliament to deliberately mislead the Legislative Assembly and its Committees without fear of criminal sanction that had previously existed since the Criminal Code was drafted in 1899.

At the time the Queensland Opposition strongly opposed the move on the grounds it would undermine the integrity and standing of the Queensland Parliament.

Maintaining the highest standard of honesty and integrity in the Queensland Parliament is the corner stone of an open and accountable Government and this Bill seeks to restore that standing.

Short title of the Bill

The short title of the Bill is the *Criminal Code (Honesty and Integrity in Parliament) Amendment Bill 2009*

Objective of the Bill

The objective of the Bill is to amend the Criminal Code and Parliament of Queensland Act to introduce the offence of giving false evidence to Parliament and the Committees of the Parliament.

Reasons for the Bill

Honesty and truthfulness are expected of every politician in the Queensland Parliament. This Bill seeks to restore that honesty and truth which the people of Queensland expect and deserve.

Achievement of the Bill

The Bill will create the offence of providing false evidence to the Legislative Assembly or a committee of the Assembly. The Bill also amends the Parliament of Queensland Act 2001 to ensure that acts of contempt of parliament that amount to providing false evidence are prosecuted under the Code offence.

Estimated cost for implementation

The Bill will have no new or additional cost implications for implementation.

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Fundamental legislative principals

The drafting of this Bill has given consideration to fundamental legislative principles, which in its current form is the most appropriate way of achieving the objectives of the Bill.

Clause 1- The short title of the Bill as it may be referred to, *Criminal Code (Honesty and Integrity in Parliament) Amendment Act 2009*

Clause 2- This clause indicates that this part will amend the *Criminal Code*.

Clause 3- This clause establishes the offence of providing false evidence before the Legislative Assembly or a Committee of the Assembly. The offence can be committed an elected member or any other person. The offence is a crime and punishable by 7 years imprisonment. The clause also states that the person who commits the offence can only be arrested with a warrant. This offence cannot be proven on the uncorroborated testimony of 1 witness.

Clause 4- This clause names the Parliament of Queensland Act as being amended in Part 3 of the Bill.

Clause 5- This amendment makes it clear that when an offence against s57 of the Criminal Code is committed that would amount to contempt of Parliament, proceedings may only be commenced under the Code offence.