



Queensland

Criminal Law (False Evidence Before Parliament) Amendment Act 2012

Act No. 18 of 2012



Queensland

Criminal Law (False Evidence Before Parliament) Amendment Act 2012

Contents

| | | Page |
|---------------|---|------|
| Part 1 | Preliminary | |
| 1 | Short title | 4 |
| Part 2 | Amendment of Criminal Code | |
| 2 | Act amended | 4 |
| 2A | Insertion of new s 53 | 4 |
| | 53 Evidence of proceedings in the Assembly allowed for prosecution | 4 |
| 2B | Insertion of new s 56 | 5 |
| | 56 Disturbing the Legislature | 5 |
| 3 | Insertion of new ss 57 and 58 | 5 |
| | 57 False evidence before Parliament | 5 |
| | 58 Witness refusing to attend, answer question or produce a thing before Legislative Assembly or authorised committee | 6 |
| Part 3 | Amendment of Parliament of Queensland Act 2001 | |
| 4 | Act amended | 7 |
| 5 | Amendment of s 36 (Inadmissibility of particular events before a committee) | 7 |
| Part 4 | Amendment of Crime and Misconduct Act 2001 | |
| 6 | Act amended | 7 |
| 7 | Amendment of s 49 (Reports about complaints dealt with by the commission) | 7 |



Queensland

Criminal Law (False Evidence Before Parliament) Amendment Act 2012

Act No. 18 of 2012

**An Act to amend the Criminal Code, the Parliament of Queensland Act 2001
and the Crime and Misconduct Act 2001 for particular purposes**

[Assented to 14 August 2012]

[s 1]

The Parliament of Queensland enacts—

Part 1 Preliminary

1 Short title

This Act may be cited as the *Criminal Law (False Evidence Before Parliament) Amendment Act 2012*.

Part 2 Amendment of Criminal Code

2 Act amended

This part amends the Criminal Code.

2A Insertion of new s 53

Chapter 8, before section 54—
insert—

‘53 Evidence of proceedings in the Assembly allowed for prosecution

- ‘(1) Despite the *Parliament of Queensland Act 2001*, section 8, evidence of anything said or done during proceedings in the Assembly may be given in a proceeding against a person for an offence under this chapter to the extent necessary to prosecute the person for the offence.
- ‘(2) Subsection (1) does not limit the *Parliament of Queensland Act 2001*, section 36.
- ‘(3) In this section—
proceedings in the Assembly see the *Parliament of Queensland Act 2001*, section 9 and schedule.’

2B Insertion of new s 56

After section 55—

insert—

‘56 Disturbing the Legislature

‘(1) A person who, while the Legislative Assembly is in session, intentionally—

- (a) disturbs the Assembly; or
- (b) commits any disorderly conduct in the immediate view and presence of the Assembly, tending to interrupt its proceedings or to impair the respect due to its authority;

commits a misdemeanour.

Maximum penalty—3 years imprisonment.

‘(2) A person may be arrested without warrant.’.

3 Insertion of new ss 57 and 58

After section 56B—

insert—

‘57 False evidence before Parliament

‘(1) A person who, during an examination before the Legislative Assembly or a committee, knowingly gives a false answer to a lawful and relevant question put to the person during the examination commits a crime.

Maximum penalty—7 years imprisonment.

‘(2) A person can not be arrested without warrant.

‘(3) To remove any doubt, it is declared that a member of the Legislative Assembly does not give an answer during an examination before the Legislative Assembly only because the member answers a question during Question Time, a debate or the conduct of other daily business of the Legislative Assembly.

‘(4) A person can not be convicted of an offence under this section on the uncorroborated testimony of 1 witness.

[s 3]

‘(5) In this section—

committee see the *Parliament of Queensland Act 2001*, schedule.

person includes a member of the Legislative Assembly.

proceedings in the Assembly see the *Parliament of Queensland Act 2001*, section 9 and schedule.

‘58 Witness refusing to attend, answer question or produce a thing before Legislative Assembly or authorised committee

‘(1) A person who—

(a) fails to attend before the Legislative Assembly as required under the *Parliament of Queensland Act 2001*, section 29; or

(b) fails to attend before an authorised committee as required under the *Parliament of Queensland Act 2001*, section 30(4); or

(c) fails to answer a question asked by the Assembly, or to produce a document or other thing to the Assembly, as required under the *Parliament of Queensland Act 2001*, section 32(6); or

(d) fails to answer a question asked by an authorised committee, or to produce a document or other thing to an authorised committee, as required under the *Parliament of Queensland Act 2001*, section 33(8);

commits a misdemeanour.

Maximum penalty—2 years imprisonment.

‘(2) A person can not be convicted of an offence against subsection (1)(a) or (b) if the Assembly has excused the person for the failure mentioned in the subsection.

‘(3) In this section—

authorised committee see the *Parliament of Queensland Act 2001*, schedule.’.

[s 7]

insert—

‘(2A) If the commission decides that prosecution proceedings for an offence under the Criminal Code, section 57 should be considered, the commission must report on the investigation to the Attorney-General.’.

(2) Section 49(3), ‘subsection (2)’—

omit, insert—

‘subsection (2) or (3)’.

(3) Section 49(2A) to (4)—

renumber as section 49(3) to (5).

© State of Queensland 2012