

Annual Report

2017-2018

Report No. 180, 56th Parliament

Ethics Committee

November 2018

Ethics Committee

Chair	Mr Joe Kelly MP, Member for Greenslopes
Deputy Chair	Mr Tim Nicholls MP, Member for Clayfield
Members	Ms Nikki Boyd MP, Member for Pine Rivers Ms Leanne Linard MP, Member for Nudgee Mr Mark McArdle MP, Member for Caloundra Mr Ray Stevens MP, Member for Mermaid Beach
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1 Introduction and background

The Ethics Committee (the committee) is a statutory committee of the Queensland Parliament established under the *Parliament of Queensland Act 2001* (POQA).

The committee of the 55th Parliament was appointed by resolution of the Legislative Assembly on 27 March 2015. The 55th Parliament was dissolved on 29 October 2017 and the 56th Parliament was then appointed by resolution on 15 February 2018.

Section 108 of the POQA requires the chairperson of each parliamentary committee to table in the Legislative Assembly a report about that committee's activities during the financial year.

This report contains a summary of the activities undertaken by the Ethics Committees of the 55th and 56th Parliaments during the reporting period 1 July 2017 to 30 June 2018.

An annual report of a parliamentary committee, tabled in accordance with the POQA, must include:

- (a) a list of meetings of the committee and the names of members attending or absent from each meeting; and
- (b) a summary of issues considered by the committee, including a description of the more significant issues arising from the considerations; and
- (c) a statement of the committee's revenue and spending for the year; and
- (d) a brief description of responses by Ministers to recommendations of the committee.

2 Ethics Committee's responsibilities

The committee's areas of responsibility are set out in section 104B of the POQA as follows:

- dealing with complaints about the ethical conduct of particular members; and
- dealing with alleged breaches of parliamentary privilege by members of the Assembly and other persons.

Section 104C of the POQA provides that the committee's area of responsibility in relation to dealing with complaints about the ethical conduct of particular members is to:

- consider complaints referred to the committee about particular members failing to register particular interests; and
- consider complaints against particular members for failing to comply with the code of ethical conduct for members, report on complaints to the Assembly and recommend action by the Assembly.

A complaint about a member not complying with the code of ethical conduct for members may be considered only by the Assembly or the committee.

Pursuant to the Standing Rules and Orders of the Legislative Assembly (Standing Orders)¹, the committee also has responsibility for considering submissions referred to it by the Speaker concerning a request for a right of reply by non-members (commonly referred to as the 'citizen's right of reply').

The committee is to advise the Assembly concerning any requests for a citizen's right of reply.

¹ Standing Rules and Orders of the Legislative Assembly, Standing Orders 279 to 283.

3 Summary of issues considered by the Ethics Committees during the reporting period

Alleged breaches of parliamentary privilege

During the reporting period, the Ethics Committees of the 55th and 56th Parliaments investigated and reported on the following matters of privilege and possible contempts of parliament:

- Report No. 175 Interim Report into a Matter of Privilege related to an admitted unauthorised disclosure of committee proceedings by the Clerk of the Parliament provided by the Acting Chair of the PCCC on 27 October 2015.

On the dissolution of the 55th Parliament the Ethics Committee of that parliament was dissolved. The Ethics Committee of the 56th Parliament resolved, pursuant to section 105 of the POQA, not to continue to investigate the following matters and made statements to the House to that effect:

- Matters of Privilege related to the PCCC which the committee resolved to treat as one matter:
 - An admitted unauthorised disclosure of committee proceedings by the Clerk of the Parliament provided by the Acting Chair of the PCCC on 27 October 2015; alleged unauthorised disclosure of the letter sent by the Clerk to the PCCC and forwarded to the Ethics Committee on 26 October 2015 to outside sources by person/s unknown; alleged unauthorised disclosure of PCCC proceedings in the process of asking questions without notice and failure to comply with Standing Order 271 and a Speaker's direction regarding the same on 27 October 2015; and alleged breach of the privileges of the PCCC and Ethics Committee in rising on a matter of privilege and other points of order on 27 October 2015.
- Matter of privilege referred by the Speaker on 7 September 2017 relating to an alleged breach of security procedures.

During the reporting period, the following matters stood referred to the committee, on which the committee had not reported as at 30 June 2018:

- Matter of Privilege referred by the Speaker on 26 October 2017, relating to an allegation of deliberately misleading the house
- Matter of Privilege referred by the Speaker on 9 August 2017, relating to an allegation of deliberately misleading the House
- Matter of Privilege referred by the Speaker on 15 June 2018, relating to an allegation of a breach of the broadcast terms and conditions

Complaints relating to the Code of Ethical Standards

The *Code of Ethical Standards: Legislative Assembly of Queensland*² (the Code), as published by the former Integrity, Ethics and Parliamentary Privileges Committee, provides members with information on managing conflicts of interest and resolving ethical dilemmas and an overview of the current obligations which members are required to observe.

The Committee of the Legislative Assembly has responsibility for publishing the Code and information notices to provide guidance to members about the practical effect of Standing Orders relating to members' conduct.

The committee did not deal with any complaints relating to the Code during the reporting period.

² The Code of Ethical Standards was last amended by the Committee of the Legislative Assembly on 15 June 2018.

Complaints relating to the registration of interests

The Register of Members' Interests and Register of Related Persons' Interests are established under Standing Order 263. Schedule 2 of the Standing Orders contains the rules for the registers. Standing Orders relating to the registers and the conduct of members also form part of the Code.

The committee did not deal with any complaints relating to the Register of Members' Interests during the reporting period.

Requests for citizen's right of reply

Under the right of reply procedure, persons or corporations who are the subject of adverse comment made in Parliament that affects their reputations, are able to make a submission to have a response to those comments incorporated in the Record of Proceedings or otherwise published by the Legislative Assembly.

The committee reported on five referrals from the Speaker for citizen's right of replies during the reporting period:

- Report No. 173, Report on a Right of Reply No. 30
- Report No. 174, Report on a Right of Reply No. 31
- Report No. 177, Report on a Right of Reply No. 32
- Report No 178, Report on a Right of Reply No. 33.³
- Report No 179, Report on a Right of Reply No. 34

Ministerial responses to committee recommendations

Section 107 of the POQA provides that where a committee recommends the Government or a Minister should take particular action, or not take particular action, about an issue; or a report of the Ethics Committee recommends a motion be moved by the Assembly to implement a recommendation of the committee, the Minister responsible is required to provide the Legislative Assembly with a response.

In the case of a report of the Ethics Committee recommending a motion be moved by the Assembly to implement a recommendation of the committee, the Premier or the Premier's nominee is to provide a response.

A response tabled in accordance with section 107 must set out any recommendations to be adopted, and the way and time within which they will be carried out, and any recommendations not to be adopted and the reasons for not adopting them.

The POQA requires the Minister to table the response within three months after the report is tabled. If the Minister cannot comply with this requirement, they are required to table an interim response within three months and a final response within six months.

The committee did not table any reports containing recommendations requiring a ministerial response under section 107 of the POQA during the reporting period.

³ This referral was received on 29 June 2017 and was therefore considered during the 2017-18 reporting period.

4 Summary of activities

The following table summarises the committee's activities for the period 1 July 2017 to 30 June 2018.

Description	Total
Committee meetings	29
Privilege matters referred by the Speaker	5
Privilege matters referred by the Speaker, reported on	1
Privilege matters referred by a Committee	0
Privilege matters referred by a Committee, reported on	0
Pecuniary interests matters referred by the Registrar	0
Pecuniary interests matters referred by the Registrar, reported on	0
Citizen's right of reply received	5
Citizen's right of reply, reported on	5
Committee reports and documents tabled	7
Committee reports tabled, requiring a ministerial response	0
Ministerial responses to committee reports	0

5 Committee Travel

The committee did not undertake any travel during the reporting period.

6 Committee revenue and expenditure

The committee had a budget of \$13,723 during 2017-18. The expenditure for the period 1 July 2017 to 30 June 2018 is set out below.

Item	Expenditure
Meeting expenses	849
Technology	3,228
Communications	1,799
Printing and Supplies	831
Total	6,707

7 Meeting attendance records

The committee membership changed for various inquiries and replacement members are identified in the meeting attendance schedules set out below.

55 th Parliament		D Brown MP	C Crawford MP	L Power MP	J Seeney MP	F Simpson MP	T Watts MP
1	10.08.2017	✓	✓	✓	✓	✓	✓
2	24.08.2017	✓	✓	1	✓	X	✓
3	07.09.2017 at 1.05pm	✓	✓	✓	✓	✓	✓
4	07.09.2017 at 1.24pm	✓	✓	✓	✓	✓	✓
5	07.09.2017 at 1.30pm	✓	✓	✓	✓	✓	✓
6	07.09.2017 at 6:44pm	✓	✓	✓	✓	✓	✓
7	12.10.2017 at 1.04pm	✓	X	✓	✓	✓	X
8	12.10.2017 at 1.06pm	✓	X	✓	✓	✓	✓
9	12.10.2017 at 1.07pm	✓	X	✓	✓	✓	✓
10	12.10.2017 at 1.08pm	✓	X	✓	✓	✓	✓
11	12.10.2017 at 1.08pm	✓	✓	✓	✓	✓	✓
12	12.10.2017 at 1.09pm	✓	✓	✓	✓	✓	✓
13	12.10.2017 at 1.31pm	✓	✓	✓	✓	✓	✓
14	12.10.2017 at 2.25pm	✓	✓	✓	✓	✓	✓
15	26.10.2017 at 1.10pm	✓	✓	✓	✓	✓	✓
16	26.10.2017 at 1.11pm	✓	✓	✓	✓	✓	✓
17	26.10.2017 at 1.12pm	✓	X	✓	✓	✓	✓
18	26.10.2017 at 1.15pm	✓	✓	✓	✓	✓	✓
19	26.10.2017 at 2.02pm	✓	✓	✓	✓	✓	✓
20	26.10.2017 at 2.27pm	✓	✓	✓	✓	✓	✓

Notes

¹ 24.08.2017 Mr Jim Madden MP, attended the meeting for Mr Power

	56 th Parliament	J Kelly MP	M McArdle MP	N Boyd MP	L Linard MP	T Nicholls MP	R Stevens MP
1	08.03.18 at 1:06pm	✓	✓	✓	✓	✓	✓
2	16.03.18 at 2:33pm	✓	X	✓	✓	✓	✓
3A	22.03.18 at 1:03pm	✓	✓	✓	✓	✓	✓
3B	22.03.18 at 1:36pm	✓	✓	✓	✓	1	✓
4	03.05.18 at 1:09pm	✓	✓	✓	✓	✓	✓
5A	17.05.18 at 1:08pm	✓	✓	✓	✓	2	✓
5B	17.05.18 at 1:36pm	✓	✓	✓	✓	3	✓
6A	14.06.18 at 1:05pm	✓	✓	✓	✓	✓	✓
6B	14.06.18 at 1:22pm	✓	✓	✓	✓	1	✓

Notes

- ¹. Mr Steve Minnikin MP replaced Mr Nicholls for consideration of a particular matter
- ². Mr Jim McDonald MP substituted for Mr Nicholls
- ³. Mr Jim McDonald MP replaced Mr Minnikin as Mr Nicholls' substitute



Mr Joe Kelly MP
Chair

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