



ETHICS COMMITTEE

REPORT NO. 155

MATTER OF PRIVILEGE REFERRED BY THE SPEAKER ON 20 MAY 2014 RELATING TO AN ALLEGED INDUCEMENT OFFERED TO A MEMBER AND ASSOCIATED MATTERS

Introduction and background

- 1. The Ethics Committee (the committee) is a statutory committee of the Queensland Parliament established under section 102 of the *Parliament of Queensland Act 2001* (the POQA). The current committee was appointed by resolution of the Legislative Assembly on 27 March 2015.
- 2. The committee's area of responsibility includes 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.¹ The committee investigates and reports on matters of privilege and possible contempts of parliament referred to it by the Speaker or the House.
- 3. This report concerns an allegation by the Member for Burleigh, Mr Michael Hart MP that Mr Jim MacAnaliy (a member of the Palmer United Party) offered him an inducement to join the Palmer United Party during a telephone conversation on 9 April 2014.
- 4. This report also considers the issue of whether Mr MacAnally deliberately misled the Ethics Committee of the 54th Parliament (the former committee) during a private hearing of the committee on 11 September 2014.
- 5. On 6 January 2014, the Acting Governor dissolved, by Proclamation, the 54th Parliament of Queensland. The Ethics Committee of the 54th Parliament was also dissolved on this date.
- 6. The Ethics Committee of the 55th Parliament (the committee) was established by the Legislative Assembly on 27 March 2015. On 23 April 2015, the Ethics Committee of the 55th Parliament resolved to continue the consideration of the Member for Burleigh's allegation and associated matters, in accordance with section 105 of the POQA.

¹ Parliament of Queensland Act 2001, section 104B.

Original matter – alleged inducement offered to a member

- 7. On 6 May 2014, the Member for Burleigh raised an allegation in the House that Mr MacAnally had offered him an inducement to join the Palmer United Party during a telephone conversation on 9 April 2014. The Member for Burleigh tabled a copy of a digital audio recording and written transcript of the telephone conversation between himself and Mr MacAnally.
- 8. In accordance with Standing Order 269, the Member for Burleigh wrote to the former Speaker, the Member for Maroochydore, Hon Fiona Simpson MP (the former Speaker) on 6 May 2014 and asked her to refer the matter to the committee.
- 9. On 20 May 2014, after examining the information before her, the former Speaker referred the matter to the former committee for its consideration. The former Speaker's correspondence enclosed the Member for Burleigh's letter of 6 May 2014 and the written transcript tabled by the Member for Burleigh.
- 10. Given that the allegations made against Mr MacAnally may have also constituted a criminal offence under section 60(1)(a) of the *Criminal Code*², the former committee sought advice from the Queensland Police Service (the QPS) as to whether the QPS was also investigating the matter.
- 11. The Commissioner for Police advised that the QPS had determined that there was insufficient evidence of a criminal offence and, therefore, had decided not to prosecute the matter.
- 12. The former committee invited both parties to provide a submission to the committee. The committee received a submission from the Member for Burleigh on 18 June 2014. Mr MacAnally did not make a submission at this time.
- 13. On 7 August 2014, the former committee resolved to investigate the alleged contempt and invite Mr MacAnally to a private hearing on 11 September 2014.

Additional matter – potential deliberate misleading of a parliamentary committee

- 14. On 11 September 2014, Mr MacAnally attended a private hearing of the former committee. At the private hearing, Mr MacAnally alleged that the copy of the audio recording of the telephone conversation on 9 April 2014, which had been tabled by the Member for Burleigh, had been edited or tampered with.
- 15. The former committee invited the Member for Burleigh to a private hearing on 16 October 2014 to seek his response to Mr MacAnally's allegation. At the private hearing, the Member for Burleigh refuted Mr MacAnally's allegation.
- 16. In light of Mr MacAnally and the Member for Burleigh's evidence, the former committee requested the QPS forensically analyse the copy of the audio recording that the Member for Burleigh had tabled in the House.
- 17. On 18 December 2014, the QPS provided its final report on the forensic analysis of the recording. The QPS' final report stated that there was no evidence of removal of sections of speech or any other editing or tampering of the recorded audio or file data was identified in the file submitted for analysis.

² The Criminal Code, section 60(1)(a) provides that - Any person who in order to influence a member of the Legislative Assembly in the member's vote, opinion, judgement, or action upon any question or matter arising in the Legislative Assembly or in any committee thereof or in order to induce the member to absent himself or herself from the Assembly or from any such committee, gives, confers, or procures, or promises or offers to give or confer, or to procure or attempt to procure, any property or benefit of any kind to, upon, or for, such member, or to, upon, or for, any other person is guilty of a crime, and is liable to imprisonment for 7 years.

- 18. The results of the QPS' forensic analysis raised a suspicion that a contempt of deliberately misleading the former committee may have occurred.
- 19. The former committee invited Mr MacAnally to make a submission with respect to an allegation of contempt of deliberately misleading a Parliamentary Committee. The former committee received a submission from Mr MacAnally on 22 December 2014.

Consideration of the original matter – alleged inducement offered to a member

The referral of the original matter

20. Upon referring the original matter to the former committee, the former Speaker made the following statement in the House:

Honourable members, on 6 May 2014 the member for Burleigh rose on a matter of privilege relating to an alleged inducement offered to the member to change his party membership. Later that day I received a letter from the member in accordance with standing order 269(2). I have considered the member's correspondence.

The offering or attempting to offer an inducement to a member to achieve an outcome that affects the proceedings in the Legislative Assembly can amount to contempt. I am satisfied that there is an issue of privilege, including in accordance with section 37(2) of the Parliament of Queensland Act regarding the free performance by a member of the member's duties.

I believe the matter is sufficiently serious to be considered by the Ethics Committee. I have therefore referred the matter to the Ethics Committee and remind all members that standing order 271 now applies to this matter.³

The allegation

- 21. In his letter to the former Speaker of 6 May 2014, the Member for Burleigh stated that on 9 April 2014 he received a message that Mr MacAnally a member of the Palmer United Party had called his office about an issue in his electorate. The Member for Burleigh stated he returned Mr MacAnally's call and spoke briefly to him. Mr MacAnally then called the Member for Burleigh back on his electorate office telephone.
- 22. The Member for Burleigh placed Mr MacAnally on speakerphone and had the conversation recorded on his iPhone.
- 23. The Member for Burleigh stated that during the telephone conversation Mr MacAnally "used language I interpreted as an open ended inducement to me as a Member of Parliament to change my political allegiances." The Member for Burleigh also stated that:

Mr MacAnally clearly states that the purpose of the inducement, to have me change allegiances, is so that the Palmer United Party can have sufficient Members to become the official Opposition in Queensland.

24. The written transcript of the audio recording of the conversation, tabled by the Member for Burleigh, includes the following statement from Mr MacAnally:

Michael [the Member for Burleigh] the reason I am calling and I won't beat around the bush with you is that we only need one more State Member and we can form the opposition and um I don't want to insult you in anyway but I just thought I would give you a call um because we were been given the names of 12 people that the party is not going to endorse for the next State election and I will give those people a call and see if they are interested in coming over and join with the Palmer United and forming the Opposition. It would also give you the

³ Queensland Legislative Assembly, Record of Proceedings (Hansard), 20 May 2014, pp. 1517-1518

opportunity to run at the next state election as one of our leading candidates for the State campaign and we will support you fully, 100%, which I know that the LNP and Liberal Party don't do. They used candidates as fodder which is one of the reasons why I resigned as the Vice-President of the Liberal Party *inaudible* the seat of Gaven *inaudible* who had been preselected and they kicked him out.

Michael, I'm going to leave this with you, I understand that it is a big call for you and a big thing to do with your life but the opportunities that we could offer you are enormous – the Palmer United Party is going a long way, we are tracking up 15% of the State and we believe that is going to grow dramatically when our Senators take position on 1 July. We are going to run a Senate enquiry into the State Government of QLD to find out various things, why things are happening. It is going to be a public Senate enquiry and a lot of information is going to come out on that about various State Members in the Queensland Parliament.

So what would I have to offer you for you to come over and join the Palmer United?

25. In response, Mr Hart stated that "... quite frankly there is nothing you can offer me, mate, I am LNP through and through and I will stay there".

Definition of contempt

- 26. Section 37 of the POQA defines the meaning of 'contempt' of the Assembly as follows:
 - (1) "Contempt" of the Assembly means a breach or disobedience of the powers, rights or immunities, or a contempt, of the Assembly or its members or committees.
 - (2) Conduct, including words, is not contempt of the Assembly unless it amounts, or is intended or likely to amount, to an improper interference with—
 - (a) the free exercise by the Assembly or a committee of its authority or functions; or
 - (b) the free performance by a member of the member's duties as a member.

Nature of the contempt of bribery or offering an inducement to a member

- 27. Section 37 of the POQA provides that the House may treat as a contempt the offering of a bribe to or attempting to bribe a member.
- 28. The Standing Rules and Orders of the Legislative Assembly: Effective from 31 August 2004 (the Standing Orders) also provide that the Legislative Assembly may treat the offering or attempting to bribe a member to influence the member's conduct in respect of proceedings in the House or a committee as a contempt.⁴
- 29. Erskine May's *Treatise on the Law, Privileges, Proceedings and Usages of Parliament* discusses the nature of the contempt of bribery, as follows:

The acceptance by a Member of either House of a bribe to influence him in his conduct as a Member, or any fee, compensation or reward in connection with the promotion of or opposition to any bill, resolution, matter or thing submitted or intended to be submitted to either House, or to a committee is a contempt. Any person who is found to have offered such a corrupt consideration is also in contempt.⁵

⁴ Standing Order 266(8), Standing Rules and Orders of the Legislative Assembly, available at <u>http://www.parliament.gid.gov.au/work-of-assembly/procedures</u>

⁵ Jack, Sir Malcom (eds.), Erskine May's Treatise on the Law, Privileges, Proceedings and Usages of Parliament, 24th Edition, London, 2011, p.254.

30. David McGee, in *Parliamentary Practice in New Zealand*, states that:

To constitute a contempt, any bribe offered or received must relate to the member's conduct in respect of business before the House or a committee or business to be submitted to the House or a committee.⁶

31. The Member's Ethics and Parliamentary Privileges Committee, in its report No.74, accepted that there may be circumstances in which a member offering another member a bribe to change party status at the next election could constitute a contempt, if it could be demonstrated that the conduct amounts, or is intended or likely to amount, to an improper interference with the free performance by a member of the member's duties as a member.⁷

Establishing a prima facie case of possible contempt

- 32. The committee has established procedures for dealing with privileges references, which ensure procedural fairness and natural justice is afforded to all parties. These procedures are set out in Chapters 44 and 45 of the Standing Orders. The committee is also bound by the *Instructions to committees regarding witnesses* contained in Schedule 3 of the Standing Orders.
- 33. The committee found that it had sufficient material before it from all parties to deliberate on the matter. This material included the Member for Burleigh's correspondence to the former Speaker, the copy of the digital audio recording and written transcript of the telephone conversation between Mr MacAnally and the Member for Burleigh on 9 April 2014, the transcripts of the private hearings of the committee on 11 September 2014 and 16 October 2014, the QPS' forensic analysis of the copy of the digital audio recording and both parties written submissions to the committee.
- 34. The issues to be resolved in establishing whether the allegation, on the face of it, gives rise to a contempt are:
 - Did Mr MacAnally offer the Member for Burleigh a benefit to change his political allegiances?
 - Was any offer intended to influence the Member for Burleigh in the free performance of his duties as a member?
 - Was any offer "improper" in that it had some element of public mischief, corruption or breach of public trust?

Did Mr MacAnally offer the Member for Burleigh a benefit to change his political allegiances?

- 35. In his submission, the Member for Burleigh stated that the recorded telephone conversation with Mr MacAnally on 9 April 2014 was clearly aimed at persuading him to shift party allegiances and promote the Palmer United Party to the official opposition in the Queensland Parliament.
- 36. The Member for Burleigh stated that Mr MacAnally's telephone call made specific mention of a threat to instigate a Senate inquiry into the former State Government of Queensland and stated that "a lot of information is going to come out on various State Members". The Member for Burleigh stated that he took Mr MacAnally's comments "as a threat to my position within the Queensland Parliament."

⁶ McGee, D, *Parliamentary Practice in New Zealand*, 3rd Edition, Dunmore Publishing Ltd, Wellington, 2005, p.648.

⁷ Members' Ethics and Parliamentary Privileges Committee, Report No. 74 – Matter of Privilege Referred by the Legislative Assembly on 24 November 2005 Relating to Allegations of Electoral Bribery, April 2006.

37. The Member for Burleigh also stated that, in his mind, Mr MacAnally's statement that "we will support you fully" suggested that Mr MacAnally was offering a fully funded election campaign. In his submission, the Member for Burleigh stated that:

The tone of Mr MacAnally's question "So what would I have to offer you for you to come over and join the Palmer United" made me feel extremely uncomfortable when considered alongside point 2 [the Member for Burleigh's knowledge of Mr MacAnally's position as a senior representative of the Palmer United Party] to the stage that I didn't want to hear what the next sentence would be and moved to terminate the conversation.

I was sufficiently concerned with the tone and content of the phone call to report the matter to the police.

- 38. At the private hearing of the committee on 11 September 2014, Mr MacAnally denied that he made an offer or inducement to the Member for Burleigh to join the Palmer United Party. Mr MacAnally stated that he had made the telephone call to the Member for Burleigh because he had worked with him previously and had been informed that the member was not going to be re-endorsed by the Liberal National Party as a candidate at the next State election.
- 39. Mr MacAnally stated that:

I was making the phone call to speak to Michael Hart to see if he was interested in an opportunity to come over and work with us. I had been told he was not going to be re-endorsed at the next state election.

40. During the private hearing, Mr MacAnally accepted that he had made all of the comments in the recording; however, he alleged that the copy of the digital audio recording had been tampered with or edited by removing certain parts of the conversation. Mr MacAnally alleged that during the telephone conversation he had made comments to effect of:

Michael [the Member for Burleigh], with your experience in business and now with your experience in parliament, we've got a stack of policies to work on. What can I offer you to come over?

And

With your personal following, that'll [the assertion that the Palmer United Party' had 15 per cent support in the State] probably guarantee you that you will get elected.

- 41. Mr MacAnally alleged that these statements had been removed from the copy of the digital audio recording of the telephone conversation.
- 42. Mr MacAnally stated that his comments that "the opportunities we could offer you are enormous" was a reference to the assistance the Palmer United Party could provide to the Member for Burleigh in being re-elected, particularly given that the member was allegedly not going to be re-endorsed by his party.
- 43. Notwithstanding the fact that the alleged additional content of the telephone conversation remains disputed by the parties, the committee considered that Mr MacAnally's comments, "So what would I have to offer you for you to come over and join the Palmer United?" and "we will support you fully" are evidence that Mr MacAnally did offer the Member for Burleigh a benefit albeit unspecified to change political allegiances and join the Palmer United Party.

Was any offer intended to influence the Member for Burleigh in the free performance of his duties as a member?

44. At the private hearing on 11 September 2014, Mr MacAnally denied that he intended to influence the Member for Burleigh in the free performance of his duties as a member. In response to a question about whether he envisaged that, if the Member for Burleigh had

accepted his offer, the member would make speeches and vote in the House in accordance with the Palmer United Party's interests, Mr MacAnally stated that:

... I did not envisage that at all, keeping in mind I am making a phone call to a mate, a mate I had worked with in the past: "Michael, you're getting kicked out of the party. Why don't you come over and work with us? We'll look after you. I'll be more than happy to work with you. I've worked with you in the past.

45. The Member for Burleigh provided no evidence to the committee that the offer was intended to influence the free performance of his duties as a member in the 54th Parliament.

Was any offer "improper" in that it had some element of public mischief, corruption or breach of public trust?

- 46. While there is no evidence to support the second issue, for completeness the committee considered the third issue.
- 47. The committee acknowledged that a reality of our party political system is that approaches are made from time-to-time for members to change political allegiances and change one party for another. For such an approach to be considered improper, however, it would require some sort of public mischief or breach of public trust.
- 48. Given the lack of detailing surrounding the offer, with no pecuniary or other reward specified, the committee concluded that there was insufficient evidence that Mr MacAnally's conduct was improper in that had some element or public mischief, corruption or breach of public trust.

Consideration of the additional matter – potential deliberate misleading of a parliamentary committee

- 49. As outlined above, at the private hearing on 11 September 2014, Mr MacAnally alleged that the copy of the digital audio recording of the telephone conversation had been tampered with or edited, specifically that statements that he made during the telephone conversation had been removed from the recording.
- 50. The committee noted that Mr MacAnally's allegations were inconsistent with the evidence provided by the Member for Burleigh and the QPS' forensic analysis of the copy of the digital audio recording of the telephone conversation.
- 51. The committee considered that this inconsistency raised a suspicion that Mr MacAnally may have deliberately misled the former committee and may, therefore, have committed a contempt of Parliament.

Nature of the contempt of deliberately misleading a committee

- 52. The Standing Orders provide that the Legislative Assembly may treat deliberately misleading the House or a committee (by way of submission, statement, evidence or petition) as a contempt.⁸
- 53. There are three elements to be established when it is alleged that a member has committed the contempt of deliberately misleading a parliamentary committee:
 - firstly, the statement must, in fact, have been misleading;
 - secondly, it must be established that the member making the statement knew at the time the statement was made that it was incorrect; and
 - thirdly, in making it, the member must have intended to mislead the House.⁹

⁸ Standing Order 266(2), Standing Rules and Orders of the Legislative Assembly, available at <u>http://www.parliament.qld.gov.au/work-of-assembly/procedures</u>

- 54. The Ethics Committee of the 48th Parliament held that the term misleading is wider than 'false' or 'incorrect'. That committee considered it "...possible, although rare and unlikely, that a technically factually correct statement could also be misleading..." by, for example, the deliberate omission of relevant information.¹⁰
- 55. The Code of Ethical Standards: Legislative Assembly of Queensland emphasises to members that "... misleading is a wider concept than making incorrect statements. A totally factually correct statement can still be misleading."¹¹
- 56. Previous ethics committees, and David McGee in *Parliamentary Practice in New Zealand*, have noted that the standard of proof demanded in cases of deliberately misleading parliament is a civil standard of proof on the balance of probabilities, but requiring proof of a very high order having regard to the serious nature of the allegations. Recklessness, whilst reprehensible in itself, falls short of the standard required to hold a member responsible for deliberately misleading the House.¹²

Establishing a prima facie case of possible contempt

- 57. The issues to be resolved in establishing whether, on the face of it, Mr MacAnally' statements at the private hearing on 11 September 2014 gave rise to a contempt are listed below.
 - Did Mr MacAnally's statements contain any apparent or proven factually incorrect matter?
 - Were Mr MacAnally's statements misleading?
 - (If yes), did Mr MacAnally know at the time the statements were made that they were misleading, and was it Mr MacAnally's intention to mislead the former committee?

Did Mr MacAnally's statements contain any factually (or apparently) incorrect matter?

- 58. The Member for Burleigh refuted Mr MacAnally's allegation that the copy of the digital audio recording had been tampered with or edited.
- 59. As mentioned above, at the request of the former committee, the QPS' undertook a comprehensive forensic analysis of the copy of the digital audio recording. The QPS's report to the former committee found that:
 - the data structure and contents of the file containing the recording are consistent with an original, unedited recording made with Apple Voice Memos software running on an iPhone or iOS device;
 - the aural analysis identified sounds and events in the audio signal contained in the file that were consistent with the recording of a telephone conversation in a medium sized room between two males, one on telephone speaker and one in the room. It did not reveal any audible discontinuities or other anomalies in the recorded speech or ambient/background sounds that may indicate editing or other tampering with the recording; and
 - waveform and spectrogram plots, used to examine sound events of interest, did not

⁹ McGee, David, Parliamentary Privilege in New Zealand, 3rd Edition, Dunmore Publishing Ltd, Wellington, 2005, p.653-655.

 ¹⁰ Members' Ethics and Parliamentary Privileges Committee, Report No. 4 - Alleged Misleading of the House by a Minister on 14 November 1996, Goprint, Brisbane, 1997, p.10.
¹¹ Queensland Legislative Assembly, Code of Ethical Standards: Legislative Assembly of Queensland, Goprint,

¹¹ Queensland Legislative Assembly, Code of Ethical Standards: Legislative Assembly of Queensland, Goprint, Brisbane, 2004, as amended 30 June 2006, 9 February 2009, 11 May 2009, p.25, available at <u>http://www.parliament.gld.gov.au/work-of-assembly/procedures</u>

² McGee, David, *Parliamentary Privilege in New Zealand*, Third Edition, Dunmore Publishing Ltd, Wellington, 2005, p.654.

[.] Members' Ethics and Parliamentary Privileges Committee, Report No. 27 - Report on a Matter of Privilege – The Alleged Misleading of the House by a Minister on 20 October 1998, Goprint, Brisbane, 1999, p.2.

reveal any discernible discontinuities or other anomalies in the overall file or in the areas of alleged removal of speech that would indicate editing or other tampering with the recording.

- 60. The QPS' report stated that its determinations could not rule out sophisticated editing and data manipulation of the file, which may be undetectable. The QPS examiner was of the opinion, however, that such editing would be a non-trivial task and require specialised tools and expertise.
- 61. The QPS report concluded that no evidence of removal of sections of speech or any other editing or tampering of the recorded audio or file data was identified in the file.
- 62. As the committee did not have access to the original recording of the telephone conversation taken on the Member for Burleigh's iPhone (the Member for Burleigh had replaced his phone during the period between the telephone conversation on 9 April 2014 and his appearance before the former committee on 16 October 2014), the committee was unable to reach a definitive view on whether Mr MacAnally's statements were factually correct.
- 63. Accordingly, the committee concluded that while it remains arguable that Mr MacAnally's statements to the former committee contained factually incorrect matter, it was unable to reach a definitive view on this matter due to insufficient evidence.

Were any of Mr MacAnally's statements misleading?

64. In his submission, Mr MacAnally stated that:

At no time have I, nor did I give a misleading statement to the committee. I do not know what recording or what copy of the recording was given to the Queensland Police Service to conduct their investigation. However at no time did I give any misleading statements to the committee.

- 65. As with the first issue, while the evidence before the committee suggested that the copy of the digital audio recording of the telephone conversation tabled in the House by the Member for Burleigh was not tampered with or edited, the committee did not have access to the original recording of the telephone conversation taken on the Member for Burleigh's iPhone.
- 66. Accordingly, the committee was also unable to reach a definitive conclusion about whether Mr MacAnally's statements to the former committee on 11 September 2014 were misleading due to insufficient evidence.

(If yes), did Mr MacAnally know at the time the statements were made that they were misleading and was it the person's intention to mislead the committee?

- 67. Despite not being able to reach a definitive conclusion about issues one or two, for completeness the committee considered the third issue.
- 68. In his submission, Mr MacAnally stated that:

I believed at the time I spoke with the committee and I still believe today, that there were other words that I recollect as saying in the conversation, that did not then and do not now appear in the transcript.

and

At no time did I intend to mislead the committee. I was asked to tell the truth and I swore on the Bible that I would tell the truth. The statements I made to the committee were and in fact are according to my belief and recollection of the conversation area as close to the truth as I can possible be, the truth, the whole truth, and nothing but the truth.

69. As noted by David McGee, in *Parliamentary Practice in New Zealand*, there is a high test to prove intent.

70. While there was no evidence presented to the committee to support Mr MacAnally's statements at the private hearing on 11 September 2014, the committee found there was insufficient evidence to conclude that Mr MacAnally intended to deliberately mislead the committee.

Conclusions

- 71. On the information before the committee, it finds that:
 - there is evidence that Mr MacAnally offered a benefit albeit unspecified to the Member for Burleigh to change his political allegiances and join the Palmer United Party;
 - (b) there is insufficient evidence that the offer was intended to influence the member in the performance of his duties as a member and that the offer was improper in that it had some element of public mischief, corruption or breach of public trust;
 - (c) it remains arguable as to whether Mr MacAnally's statements to the committee on 11 September 2014 contained factually incorrect material and were misleading; and
 - (d) there is insufficient evidence before the committee that Mr MacAnally knew, at the time of making the statements, that the statements were misleading and had intended to mislead the former committee.
- 72. Accordingly, the committee finds that there is no breach of privilege or contempt in relation to the original matter and the associated matter.

Conclusion 1

On the information before the committee, it finds that:

- (a) there is evidence that Mr MacAnally offered a benefit albeit unspecified to the Member for Burleigh to change his political allegiances and join the Palmer United Party;
- (b) there is insufficient evidence that the offer was intended to influence the member in the performance of his duties as a member; and
- (c) there is insufficient evidence that the offer was improper in that it had some element of public mischief, corruption or breach of public trust.

Conclusion 2

On the information before the committee, it finds that:

- (a) it remains arguable as to whether Mr MacAnally's statements to the Ethics Committee of the 54th Parliament on 11 September 2014 contained factually incorrect material and were misleading; and
- (b) there is insufficient evidence that Mr MacAnally knew, at the time of making the statements, that the statements were misleading and had intended to mislead the former committee.

Recommendation

The committee recommends that the House take no further action in relation to these matters.

Mark

Mark Ryan M⁄P <u>Chair</u> 4 June 2015

LEGISLATIVE ASSEMBLY/OF

Membership — 55th Parliament

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