



ETHICS COMMITTEE

Report No. 163

Report on a Right of Reply No. 29

Introduction and Background

1. The Legislative Assembly provides a right of reply to persons and corporations who are the subject of adverse comment in Parliament. The Ethics Committee (the committee) has responsibility for advising the Assembly regarding submissions for a right of reply.
2. The right of reply relates to statements made by members under parliamentary privilege. Persons or corporations who are named, or referred to in such a way as to be readily identified and who consider their reputation has been adversely affected, may request a right of reply.

Procedure

3. Chapter 46 of the *Standing Rules and Orders of the Legislative Assembly* (the Standing Orders), sets out the operation of the right of reply for persons and corporations and the procedure for the committee to follow when considering submissions.
4. Standing Order 282(5) provides that the committee is not to consider or judge the truth of any statements made in the House or the submission when considering a submission for a right of reply.
5. Under Standing Order 283, the committee may recommend—
 - that no further action be taken by the committee or the House in relation to the submission; or
 - that a response by the person who made the submission, in terms specified in the committee's report and agreed to by the person or corporation and the committee, be incorporated in the Record of Proceedings or published in some other manner.

Referral

6. Mr Wyatt wrote to former Speaker Simpson on 5 December 2014 to seek a citizen's right of reply, on behalf of Auscript, to the statement made in the House on 25 November 2014 by the Member for Redcliffe, Mrs Yvette D'Ath MP concerning the outsourcing of court transcription services to Auscript.

7. On 9 December 2014, former Speaker Simpson referred Mr Wyatt's request for a citizen's right of reply, on behalf of Auscript, to the committee for consideration. The former committee did not consider this matter prior to its dissolution on 6 January 2015.
8. On 23 April 2015, the committee resolved to continue the consideration of this matter, in accordance with section 105 of the *Parliament of Queensland Act 2001* (the POQA).
9. At its meeting on 7 May 2015, the committee resolved to consider the submission from Mr Wyatt, on behalf of Auscript, in relation to Standing Order 280, citizen's right of reply.

Committee's Inquiry

10. The committee met in private session to consider the submission from Mr Wyatt on behalf of Auscript and how to proceed with the matter, noting—
 - the Standing Orders; and
 - the practice and established procedures of Ethics Committees in respect of similar submissions in the past.
11. The committee corresponded with Mr Wyatt and negotiated a response in the context of the Standing Orders. On 15 December 2015, Mr Wyatt wrote to the Ethics Committee accepting the proposed response.
12. In accordance with Standing Order 282(5), the committee did not consider or judge the truth of any statements made in the House by the Member for Redcliffe, or the truth of the statements made by Mr Wyatt on behalf of Auscript in response.
13. The committee resolved to recommend to the Legislative Assembly that the agreed response be incorporated into the Record of Proceedings.

Recommendation:

The committee recommends that the response in the terms set out in this report, be incorporated in the Record of Proceedings.



Mr Don Brown MP

Chair

March 2016

Membership — 55th Parliament

Mr Don Brown MP, Chair
Member for Capalaba

Mr Glen Elmes MP, Deputy Chair
Member for Noosa

Ms Ros Bates MP
Member for Mudgeeraba

Mr Craig Crawford MP
Member for Barron River

Mr Linus Power MP
Member for Logan

Mr Jeff Seeney MP
Member for Callide

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RESPONSE BY AUSCRIPT TO A STATEMENT MADE BY THE MEMBER FOR REDCLIFFE ON 25 NOVEMBER 2015

On 25 November 2014, the Member for Redcliffe made the following statement in the Queensland Parliament:

Another great debacle overseen by this Attorney-General has been the outsourcing of the court transcription services. The cost to consumers has almost doubled. The cost for a day's transcript in the 2013-14 financial year under the State Reporting Bureau was \$1,267.90. In the same financial year the average cost of a day's transcript under Auscript was \$2, 189.88. That is a massive increase of 73 per cent.

Not only was the cost to customers massively increased; the cost to government departments saw even greater rises. Under an RT/ obtained by the opposition last week, the department wrote that the outsourcing of the recording and transcription services was anticipated to give rise to \$6 million in savings for the department. Instead, additional costs were experienced by the Magistrates Court and QCAT. During the implementation process it was anticipated that these would be \$2 million for the Magistrates Court and \$170,000 for QCAT. The Department of Justice and Attorney-General was directed to find the \$2 million in savings internally, but no steps were taken to do so.

The QCAT costs increased from the previously budgeted amount of \$60,000 for transcription services to a total cost of \$600,000 for recording and transcription. One of the key cost-saving initiatives that was highlighted in the Auscript implementation was the ability for the judiciary and court staff to access the recordings online through court FM. That, however, according to the department, is proving impractical.

The outsourcing did not go as planned. One of the staff took a phone call from the Attorney-General who was calling to ask how the outsourcer was going in May 2013. It only started in March. Apparently that call was sparked by a conversation with the OPP. The view from the Office of the OPP was that they were not too impressed by the Auscript service and were not inclined to send much more work their way until they sorted themselves out.

Back at the 2012 estimates hearing, when asked about the time frames for the provision of transcripts in criminal trials under the outsourced model, the Attorney-General said-

The government will put a time frame on it. We would expect that we would it more efficient and more reliable and faster than is currently the case offered by the State Reporting Bureau.

This has not been the case, however. There are significant delays. The Court of Appeal has particularly been affected. There are constant references to the delayed transcript issue.

The Court of Appeal in particular had to ask for specific turnaround times, which could not be provided because of Auscript delays. A meeting was held in August last year because 27 Court of Appeal matters were experiencing delays. The Attorney-General is the worst manager of government procurement processes in this parliament and all so he can give millions of dollars of government contracts to LNP donors.

Auscript Australasia Pty Limited (Auscript) refutes the assertion by the Member for Redcliffe on 25 November 2014 that the outsourcing of recording and transcription services for Queensland Courts to Auscript has been a debacle, that costs to consumers and government departments have increased significantly and that there have been significant delays in the production of transcripts. Auscript contends that on any measure - accuracy, speed and cost to taxpayers - the move to an outsourced recording and transcription service in Queensland has been an outstanding success.

Auscript also contends that any initial delays were overcome quickly through working closely with the court and its stakeholders, and there were no issues caused by Auscript that delayed proceedings or listings. Auscript notes that this arrangement has resulted in an external quality assurance framework and auditing processes being introduced with the Department for the first time. Auscript also notes that the processes that Auscript utilise for the Queensland Courts are regularly audited by the Department of Justice and Attorney-General and Auscript is also internationally quality certified to ISO9001.

Similarly, Auscript refutes the claim that accessing recordings of proceedings online through the Court.fm portal is proving impractical. Auscript contends that as at 25 November 2014, there were more than 400 licences in use by the Department and Court.fm is used daily by the Judiciary, Associates and Court staff.

Auscript also refutes the imputation that Auscript is the beneficiary of an improper procurement process. Auscript assures the House that it was awarded the contract by the Department of Justice and Attorney-General following an open, competitive tender process and after a comprehensive due diligence process was completed.

STANDING RULES AND ORDERS OF THE LEGISLATIVE ASSEMBLY

EXTRACT: CHAPTER 46: CITIZEN'S RIGHT OF REPLY

279. Reference to a person includes a corporation

- (1) In this chapter a reference to a person includes a corporation.
- (2) A corporation making a submission under this chapter is required to make it under their common seal (if it has a common seal).

280. Affected person may make a submission

- (1) A person who has been referred to in the Legislative Assembly or a committee by name, or in such a way as to be readily identified may make a submission to the Speaker:
 - (a) claiming that the person has been adversely affected in reputation or in respect of dealings or associations with others, or injured in occupation, trade, office or financial credit, or that the person's privacy has been unreasonably invaded, by reason of that reference to the person or corporation; and
 - (b) requesting that the person be able to incorporate an appropriate response in Hansard or the relevant committee report.
- (2) The Speaker may refer the submission to the ethics committee if the Speaker is satisfied:
 - (a) that the subject of the submission is not so obviously trivial or the submission so frivolous, vexatious or offensive in character as to make it inappropriate that it be considered by the ethics committee; and
 - (b) that it is practicable for the ethics committee to consider the submission under this chapter.
- (3) A person shall ensure a submission is received by the Speaker within the term of the Parliament in which the person has been adversely referred.

281. Submissions

- (1) A submission under this chapter shall be succinct and strictly relevant to the questions in issue and shall not contain anything offensive in character.
- (2) A submission under this chapter shall not contain any matter the publication of which would have the effect of:
 - (a) unreasonably adversely affecting or injuring a person or corporation, or unreasonably invading a person's privacy, in the manner referred to in SO 280(1); or
 - (b) unreasonably adding to or aggravating any such adverse effect, injury or invasion of privacy suffered by a person.

282. Action by the ethics committee

- (1) The ethics committee may decide not to consider a submission referred to it under this chapter if the committee considers that the subject of the submission is not sufficiently serious or the submission is frivolous, vexatious or offensive in character, and such a decision shall be reported to the House.

- (2) If the ethics committee decides to consider a submission under this chapter, the ethics committee may confer with the person who made the submission and any member who referred in the House to that person or corporation or where the submission relates to another committee's proceeding, the relevant committee.
- (3) In considering the submission under this chapter, the ethics committee shall deliberate in a private meeting.
- (4) The ethics committee shall not publish a submission referred to it under this chapter or its proceedings in relation to such a submission, but may present minutes of its proceedings and all or part of such submission to the House.
- (5) In considering a submission under this chapter and reporting to the House the ethics committee shall not consider or judge the truth of any statements made in the House or the submission.
- (6) If a person making a submission does not respond to a communication from the committee within three months, the committee may consider the matter to be closed.
- (7) Public servants seeking a right of reply must do so as private citizens.
- (8) Persons making their submission through a representative must personally sign the response.

283. Recommendation and report by the ethics committee

In its report to the House on a submission under this chapter, the ethics committee may make either of the following recommendations and no other recommendations:

- (a) that no further action be taken by the ethics committee or the House in relation to the submission;
or
- (b) that a response by the person who made the submission, in terms specified in the report and agreed to by the person or corporation and the ethics committee, be incorporated in Hansard.

LEGISLATIVE ASSEMBLY OF

Queensland