



RAY STEVENS MP

Member for Mermaid Beach

23 August 2018

The Hon Curtis Pitt MP
Speaker of the Legislative Assembly
Parliament House
Alice Street
BRISBANE QLD 4000

By email: speaker@parliament.qld.gov.au

Queensland Legislative Assen	
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MP: <u>Mr Speaker</u>	
Clerk's Signature: _____	

Dear Mr Speaker

I write to draw to your attention a matter of privilege relating to a Contempt of the Legislative Assembly.

Please find **attached** submissions in relation to this matter. I ask that the member for Keppel be referred to the Ethics Committee.

Should you have any queries, I am happy to meet at your convenience to discuss this matter further.

Yours sincerely


Ray Stevens MP
Member for Mermaid Beach

Enc.

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**SUBMISSIONS IN RELATION TO A MATTER OF PRIVILEGE RELATING TO A
DELIBERATE MISLEADING OF THE HOUSE BY BRITTANY LAUGA MP ON 22
AUGUST 2018**

BACKGROUND

1. This matter relates to statements made by the Member, which on their face appears to be misleading, and a Contempt of the Assembly.

THE FACTS

2. On 22 August 2018, Hansard records the member for Keppel making the following statements:

Some 500 teachers were cut under the former LNP government—500 teaching positions from Queensland schools. This decision put greater pressure on class sizes, robbed teachers of collaboration and preparation time and also meant that there were fewer teachers in our schools to support students with learning difficulties and disabilities.¹

And

To clarify, 500 teaching positions—500 jobs—were cut under the previous government. Taranganba State School was one of the state finalists—

3. On 21 May 2015 the Ethics Committee published report number 154 where it was found that a comment by the member for Inala, namely “*teachers are losing their jobs*” in relation to primary and secondary schools, was misleading.²

RELEVANT CONSIDERATIONS

4. Section 37 of the *Parliament of Queensland Act 2001* defines the meaning of “Contempt” of the Assembly as:

37 Meaning of contempt of the Assembly

(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.

5. Standing Order 266 provides examples of Contempt to include, *inter alia*:

¹ *Hansard*, page 2020.

² Ethics Committee, Report 154, 21 May 2015. Available from <http://www.parliament.qld.gov.au/documents/committees/ETHICS/2014/Matter-of-privilege16Oct2014/rpt-154-21May2015.pdf>

(2) deliberately misleading the House or a committee (by way of submission, statement, evidence or petition);

6. In order for the allegation of a deliberate misleading of the House to be made out, three elements must be proven:
 - a. the statement must, in fact, have been misleading;
 - b. it must be established that the member making the statement knew at the time the statement was made that it was incorrect; and
 - c. in making it, the member must have intended to mislead the House.
7. In determining whether each element is met, the standard of proof to be met is 'on the balance of probabilities.'

APPLICATION

8. I will deal with each element in turn.

THE FIRST ELEMENT – WAS THE MEMBER'S STATEMENT ACTUALLY MISLEADING?

9. The statement by the member for Keppel asserts teachers were cut by the LNP Government. It is analogous to the comment by the member for Inala the subject of the Ethics Committee report number 154 that teachers were losing their jobs. The statement is blatant and specifically refers to a number of sackings that she has misleadingly alleged to have occurred to teachers in Queensland systems. As these allegations have been tested previously by the Ethics Committee and ruled to be misleading, there is no excuse for the member for Keppel to have made such blatantly misleading statements.

THE SECOND ELEMENT – WAS THE MEMBER AWARE AT THE TIME OF MAKING THE STATEMENT THAT IT WAS INCORRECT?

10. As the Member was a member of the 55th Parliament when the Ethics Committee's report was issued, it should be presumed they are aware of its contents.
11. I respectfully submit that the second element of the test is met.

THE THIRD ELEMENT – DID THE MEMBER INTEND TO MISLEAD THE HOUSE?

12. *McGee*³ provides that in order to establish the third limb of the test, reference is to be given to the nature of the basis of knowledge and the formality of the circumstances of the statement.
13. The member made the comments reading from a prepared speech. The comments were premediated and deliberate.
14. The Member deliberately repeated the comments after being alerted to the misleading nature. This should be considered as a circumstance of aggravation.
15. In conclusion on this point, in light of these two considerations as provided by *McGee*, it must be assumed the member intended to mislead the house.

CONCLUSION

16. I respectfully submit that this matter warrants the further attention of the house by referral to the Ethics Committee.

³ *McGee, David, Parliamentary Privilege in New Zealand, Third Edition, Dunmore Publishing Ltd, Wellington, 2005, p.654.*



12 September 2018
George Hasanakos
Executive Officer
Office of the Speaker

Assistant Minister's response to the Speaker

Thank you for the opportunity to provide further information regarding this matter following a referral from the Member for Mermaid Beach.

I have reviewed the enclosed letter from the Member for Mermaid Beach. After reviewing the referral, I am willing to stand by the statement I made in the House on 22 August 2018.

In doing so, I wish to present you with further information that supports the basis for my statement. I believe that this will effectively clarify that I (a) did not deliberately mislead the Parliament, (b) did not make a statement I knew to be misleading, and (c) did not intend to mislead the Parliament.

1. Question Without Notice to the Minister for Education and Minister for Tourism on 12 October 2017.

In the answer, the Minister addressed this exact matter. In her reply to a question from the Member for Nudgee, the Minister said:

We also had to address the cuts to teacher positions in schools in Queensland that the then Treasurer, the now Leader of the Opposition, made. He did this in a number of ways. Under the LNP government we actually saw increases in class sizes each and every single year that they were in office. In actual fact, we saw 14,000 classes over class size targets under the LNP. That is because they oversaw a reduction in 500 teaching positions.

The Minister then went on to explain how this is calculated:

BRITTANY LAUGA MP

MEMBER FOR KEPPEL

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How did they do this? This happened because the LNP government cut the allocation of teachers to Queensland schools. They removed the primary rounding benefit, cutting 186 full-time-equivalent teachers from classrooms. The LNP cut key teacher allocations in primary schools—another 117 full-time equivalents gone. They also cut secondary resource teachers, 202.

Finally, the then LNP government cut secondary resource teachers from high schools; 202 full-time-equivalent jobs were cut from those schools. They also adjusted the secondary rounding, costing another 10 full-time-equivalent teachers. I have outlined this to the House during the estimates process at every single estimates hearing for the past three years.

I have attached an extract of Hansard records containing this answer to a Question Without Notice.

2. Answer by Deputy Director General Mr Hunt to a question from the Education Tourism, Major Events and the Commonwealth Games in Estimates Hearing 2015.

Mr Hunt said:

As part of the then government's fiscal repair strategy, the department undertook some changes to the staffing allocation methodologies that were in place in the 2012 staffing model for the 2013 school year. That related to the rounding of the removal of the rounding benefits for primary schools, the key teacher allocations in primary schools, some minor changes to the rounding benefits in secondary schools and the removal of the resource teachers in secondary schools at the time. The approximate savings in that particular year were some 519 FTEs in the 2015 enrolment numbers. When we look at the changes that were made then, it is some 519 FTEs impact.

I have attached an extract of the Estimates hearing record.

3. Briefing Note tabled by the Honourable Grace Grace, Minister for Education and Minister for Industrial Relations, in Parliament on 6 September 2018.

The Minister for Education tabled a brief that states in 2013, while there were more than 9,700 additional students in Queensland schools, there was no teacher FTE growth. Instead, teacher FTEs declined by 61.9. The brief also states that changes made by the former Newman Government “resulted in a net impact of some 519 fewer teacher FTE allocated that year than if these staffing methodologies had remained unchanged”.

4. Question Without Notice to the Minister for Education and Minister for Industrial Relations on 6 September 2018.

In this answer, this exact matter was once again addressed in the Parliament. In her reply to a question from the Member for Mansfield, the Minister said:

The LNP's fiscal repair strategy—a deliberate savings strategy—led to 519 teaching numbers being cut that would have otherwise been employed in 2013. In fact, it resulted in 62 fewer teachers that year with a record number in student growth. They come in here this morning and ask a question about tissues. That is what they come in here about. In anybody's language, this is a fundamental cut in teacher numbers. This strategy led to larger class sizes, additional stress on teachers, increased workloads and fewer teachers in front of our kids.

I have attached an extract of Hansard records containing this answer to a Question Without Notice.

These four pieces of evidence, all of which are already on the public record, support the statement I made in the Parliament on 22 August 2018.

As a result, I would contend that it cannot be proved that:

1. The Member's statement was actually misleading.

The former Minister for Education and the current Minister for Education have both clarified this matter in the Parliament and during an Estimates Hearing. Both Ministers have confirmed that there was an effective cut of more than 500 teaching FTEs.

Further, Mr Hunt, Deputy-Director General, specifically stated that this was part of the then "government's fiscal repair strategy".

As Minister Grace said, "in anybody's language, this is a fundamental cut in teacher numbers".

The Government has clarified the record on a number of occasions. The Member for Mermaid Beach was a member of the 55th Parliament when these matters were addressed both in the House and at Estimates Hearings, so it should be presumed that the Member is aware of these facts.

2. The Member making the statement knew at the time the statement was made that it was incorrect.

I would put that the premise of this complaint is misleading. The Member for Mermaid Beach has associated my statements with other comments previously made, "teachers are losing their jobs".

I acknowledged that I was a member in the 55th Parliament and I am aware of the Ethics Committee's report.

However, the gravamen of the Member's complaint is flawed, as my statement relates specifically to cuts in teachers and teaching positions, not to jobs.

As per the brief tabled by the Minister for Education, the former Newman Government's fiscal repair strategy 'resulted in a net impact of some 519 fewer teacher FTE allocated that year than if these staffing methodologies had remained unchanged'.

These are the cuts I refer to in my statements.

3. The member intended to mislead the Parliament.

Once again, due to the strength of the information and evidence presented in this response, I believe it is clear I did not intend to mislead Parliament

Yours sincerely

A handwritten signature in blue ink that reads "flauga". The signature is written in a cursive, lowercase style.

Brittany Lauga MP
Member for Keppel and Assistant Education Minister

CHAIR: Member for Everton, one more question before government questions.

Mr MANDER: Thank you, Chair. Minister, what modifications have now been made to your daily critical incident report to ensure that child safety reports made by school principals have been acted upon?

Ms JONES: The changes that I have talked about were made immediately on the night that it was discovered that there was an issue. Officers stayed back that night to fix it. In addition to that, because they are such important matters, they also introduced manual checks. Every single day when we have the reports reported through the OneSchool system, there is a personalised check through the police, Child Safety and Education to make sure that the number of reports that leave Education Queensland are the same number of reports that are received by both police and Child Safety.

CHAIR: Thank you, Minister. I call the member for Maryborough.

Mr SAUNDERS: Minister, the SDS at page 7 talks about Labor's election promise to employ more teachers and guidance officers. The SDS and Budget Paper No. 3 also refer to the commitment by the government to deliver a strong capital works program. Further, the SDS and Budget Paper No. 4 advise of a significant boost to maintenance in state schools. Minister, this forecasts a considerable investment in the Queensland economy. Can you advise the committee what the job outcomes are likely to be for the state of Queensland?

Ms JONES: I think this question reflects the government's commitment to deliver jobs. That was our No. 1 priority as part of our election commitment and we are continuing to deliver that. I am very pleased to say that, in my portfolio, we are putting our money where our mouth is. You heard in my introductory remarks, and you would have heard me talking about it in parliament, that we have a record \$9 billion investment in Education. That is to employ 2,500 teachers over the next three years, including 875 teachers above growth. It is the largest additional investment in teacher numbers since the four-year, 800 additional teacher initiative commenced in 2001 under the Beattie administration which, of course, was another initiative of a Labor government.

I am also proud to talk about the money that we are investing in capital works. Even with the constrained financial environment we find ourselves in, we have committed \$456 million to support additional educational infrastructure in Queensland. Over the next three years it is expected that, through this capital works investment, 1,400 jobs will be created. Further to that, the government's commitment to invest more than three-quarters of a billion dollars to maintain our schools and to put in place a whole-of-life asset maintenance plan is also a significant jobs generator. We expect that this investment will provide employment for almost 2,400 tradespeople over the next four years.

As you heard, this is thousands and thousands of jobs being delivered through the investment we have chosen to make in the budget through Education. Over the next four years, through the investment we have decided to make through Education, we will deliver approximately 6,300 jobs. Obviously this is great news for Queensland and it is great news for Queensland business and it is great news for the students who attend our schools.

Ms PEASE: Minister, thanks very much for the information on the number of additional jobs that are to be supported out of the 2015-16 and the outyears Education budget. With reference to the SDS and teacher numbers, can you advise the committee of any reduction in the teaching workforce under the previous LNP government over the period 2012-13 to 2014-15?

Ms JONES: I thank the honourable member for the question because this was an issue that came up during the election and it was also something that I have heard firsthand from principals, teachers and P&Cs in my local community. The previous government cut jobs in our schools through staffing. For example, they made a decision that they would remove the rounding benefit that had previously been provided to schools. As a former principal, Chair, you would know how important that is. That decision alone removed 185 teachers or full-time-equivalent positions from Queensland primary schools—a cut that we have pledged to rectify. Through removing the rounding benefit, 185 teachers were removed. In addition to this, I have been advised by my department that, in total, 500 teachers in the education system were removed because of policy decisions made by the previous government. This includes the removal of resource teachers in high schools, and that has seen a further 345 teachers.

What concerns me is that we had a former government that continued to maintain—despite principals, teachers and parent bodies telling us that there had been a reduction in staff—that somehow they had not cut it. So that you do not just have to take my word for it, I will call on my department. Jeff Hunt, you are probably best placed, unless the director-general wants to answer. This is also a question

that I asked when I became minister: 'The LNP claimed this right up to the election, but when I went to schools and I spoke to schools they told me that they had lost teachers. Can you please explain to me how this has occurred?' Can you talk us through the 500 reduction?

Mr Hunt: Thank you, Minister. As part of the then government's fiscal repair strategy, the department undertook some changes to the staffing allocation methodologies that were in place in the 2012 staffing model for the 2013 school year. That related to the removal of the rounding benefit for primary schools, the key teacher allocations in primary schools, some minor changes to rounding benefits in secondary schools and the removal of the resource teachers in secondary schools at the time. The approximate savings in that particular year were some 519 FTEs in the 2015 enrolment numbers. When we look at the changes that were made then, it is some 519 FTEs impact.

Mr SAUNDERS: Minister, I understand that the previous LNP government initiated a review of the current OP system. Can you inform the committee of the results of the review and what funds the former government set aside to initiate any proposed reforms arising out of that process?

Ms JONES: The former government initiated a review that I welcomed, and that was obviously responding to community concern with regard to the Australian Council for Educational Research report into the secondary system. The report was released in 2014, and the government's response to the report was released at the end of 2014 but, unfortunately, no funding was available to implement any of those reforms. As the minister I made it very clear that I wanted to find the best way forward, so I have had a number of consultations with the state school system, the independent school system and the Catholic school system to see what the view is with regard to change. As you have heard today, I am pleased to announce that the Palaszczuk government will introduce a new assessment and tertiary entrance system for senior students from 2018.

Mr MANDER: Thank you.

Ms JONES: I am glad that you have acknowledged that 2018 was the right date. I think that is very true, because when I listened to stakeholders a lot of them said to me that 2017 would be too rushed. As we get through this, I am happy to get Chris Rider, from the Queensland Curriculum and Assessment Authority, to talk about this. The view was that, yes, we should transition to an Australian tertiary admissions rank, ATAR, which is a system that every other student in Australia is getting through senior secondary, but also that we should have a mix of both school based assessment and external assessment. There is work that we can do now to strengthen the existing school based assessment, remembering the OP system is all internal, school based assessment with the moderation of the Queensland Core Skills test, which obviously I sat in my time. This is seen as a way forward.

It is really important for this committee and, indeed, for all of us as parliamentarians who want to see this reform—and I acknowledge the bipartisan support for it—that we remind all parents and students that the OP system is working. It does work. This is about modernising a system, as you would do in any case where a system has been in place in excess of 20 years, to make sure that we are modernising it and giving our young people a contemporary score and ATAR so that they are more mobile in relation to studying interstate or overseas. Chris, is there anything you want to add at this juncture? The 2018 time frame was as a consequence of the representations made to me. It is universally welcomed by all sectors of education and universities.

Mr Rider: Thank you, Minister, and good afternoon to the committee. The committee is well aware of this topic. We talked about it some weeks ago. I think it is really important to reinforce the minister's comment about it being the current year 8s. As a committee you are well aware from the last conversation that we had that it will take us four years to do this system. Two years of preparation is required. In 2016 and 2017 we are going to have to write syllabuses for a new system and we are going to offer professional development to teachers in years 11 and 12 the length and breadth of Queensland. As you know, there are more than 16,000 teachers in Queensland right now who teach at least one senior subject. If you put those two things together—syllabuses for all of the suite of subjects that we offer in Queensland and the professional development for more than 16,000 people—there is a minimum of two years work in that preparation phase. If you think about the current year 8s, while they are in years 9 and 10 we will be preparing our teachers and our communities for a new system so that when the year 8s get into year 11 in 2018 we will be ready for them.

CHAIR: Minister, page 3 of the SDS states that the department contributes to the overall government objective of creating safe and caring communities. You have made it very clear to us this afternoon that your No. 1 priority is student safety and wellbeing. Can you please outline to us the student protection reporting procedures that are designed to protect Queensland students from harm?

Mr SPEAKER: Pause the clock.

Mrs Smith interjected.

Mr SPEAKER: Yes, I can hear you, member for Mount Ommaney. You are now warned under standing order 253A. If you continue I will take the appropriate action.

A government member: Blackface.

Ms FENTIMAN: I take that interjection. They will not condemn cuts that they made to domestic violence shelters and sexual assault services and they will not condemn their own candidate for Redcliffe for posting a photo of a man in blackface on social media.

Mr Powell interjected.

Mr SPEAKER: Pause the clock. Member for Glass House, I find you are trying to talk over the top of the minister when she is answering the question. Her answer is relevant. You are warned under 253A. If you persist I will take the appropriate action.

Ms FENTIMAN: Of course we saw last night a completely divided LNP, but we know the one thing they are united on. They are united on cuts—

Ms BATES: I rise to a point of order.

Mr SPEAKER: Pause the clock. What is your point of order?

Ms BATES: It is on relevance. The question clearly asks the minister to condemn the CFMEU for their vile threats to rape children. The minister is not being relevant to the question and I ask you, Mr Speaker, to bring her back to the substance of the question.

Mr SPEAKER: I thought she had answered that question. Minister, do you have anything further that you wish to add that is relevant to the question?

Ms FENTIMAN: I do, Mr Speaker. As I was saying, last night we saw a deeply divided LNP.

Honourable members interjected.

Mr SPEAKER: I think you have answered the question adequately. We might move on.

Schools, Class Sizes

Ms LINARD: My question is of the Minister for Education and Minister for Tourism, Major Events and the Commonwealth Games. Will the minister update the House on the Palaszczuk government's efforts to reduce class sizes in Queensland state schools?

Ms JONES: I thank the honourable member for Nudgee for her question. Recently I had the great privilege to go into her electorate and meet with many of the P&C and P&F representatives and principals from her community who are working very hard. We made a very strong election commitment that we would have more teachers in classrooms across Queensland. That is why I am proud of the Palaszczuk government which has delivered on our election commitment of providing 875 teachers above growth. We know that at the moment state schooling in particular is growing at twice the rate of independent and Catholic schools in Queensland and they need those additional teachers.

We also had to address the cuts to teacher positions in schools in Queensland that the then treasurer, the now Leader of the Opposition, made. He did this in a number of ways. Under the LNP government we actually saw increases in class sizes each and every single year that they were in office. In actual fact, 14,000 classes—

Honourable members interjected.

Mr SPEAKER: Pause the clock. Members, I am interested in what the minister is saying. If you do not want to hear it, please leave the chamber.

Ms JONES: In actual fact, we saw 14,000 classes over class size targets under the LNP. That is because they oversaw a reduction in 500 teaching positions. How did they do this? This happened because the LNP government cut the allocation of teachers to Queensland schools. They removed the primary rounding benefit, cutting 186 full-time-equivalent teachers from classrooms. The LNP cut key teacher allocations in primary schools—another 117 full-time equivalents gone. They also cut secondary resource teachers, 202—

Government members interjected.

Mr SPEAKER: One moment, Minister. Members of the government, this is an important matter to me and I think some other members of the chamber, so I would urge you to be silent so the minister can answer the question that has been asked.

Ms JONES: Finally, the then LNP government cut secondary resource teachers from high schools; 202 full-time-equivalent jobs were cut from those schools. They also adjusted the secondary rounding, costing another 10 full-time-equivalent teachers. I have outlined this to the House during the estimates process at every single estimates hearing for the past three years. I have highlighted that when we add these together a total of 515 full-time-equivalent teacher positions were cut from Queensland schools under the former government. Honourable members do not have to take my word for it. At the time the Queensland Association of State School Principals said—

We are very aware of the concerns regarding the changes as part of the whole-of-government budget cuts to our staffing planner. The removal of the rounding benefits will mean that schools will have to make some challenging decisions around the number of classes that are formed and the use of any remaining FTEs.

At the time principals raised concerns, the unions raised concerns, parents raised concerns and the LNP chose to ignore the concerns of our principals in our classrooms.

I want to finish on this note. This morning members opposite want to talk about everything apart from Gympie. The people of Queensland have woken to a deeply divided LNP that are willing to get in bed with One Nation and wind back gun laws in this state. They want to talk about anything but Gympie.

(Time expired)

Honourable members interjected.

Mr SPEAKER: Thank you. I know everyone is primed.

Industrial Relations, Unions

Mr EMERSON: My question is to the Premier. I table a court document sworn by an ETU organiser in which he testifies that campaigning for the Labor Party's re-election in the upcoming state election is more important than getting wage increases for their members and workers.

Tabled paper: Copy of Affidavit of Mr Brenton Muller (Queensland Industrial Relations Commission Form 20) in the matter of the Electrical Trades Union of Employees Queensland and Others vs Brisbane City Council [2023].

I ask the Premier: does this not show that under the Palaszczuk government's union friendly industrial system the unions have lost their way? The union bosses really do not care about workers; their grubby organisations really only care about flexing union muscle via the Labor Party.

Mr HINCHLIFFE: I rise to a point of order. There are clearly imputations contained within the question that the member for Indooroopilly has asked. He can easily rephrase that question without the imputations and provide an opportunity for the Premier to answer the question. I would encourage you, Mr Speaker, to give him that guidance.

A government member interjected.

Mr SPEAKER: Thank you. You will get the call.

Mr SEENEY: I rise to a point of order. Frivolous points of order are an offence against the standing orders of this House. The Leader of the House is taking a frivolous point of order, claiming there are imputations in every question without telling the House what those imputations are. It is a clear strategy to destroy question time and to provide ministers with an opportunity to avoid questions. I would suggest the Leader of the House needs to be warned that if this behaviour continues he should be asked to leave the House.

Mr HINCHLIFFE: I rise to a point of order. I did not want to give regard or honour to the imputations that were contained in the member for Indooroopilly's question by repeating them, but phrases such as 'grubby' are clearly an imputation on the material contained within the question. As I said, they could easily be rephrased in order to make sure that the question does not stand outside standing orders.

Mr Seeney interjected.

Mr SPEAKER: Thank you, member for Callide. Just be quiet for a moment.

Mr HINCHLIFFE: I rise to a point of order. Mr Speaker, you have warned the member for Callide and he has interjected again while you have asked for quiet in reflecting upon points of order.