



# **Annual Report 2018 - 2019**

**Report No. 192, 56<sup>th</sup> Parliament**

**Ethics Committee**

**October 2019**

**Ethics Committee**

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<b>Deputy Chair</b>	Mr Tim Nicholls MP, Member for Clayfield
<b>Members</b>	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 Ethics Committee

The Ethics Committee (the committee) is a statutory committee of the Queensland Parliament established under the *Parliament of Queensland Act 2001* (POQA) and the Standing Rules and Orders of the Legislative Assembly.<sup>1</sup>

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)<sup>2</sup>, 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.

## 2 Annual report

In accordance with section 108 of the *Parliament of Queensland Act 2001*, the committee is required to table an annual report within 4 months and 14 days after the end of each financial year. The report 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.

This report contains a summary of the activities of the committee from 1 July 2018 to 30 June 2019.

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<sup>1</sup> *Parliament of Queensland Act 2001*, Section 88 and Standing Order 194.

<sup>2</sup> Standing Rules and Orders of the Legislative Assembly, Standing Orders 279 to 283.

### 3 Summary of issues considered during the reporting period

#### 3.1 Alleged breaches of parliamentary privilege

During the reporting period, the Ethics Committees of 56<sup>th</sup> Parliament investigated and reported on the following matters of privilege and possible contempts of parliament:

- Report No. 181 Inquiry into matters relating to a matter of privilege referred by the Speaker on 15 June 2018 relating to a breach of the broadcast terms and conditions
- Report No. 184 Matter of privilege referred by the Speaker on 26 October 2017 relating to alleged deliberate misleading of the House
- Report No. 185 Matter of privilege referred by the Speaker on 9 August 2017 relating to alleged deliberate misleading of the House
- Report No. 186 Matter of privilege referred by the speaker on 15 November 2018 relating to an alleged contempt of Parliament

#### 3.2 Complaints relating to the Code of Ethical Standards

The *Code of Ethical Standards: Legislative Assembly of Queensland*<sup>3</sup> (the Code), the most recent edition of which was published on 15 June 2018, 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.

#### 3.3 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 dealt with one matter relating to the Register of Members' Interests during the reporting period:

- Report No. 182 Inquiry into matters relating to a matter of privilege referred by the Clerk on 19 October 2018 relating to an allegation of failure to declare members' interests

#### 3.4 Requests for a 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, may 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 three referrals from the Speaker for a citizen's right of reply during the reporting period:

- Report No. 183 Report on a Right of Reply No. 35
- Report No. 187 Report on a Right of Reply No. 36
- Report No. 188 Report on a Right of Reply No. 37

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<sup>3</sup> The Code of Ethical Standards was last amended by the Committee of the Legislative Assembly on 15 June 2018.

### 3.5 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 relevant 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 response under section 107 of the POQA during the reporting period.

## 4 Committee expenditure

The committee had no revenue during 2018-19. The committee is funded from the appropriation made to the Legislative Assembly. The expenditure of the committee for the period 1 July 2018 to 30 June 2019 is shown in the table below.

Item	\$
Business travel	23,599
Meeting expenses	1,517
Technology	\$ 845
Printing, postage and supplies	1,738
Telecommunication costs	1,452
<b>Expenditure Total</b>	<b>\$29,151</b>



## 5 Committee Travel

The committee travelled to New Zealand in November 2018 to learn about the practices and procedures of the New Zealand Parliament as a comparable unicameral parliament to the Queensland Legislative Assembly. As a key reference for its deliberations the committee uses *Parliamentary Practice in New Zealand* by David McGee, former Clerk of the New Zealand House of Representatives. In that context the committee's objectives were to learn about:

- the background to, and application and impact of, the *Parliamentary Privileges Act 2014* (NZ)
- the relationship between the judiciary and the parliament in respect of freedom of speech - with reference to the court decisions that pre-empted the *Parliamentary Privileges Act 2014* (NZ)
- revocation of the prohibition on the use of parliamentary footage for satire and ridicule in New Zealand, and any implications / impacts since the revocation
- how contempts of Parliament are addressed in New Zealand
- How citizens' rights of reply are managed in New Zealand.

The committee met with the New Zealand Parliament's Privileges Committee, along with the Justice Committee, Economic Development Committee, Foreign Affairs, Defence and Trade Committee, and the Primary Production Committee. The committee also met with the Rt Hon Trevor Mallard MP, Speaker of the House of Representatives; Mr David Wilson, Clerk of the House of Representatives; Sir Maarten Weaver, Registrar of Members' interests; and Ms Poto Williams MP and Mr Chris Bishop MP, Australia-Pacific Parliamentary Friendship Group. The committee also observed question time in the House of Representatives and a number of committee proceedings.

Members also received briefings from a number of staff of the New Zealand House of Representatives on matters relating to parliamentary privilege in New Zealand.

Some learnings of interest from the visit with the New Zealand Parliament included:

- Themes in respect of parliamentary privilege in recent times have related to the relationship between the Parliament and the courts. This has included issues associated with court declarations that legislation is incompatible with the Bill of Rights; and the use of Parliamentary proceedings in litigation.
- The Privileges committee undertakes inquiries into some broader matters of privilege; for example an inquiry relating to a general question of privilege about Parliamentary cybersecurity was in train at the time of the committee's visit.
- The Registrar of Pecuniary Interests is an independent officer appointed by the Clerk. As in Queensland, the requirements for registration of Members interests are determined by the House, and reflected in Standing Orders rather than statute. There is one 'return' each year and members have one month to register their interests. Progressive updates are not required; but should a Member have an interest in a matter before the House, but not yet registered, it must be declared.
- There is a very high threshold for referral of Members to the Privileges Committee. Matters such as alleged deliberately misleading the House are generally dealt with on the floor of the House (such as by way of apologies or withdrawals) unless it is very clear that a Member intended to mislead the House. As a referral to the Privileges Committee is such a significant matter, Members are reportedly very careful to ensure the accuracy of their statements to the House.
- There has been no discernible impact on incidences of official parliamentary footage being used for satire or ridicule since the removal of the prohibition on using parliamentary broadcast footage for those purposes in 2016.

- Citizens may seek leave of the Speaker for a right of reply in respect of adverse comment made in the House capable of adverse effect or damage to reputation. Such requests must be made within three months of the adverse comment, in contrast to Queensland's four years. The right is not widely exercised.
- Standing orders also provide for a Members right of reply, also on application to the Speaker, where a Member claims to have been misrepresented during the time for oral questions and that misrepresentation may adversely affect the Member or damage the Member's reputation.

The committee's deliberations have been informed by these learnings.

## 6 Meeting attendance record

The table following shows the attendance of committee members at committee meetings and other activities during the reporting period.

Meetings	Mr Kelly MP (Chair)	Mr Nicholls MP (Deputy Chair)	Mr McArdle MP	Ms Boyd MP	Ms Linard MP	Mr Stevens MP
23.08.2018 at 1:14pm	✓	✓	✓	✓	✓	✓
23.08.2018 at 1:17pm	✓	1	✓	✓	✓	✓
20.09.2018 at 1:04pm	✓	1	✓	✓	✓	✓
18.10.2018 at 1:05pm	✓	✓	✓	✓	✓	✓
01.11.2018 at 1:03pm	✓	✓	✓	✓	✓	✓
08.11.2018 at 12:02pm	✓	✓	✓	✓	2	X
15.11.2018 at 1:05pm	✓	✓	✓	✓	✓	✓
06.12.2018 at 12:00pm	✓	✓	✓	3	✓	✓
06.12.2018 at 12:22pm	✓	1	✓	4	✓	✓
06.12.2018 at 1:22pm	✓	1	✓	✓	✓	✓
07.12.2018 at 12:01pm	✓	✓	✓	X	X	✓
07.12.2018 at 12:01pm	✓	✓	✓	X	X	✓
14.02.2019 at 1:12pm	✓	✓	✓	✓	✓	✓
14.02.2019 at 1:33pm	✓	1	✓	✓	✓	✓
14.02.2019 at 1:38pm	✓	✓	✓	4	✓	✓
28.02.2019 at 1:12pm	✓	✓	✓	3	✓	✓
28.02.2019 at 1:03pm	✓	✓	✓	3	✓	✓
28.03.2019 at 1:00pm	✓	✓	✓	3	✓	✓
26.04.2019 at 9.30am	✓	1	5	3	✓	✓
26.04.2019 at 10:03am	✓	✓	5	4	✓	✓
02.05.2019 at 1:02pm	✓	1	✓	3	✓	✓
02.05.2019 at 1:05pm	✓	✓	✓	4	✓	✓
16.05.2019 at 1:08pm	✓	✓	5	3	✓	✓
07.06.2019 at 9:00am	✓	✓	✓	3	6	✓
13.06.2019 at 1:08pm	✓	✓	✓	3	✓	✓



Standing Order 202 provides that in the case of a committee members' illness or inability to attend, another member may be appointed to attend that meeting or stand in for a particular inquiry.

Standing Order 272 provides that if any member is directly concerned in a matter referred to the committee, or who has made statements in the House revealing a prior judgement in the matter shall not be involved in consideration of the matter.

The following key notes the substitutions of members in the above meeting attendance record.

**Meeting substitutions:**

1. Mr Minnikin MP, Member for Chatsworth, substituted for Mr Nicholls under SO 272
2. Mr Brown MP, Member for Capalaba, substituted for Ms Linard under SO 202
3. Mrs McMahon MP, Member for Macalister, substituted for Ms Boyd under SO 202
4. Mrs McMahon MP, Member for Macalister, substituted for Ms Boyd under SO 272
5. Mr Langbroek MP, Member for Surfers Paradise, substituted for Mr McArdle under SO 202
6. Mr Power MP, Member for Logan, substituted for Ms Linard under SO 202



Mr Joe Kelly MP

Chair

October 2019