



## ETHICS COMMITTEE

### REPORT NO. 185

#### MATTER OF PRIVILEGE REFERRED BY THE SPEAKER ON 9 AUGUST 2017 RELATING TO ALLEGED DELIBERATE MISLEADING OF THE HOUSE

##### 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 15 February 2018.
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.<sup>1</sup> 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 allegations that the then Leader of the Opposition, Shadow Minister for Arts and Major Events, and current Member for Clayfield, Mr Tim Nicholls MP and the then Deputy Leader of the Opposition and Shadow Minister for Infrastructure, State Development, Trade and Investment and Member for Nanango, Mrs Deb Frecklington MP (current Leader of the Opposition) deliberately misled the Parliament.
4. On 29 October 2017, the Acting Governor dissolved, by Proclamation, the 55<sup>th</sup> Parliament of Queensland. The Ethics Committee of the 55<sup>th</sup> Parliament was also dissolved on this date.
5. On 3 May 2018, the Ethics Committee of the 56<sup>th</sup> Parliament resolved to continue and finish dealing with the matter, in accordance with section 105 of the *Parliament of Queensland Act 2001*.

##### The referral

6. On 15 June 2017, the then Leader of the House and Member for Sandgate wrote to Speaker Wellington alleging that the Members for Clayfield and Nanango deliberately misled the House in asking three questions without notice to the Premier on 13 June 2017.
7. The questions related to the then Member for Pumicestone (Mr Rick Williams) and rates and water charges. Speaker Wellington considered that in each case, statements made in the question were not supported by other information and were arguably factually incorrect and/or misleading. Both

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<sup>1</sup> *Parliament of Queensland Act 2001*, section 104B.

members were provided an opportunity to respond to the allegations, and Speaker Wellington was not satisfied with either member's explanation regarding their question.

8. On 13 June 2017, the Member for Clayfield began Question Time with two questions regarding the Member for Pumicestone and rates and water charges.

9. In his first Question Without Notice, the Member for Clayfield asked:

*Premier, I table a document signed by the member for Pumicestone objecting to paying his state government bulk water charges and other fees totalling \$2,789.06, and I ask: Premier, is the member for Pumicestone right that the cost of state government bulk water charges is too high?<sup>2</sup>*

10. In his second question, the Member for Clayfield asked:

*Premier, I table an affidavit sworn by the member for Pumicestone admitting to not paying two years of water charges. Premier, what is the government's policy position on people who choose not to pay their debts?<sup>3</sup>*

11. Also on 13 June 2017, the Member for Nanango asked a question on the same topic.

12. In her Question Without Notice, the Member for Nanango asked:

*My question without notice is to the Premier. I table a document signed by the member for Pumicestone saying, in effect, that he did not have to pay his rates due to excessive fees and charges. Premier, what is the government's policy position on people who choose not to pay their debts?<sup>4</sup>*

13. On 15 June 2017, the Leader of the House and Member for Sandgate, Hon Stirling Hinchliffe MP (the Member for Sandgate) wrote to Mr Speaker alleging that the questions were 'manifestly untrue and clearly misleading', the Leader of the Opposition and Deputy Leader of the Opposition knew they were misleading, and that it was a 'contrived political strategy' designed to deliberately mislead the House.

14. On 6 July 2017, both the Member for Clayfield and Member for Nanango wrote to Mr Speaker stating that they had already tabled all relevant documents to the complaint and did not wish to add any further material, that the Leader of the House failed to make a persuasive case, and that the matter is trivial in nature and does not warrant the further attention of the House.

15. On 9 August 2017, Speaker Wellington referred the matter to the committee, ruling:

*Honourable members, on 15 June 2017 the Leader of the House and member for Sandgate wrote to me alleging that the Leader of the Opposition and shadow minister for arts and major events and the Deputy Leader of the Opposition and shadow minister for infrastructure, state development, trade and investment deliberately misled the House during three questions without notice to the Premier on 13 June 2017.*

*The questions relate to the member for Pumicestone and rates and water charges. In each case, statements made in the question are not supported by other information and are arguably factually incorrect and/or misleading. Both members were provided an opportunity to respond to the allegations, and I am not satisfied with either member's explanation regarding their questions. I have therefore decided to refer these matters to the Ethics Committee.*

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<sup>2</sup> Queensland Parliament, Record of Proceedings, 13 June 2017, p 1518.

<sup>3</sup> Queensland Parliament, Record of Proceedings, 13 June 2017, p 1519.

<sup>4</sup> Queensland Parliament, Record of Proceedings, 13 June 2017, p 1520.

*In doing so, I wish to emphasise that I have formed no view as to whether there has been a breach of privilege but, rather, that there are sufficient issues in play to warrant the further consideration of the House via the Ethics Committee. I remind members that standing order 271 now applies, and members should not refer to these matters in the House.*

### **Definition of contempt**

16. 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 deliberately misleading the House**

17. Standing Order 266(2) provides that an example of contempt includes:

*Deliberately misleading the House or a committee (by way of a submission, statement, evidence or petition).<sup>5</sup>*

18. The Ethics Committee considers that deliberately misleading the House or a committee 'consists of the conveying of information to the House or a committee that is inaccurate in a material particular and which the person conveying the information knew at the time was inaccurate or at least ought to have known was inaccurate.'<sup>6</sup>

19. The standard of proof demanded in cases of deliberately misleading parliament is a civil standard or 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.<sup>7</sup>

20. The Ethics Committee of the 48<sup>th</sup> Parliament stated that the term 'misleading' is wider than 'false or 'incorrect'. The committee considered it 'possible, although rare and unlikely, that a technically factually correct statement could also be misleading' – for example, by the deliberate omission of relevant information.<sup>8</sup>

### **The committee's proceedings**

21. The committee has established proceedings 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 Standing Orders. The committee is also bound by instructions regarding witnesses, at Schedule 3 to Standing Orders.

22. On determining to proceed with the inquiry into this referral, the committee wrote to the Members for Clayfield and Nanango, and the Member for Sandgate, inviting submissions which addressed the elements to be established in considering the alleged contempt of deliberately misleading the House.

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<sup>5</sup> Standing Order 266(2), Standing Rules and Orders of the Legislative Assembly, available at <https://www.parliament.qld.gov.au/documents/assembly/procedures/StandingRules&Orders.pdf>

<sup>6</sup> McGee, David, Parliamentary Privilege in New Zealand, Third Edition, Dunmore Publishing Ltd, Wellington, 2005, p.653.

<sup>7</sup> McGee, David, Parliamentary Privilege in New Zealand, Third Edition, Dunmore Publishing Ltd, Wellington, 2005, p.654.

<sup>8</sup> M EPPC, Alleged Misleading of the House by a Minister on 14 November 1996, Report No 4, Goprint, Brisbane, 1997, at 10.

23. All parties responded, and the committee found it had sufficient information to deliberate on the allegations.
24. The committee applied the three elements to be established when it is alleged that a member has committed the contempt of deliberately misleading the House:
  - 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.<sup>9</sup>

### ***The statements made by the Member for Clayfield***

#### ***Element 1 – Was the Member for Clayfield’s statement misleading?***

25. The first limb of this element is whether the person’s statement contained factually or apparently incorrect material.
26. The Member for Clayfield’s first question was:

*Premier, I table a document signed by the member for Pumicestone objecting to paying his state government bulk water charges and other fees totalling \$2,789.06, and I ask: Premier, is the member for Pumicestone right that the cost of state government bulk water charges is too high?*
27. In his submission to the Speaker, the Member for Sandgate referred to the document tabled at the time the question was asked, which was a ‘Defence and Counterclaim’ filed in February 2014 on behalf of the Defendant (the former Member for Pumicestone) in the Magistrates Court of Queensland in the matter of Northern SEQ Distributor retailer Authority, Trading as Unity Water and Richard A Williams (defence and counterclaim).
28. The Member for Sandgate stated:

*The defence and counterclaim is very clear in its acceptance of liability in respect of the State of Queensland Bulk Water Charge. In Paragraph 8, the defendant asserts “that he has in good faith met part of the aforementioned demands by the Plaintiff in rendering an amount equal or greater than that for which services were provided with respect to the State of Queensland Bulk Water Charge...”*
29. The Member for Sandgate then contended that the Member for Clayfield’s assertion that the Member for Pumicestone objected to paying his state government bulk water charges is not supported by the tabled document, and instead, the defence and counterclaim ‘expressly refutes the allegation contained in the question’.
30. The Member for Sandgate also contended that the Member for Clayfield’s question asserts that the Member for Pumicestone alleged in the defence and counterclaim that ‘the cost of state government bulk water charges is too high’; and that this is not supported by the document ‘or anywhere else that the Leader of the Opposition has been able to produce’.
31. In his letter to Mr Speaker in response to the allegation, the Member for Clayfield stated that the Member for Sandgate:

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<sup>9</sup> McGee, David, Parliamentary Privilege in New Zealand, Third Edition, Dunmore Publishing Ltd, Wellington, 2005, p.653-655.

*...fails to make a persuasive case of misleading the House and it selectively quotes the tabled documents in support of its baseless allegations.*

*Clearly the Member for Pumicestone disputed the quantum of charges he had been levied by Unitywater on the basis that the cost was excessive and that as part of the dispute the Member for Pumicestone had underpaid the levied charges.*

*The Honourable Stirling Hinchliffe even admits these points in his letter, undermining the allegations.*

32. The committee considered the document tabled by the Member for Clayfield. It makes no reference to the former Member for Pumicestone objecting to paying his state government bulk water charges, nor does it state that he believes the cost of state government bulk water charges is too high. The document tabled refers to errors in the account, and the Member for Pumicestone's objection to the requirement to pay fees, interest and taxes in relation to his account. The document in fact specifically states that the Member for Pumicestone (the defendant) has met in good faith the bulk water charge.
33. The Member for Clayfield implied in his question, that his assertion regarding the Member for Pumicestone's objection to paying his bulk water charges was supported by the tabled evidence. The committee considers that the tabled evidence does not support this assertion and thus the assertion contained apparently incorrect information.
34. The second limb of this element is whether the statement was misleading.
35. The Member for Sandgate claimed the Member for Pumicestone was not objecting to paying his state government bulk water charges nor was he claiming the cost of state government bulk water charges is too high, and has contended that the question was incorrect and misleading.
36. The Member for Clayfield has not specifically addressed this element in his letter to the Speaker, but as outlined above, he has argued that the Member for Pumicestone was disputing the quantum of charges he had been levied by Unitywater on the basis that the cost was excessive and that as part of the dispute the Member for Pumicestone had underpaid the levied charges.
37. The document appears to show that the Member for Pumicestone was disputing the 'quantum of charges' on the basis that the cost was incorrectly calculated, and that he therefore had underpaid the charges to the extent of the error. The Member for Clayfield's propositions suggested a much wider objection on the part of the Member for Pumicestone than was reflected in the documents.
38. The committee finds that the Member for Clayfield's statement was misleading.

*Element 2 – did the Member for Clayfield know at the time that the statement was misleading?*

39. The Member for Sandgate claimed the statements contained in the questions were in direct conflict with what was contained in the document referred to and tabled by the Member for Clayfield, which purported to support the allegations.
40. The Member for Sandgate then stated:

*To falsely describe the contents of a document to the House in an effort to score political points, when the person being asked the question has not had a chance to examine the document to ascertain the veracity of the description, shows not only knowledge of the fact that it was incorrect, but also mala fides on the part of the two persons asking the questions, both of whom are legal practitioners and well aware of the significance of so doing.*
41. The Member for Clayfield notes that he tabled the documents on which his statement purported to rely at the time he made the statement, and he had read the document he tabled and believed his statement was correct and its premise was supported by any reasonable reading of the material I

tabled. He further states: *I believed the accuracy of my statement to be supported by the material I tabled in the House. Had I not thought so I would not have taken the step of tabling the supporting material, (or indeed have asked the question).*

42. Members are responsible for ensuring the accuracy of the words they speak and the material they table in the House. When Members are using prepared material, some care and consideration as to the content can be assumed.
43. However, the Member for Clayfield has stated that he read the documents he tabled, and believes the contents support the statements he made in asking his question. In the absence of direct evidence to the contrary regarding the Member's knowledge and belief, the committee is not able to find that the Member knew the question was misleading.

Element 3 – did the Member for Clayfield intend to mislead the House?

44. David McGee in *Parliamentary Practice in New Zealand* states that for a misleading of the House to be deliberate:

*...there must be something in the nature of the incorrect statement that indicates an intention to mislead. Remarks made off the cuff in debate can rarely fall into this category, nor can matters about which the member can be aware only in an official capacity. But where the member can be assumed to have personal knowledge of the stated facts and made the statement in a situation of some formality (for example, by way of personal explanation), a presumption of an intention to mislead the House will more readily arise.<sup>10</sup>*

45. The Member for Sandgate argued that the statement made by the Member for Clayfield was during Question time, where members ask prepared questions which cannot be said to be made 'off the cuff'.
46. The Member for Sandgate also argued that the Member for Clayfield asked a prepared question based on documents they had in their possession, stating 'The Chamber broadcast clearly shows the Members reading from a prepared written sheet when asking their questions'.
47. The Member for Sandgate stated in relation to all the questions under consideration:

*The statements contained in the questions asked by the Leader of the Opposition and the Deputy Leader of the Opposition were incorrect and misleading, and the very documents which were tabled in the House and declared to support the assertions did the exact opposite. Each of the documents in fact clearly disclosed the fact that the statements made in respect of it were false. This makes them very serious incidences of intentional misleading.*

48. The Member for Sandgate then referred to a report by the Privileges Committee of the Parliament of South Australia, which referred to the question of misleading the House as one of the most important because it is a constructive contempt which impinges on the House's claim to freedom of speech, and noted they considered a further element, asking 'Is the misleading of the House a matter of little or no consequence?'
49. The Member for Sandgate argued that the deliberate misleading of the House in this situation is a serious breach because:

*The two questions asked by the Leader of the Opposition were of the Premier. Every day in question time, the first two questions asked of the Premier are considered to be the most important asked of the day. The Deputy Leader of the Opposition's question was very early in question time.*

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<sup>10</sup> David McGee, *Parliamentary Practice in New Zealand*, Dunmore Publishing Ltd, 2005, p654.

*This was a contrived political strategy designed to detract from the Government and cause a media distraction on the day that the Treasurer was to hand down the Queensland budget for 2017/18. It was a strategy designed to score political points. The Members showed no regard for the integrity of the House, nor for the position of Premier.*

*They could not therefore be dismissed as being 'of little or no consequence'.*

50. The Member for Clayfield submitted that his intent in asking the questions was *'to bring attention to the conduct of the former Member for Pumicestone, which was a legitimate issue of public concern at the time given numerous reports about the former member's behaviour'*.
51. He stated that *'in tabling the documents referred to in both my questions I was concerned to place before the house the material I had relied on in both questions. Doing so allowed any interested person to review the documents and form their own view as to the motives and actions of the former member'*.
52. The committee agrees with the Privileges Committee of the Parliament of South Australia, as cited by the Member for Sandgate, which referred to deliberately misleading the House as one of the most significant contempts of parliament, because it impinges on the House's claim to freedom of speech. The privilege of freedom of speech in the House carries with it the responsibility of exercising the freedom judiciously.
53. The Member for Clayfield's first question did not focus on the behaviour of the Member for Pumicestone, but on state government water charges. This is not consistent with the rationale put forward by the Member as to his intent.
54. However, the Member for Clayfield did table the documents on which his statements incorrectly purported to rely. On one view, that the documents were tabled could be seen as compounding the extent of any misleading statements. On another view, tabling the documents meant that they were open to the scrutiny of the House and the public to determine for themselves the veracity of the statements.
55. David McGee, the former Clerk of the New Zealand House of Representatives, in his book *Parliamentary Practice in New Zealand*, has 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.
56. Given the seriousness of the offence and consequent high threshold for a finding of contempt of Parliament, the committee considers that the fact the documents were tabled so that their contents could be readily reviewed, the Member's submission as to his intent, and an absence of direct evidence that refutes the Member's submission as to his intent, tends towards the committee's finding: that it cannot establish that the Member intended to mislead the House.

## **Second Question without Notice from the Member for Clayfield**

### *Element 1 – Was the Member for Clayfield's statement misleading?*

57. As above, the first limb of the first element is whether the statement was factually or apparently incorrect.
58. The second question from the Member for Clayfield was:

*Premier, I table an affidavit sworn by the member for Pumicestone admitting to not paying two years of water charges. Premier, what is the government's policy position on people who choose not to pay their debts?*

59. The Member for Sandgate referred to the affidavit tabled by the Member for Clayfield when asking the above question, in which the former Member for Pumicestone states 'I do not now or have ever denied that I received services from the Applicant' and 'I continued to make payments but not to pay the full account as Unity would not try to assist me clarifying my account', as well as other paragraphs referring to the dispute relating to 'errors or anomalies' in the accounts.
60. The Member for Sandgate also referred to documents attached to the affidavit which he contended 'outline the nature of the disputed accounts, referring specifically to discrepancies between the service periods and the billing periods on a number of accounts, overlapping billing periods and uncertain interest charges'. The Member for Sandgate again contended that this question was 'manifestly untrue and clearly misleading'.
61. As in his response relating to his first statements, the Member for Clayfield stated that the Member for Sandgate's letter:
- ...fails to make a persuasive case of misleading the House and it selectively quotes the tabled documents in support of its baseless allegations.*
- Clearly the Member for Pumicestone disputed the quantum of charges he had been levied by Unitywater on the basis that the cost was excessive and that as part of the dispute the Member for Pumicestone had underpaid the levied charges.*
62. The document which was tabled by the Member for Clayfield does not make reference to the former Member for Pumicestone objecting to paying his state government bulk water charges. The document refers to errors in the account and the former Member for Pumicestone's objection to paying fees, interest and taxes in relation to the account.
63. The committee considered that the word 'charges' in the Member for Clayfield's question is not clearly defined and therefore could not find that the statement was factually incorrect.
64. However, the second limb of this element is whether the statement was misleading.
65. The Member for Clayfield's question states that the former Member for Pumicestone admitted to not paying two years of water charges. The word 'charges' could arguably refer to all of the charges, and not just the state bulk water charge. However, the documents tabled show that the former Member for Pumicestone did make payments in respect of his water charges, when the question stated that he did not.
66. The committee therefore considered that the Member for Clayfield's question was worded to suggest that the tabled document showed that the former Member for Pumicestone had admitted to not paying any water charges. This is not the state of affairs reflected in the documents tabled, and so the committee finds that the Member for Clayfield's question was misleading.

Element 2 – did the Member for Clayfield know at the time that the statement was misleading?

67. Again, the Member for Sandgate argued that the Member for Clayfield made a statement contained in the question which was in direct conflict with the documents tabled to ostensibly support the allegations.
68. He further argued that the Member for Clayfield was familiar with the contents of the document he tabled, and asked a question of the Premier regarding a document that she would not be familiar with at the time the question was asked, the combination of which was evidence of bad faith and an intent to deceive.
69. As detailed in paragraph 41 above, the Member for Clayfield submitted to the committee that he believed the contents of the documents supported the statements he made in asking his questions; and that had he not believed so, he would not have tabled the documents.

70. The committee finds that there is a lack of evidence of a sufficiently high standard to refute the Member for Clayfield's claim as to his knowledge, and so cannot find that the Member for Clayfield knew that his statement was misleading.

Element 3 – Did the Member for Clayfield intend to mislead the House?

71. The Member for Sandgate applied the same argument as for the first statement, that is, that the statement made by the Member for Clayfield was during Question Time, where members ask prepared questions which cannot be said to be made 'off the cuff', and also argued that the Member for Clayfield asked a prepared question based on documents [he] had in [his] possession, stating 'The Chamber broadcast clearly shows the Members reading from a prepared written sheet when asking their questions'.
72. The Member for Sandgate also applied the same argument regarding the serious nature of the allegations as a contrived political strategy.
73. The Member for Clayfield submitted to the committee that his intent in asking the questions was to raise important matters of public interest (see paragraphs 50 – 51 above). In this case, the preamble to the question did appear to be focussed on the Member for Pumicestone's behaviour.
74. While raising important matters of public interest is an appropriate use of the privilege of freedom of speech, in exercising this privilege Members are responsible for ensuring the accuracy of words spoken and documents tabled in the House.
75. The Member for Clayfield tabled the documents on which his statements incorrectly purported to rely. That the documents were tabled could on one view be seen as compounding the extent of any misleading statements. On another view, tabling the documents meant that they were open to the scrutiny of the House and the public to determine for themselves the veracity of the statements.
76. David McGee, the former Clerk of the New Zealand House of Representatives, in his book *Parliamentary Practice in New Zealand*, has 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.
77. Given the seriousness of the offence and consequent high threshold for a finding of contempt, the committee considers that on balance the fact the documents were tabled and their contents could readily be reviewed, along with the Member's submission as to his intent, tends to support the committee's finding that it cannot establish that the Member intended to mislead the House.
78. For these reasons, and in the absence of any direct evidence that the Member's intent was not as he claims, the committee is not able to find that the Member for Clayfield intended to mislead the House.

**Conclusion**

79. On the information before it the committee finds that in relation to the matter of privilege of the Member for Clayfield deliberately misleading the House, the element of an intention to mislead the House is not made out and therefore has not made a finding of contempt.

**The statement made by the Member for Nanango**

Element 1 – Was the Member for Nanango's statement misleading?

80. The first limb of the first element is whether the statement was factually or apparently incorrect.
81. The question from the Member for Nanango was:

*My question without notice is to the Premier. I table a document signed by the member for Pumicestone saying, in effect, that he did not have to pay his rates due to excessive fees and charges. Was the member for Pumicestone right not to pay his debts due to taxes and charges being too high for Queenslanders?*

82. The document tabled by the Member for Nanango at the time the question was asked was a Notice of Intention to Defend and Defence lodged in the Magistrates Court of Queensland in 2013, in respect of a minor debt claim in the matter of Moreton Bay Regional Council and Richard A Williams.

83. The Member for Sandgate stated:

*On the face of the document tabled, it is clear that the Member for Pumicestone had paid the rates 'in an amount equal or greater than that for which services were provided in respect to waste management "garbage collection", the Regional infrastructure "Maintenance" charge, and happily the state fire services charge.'*

*The amounts disputed were in respect of "taxes including- general rate - a land tax, Regional infrastructure separate tax, imposed legal costs (not determined by the Courts), and improper special tax - Pacific Harbour Canal Maintenance (tax) and interest."*

*Without commenting on the finalisation of this matter, which is subject to a confidentiality clause, it is clear that the question asked of the Premier by the Deputy Leader of the Opposition is misleading in that it states that the member for Pumicestone said "that he did not have to pay his rates due to excessive fees and charges."*

*Nowhere in any of the documentation referred to by the Leader of the Opposition or the Deputy Leader of the Opposition does the Member for Pumicestone allege that taxes and charges were too high for either him or for Queenslanders.*

84. The Member for Sandgate then contended that this question was also 'manifestly untrue and clearly misleading'.

85. In her response to Mr Speaker, the Member for Nanango argued that the former Member for Pumicestone made clear that he was disputing the quantum of his rates and charges on the basis that he had been overcharged, and that her question reflected this.

86. The documents tabled do not refer to the former Member for Pumicestone objecting to paying his state government bulk water charges, nor do the documents say that the former Member for Pumicestone believed the cost of state water charges (as opposed to his own bill) is too high.

87. The committee considers that the documents tabled do not support the statements made by the Member for Nanango and therefore the information is apparently incorrect.

88. The second limb of this element is whether the statement was misleading.

89. The committee concluded that the tabled documents show that the former Member for Pumicestone was disputing the 'quantum of charges' on the basis that the cost was not correctly calculated, and therefore the charges were underpaid. The assertion that the former Member for Pumicestone objected to the state government bulk water charges is not supported by the evidence and therefore the committee finds that the Member for Nanango's statement was misleading.

*Element 2 – did the Member for Nanango know at the time that the statement was misleading?*

90. The Member for Sandgate argued that the statement contained in the question was in direct conflict with what was contained in the documents; that the Member for Nanango was familiar with the contents of the document she tabled, and asked a question of the Premier regarding a document that she would not be familiar with at the time the question was asked, the combination of which was evidence of bad faith and an intent to deceive.

91. The Member for Nanango made no specific argument as to whether she knew her statement to be incorrect or misleading, but made the general argument that the Member for Pumicestone disputed the quantum of his rates and charges on the basis that he had been over-charged, which she argued was the basis of her question.
92. The Member for Nanango tabled the document which specifically refers to the Member for Pumicestone stating he had paid the rates 'in an amount equal or greater than that for which services were provided in respect to waste management "garbage collection", the Regional infrastructure "Maintenance" charge, and happily the state fire services charge', which on the face of it appears to contradict the Member for Nanango's statement.
93. David McGee, the former Clerk of the New Zealand House of Representatives, in his book Parliamentary Practice in New Zealand, has 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.
94. As with the Member for Clayfield, the Member for Nanango tabled the documents on which her statement incorrectly purported to rely. On one view, that the documents were tabled could be seen as compounding the extent of any misleading statements. On another view, tabling the documents meant that they were open to the scrutiny of the House and the public to determine for themselves the veracity of the statements. There was no attempt to hide the contents.
95. Given the seriousness of the offence of deliberately misleading the House, and consequent high threshold for a finding of contempt of Parliament, the committee considers that on balance the fact the documents were tabled, a lack of direct evidence as to the Member for Nanango's knowledge at the time of asking the question, and the Member's offer to apologise if she did mislead the House, means it cannot be established that the Member knew that her statement was misleading.
96. This element is not made out.

Element 3 – Did the Member for Nanango intend to mislead the House?

97. The Member for Nanango has stated to the committee that she did not intend to mislead the House, and offered to apologise if she did so.
98. The argument pertaining to element 2 is also relevant to this element. In this matter, if there is insufficient evidence to find that the Member knew her statement to be misleading, there is insufficient evidence to find that the Member intended to mislead the House.

**Conclusion**

99. On the information before it the committee finds that in relation to the matter of privilege regarding an allegation of the Member for Nanango deliberately misleading the House, that while the statement was misleading there is insufficient evidence of an intention to mislead the House and therefore has not made a finding of contempt.
100. We note and appreciate the offer by the Member for Nanango to apologise to the House, and encourage this course of action when any Member is found to have misled the House, even if unintentionally.

**Committee comment**

101. The reason members seek to have documents tabled in the House is to place those documents on the public record. As McGee states:

*The main purpose of presenting papers is to make them known to the world in the most public manner possible. The requirement that regulations and reports be presented to the House undoubtedly helps draw them to the attention of members and of others who*

*observe and report parliamentary proceedings so that they can be examined and put to use.<sup>11</sup>*

102. The Speaker of the 56<sup>th</sup> Parliament, Hon Curtis Pitt, recently made a ruling that tabled material must be relevant to the matter under consideration at the time the material is tabled, noting that:

*members of this House have an almost unfettered right to table documents, at least in the first instance. In most other houses of Parliament, the tabling of documents is limited to particular classes of documents or documents tabled by Ministers or otherwise only if the leave of the House or the chair is first sought and given.<sup>12</sup>*

103. The committee could find no precedent of a member being found in contempt of the Parliament for tabling documents not materially relevant to a statement made in the House. However we note that tabling documents which have no relevance to the matter at hand would be using the documents as a prop, the inappropriate use of which has been found to be grossly disorderly by previous Speakers, and is in contravention of parliamentary protocol.<sup>13</sup>

104. A previous Queensland Parliament ethics committee took the view that tabling is essentially a public information function, and argued that the greater the public access to information which comes into the possession of members, the more effective the Parliament is in performing its functions of debating matters of public importance and airing of grievances. That committee also acknowledged that, as with any right or privilege, there remains the need to ensure that such privileges are not abused or used in a way that could be contrary to the public interest.<sup>14</sup>

105. The committee reminds all members of the Members Code of Ethical Standards which states:

*Whilst Members are immune from legal action in relation to speeches and documents tabled in the House, Members should remain circumspect in exercising that 'freedom of speech' immunity and apply due diligence in preparing such speeches or documents so as to avoid allegations of abuse of privilege.*

106. Accordingly, we also remind members that it is their responsibility to ensure that any material tabled is relevant to the matter under consideration at the time the material is tabled.
107. Members are encouraged to correct the record at the earliest possible time if they have misled the house intentionally or unintentionally. In this case the report notes the factual errors in these documents and as such this report serves as a correction of the record.

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<sup>11</sup> McGee, David, *Parliamentary Privilege in New Zealand*, Third Edition, Dunmore Publishing Ltd, Wellington, 2005, p.540.

<sup>12</sup> Record of Proceedings, 27 March 2019, p 793. Hon Curtis Pitt, Speaker of the Legislative Assembly.

<sup>13</sup> See for example Speaker McGrady (16/2/2006 PD p209), Speaker, Acting Speaker Fouras (8/6/2005 PD p1857), Speaker Reynolds (5/6/2007 PD p1775-6) and Speaker Simpson (14/11/2012 PD p2582).

<sup>14</sup> Report No. 106, Matter referred by the Speaker on 17 September 2009 regarding the tabling of documents by members. <https://www.parliament.qld.gov.au/Documents/TableOffice/TabledPapers/2010/5310T2403.pdf>

**Conclusion**

On the information before it the committee finds that on the matter of privilege in relation to the Member for Clayfield and the Member for Nanango, that the allegations of contempt are not made out.

**Recommendation 1**

The committee recommends no finding of contempt be made against the Member for Clayfield and that the House take no further action in relation to this allegation.

**Recommendation 2**

The committee recommends no finding of contempt be made against the Member for Nanango and that the House take no further action in relation to this allegation.



Joe Kelly MP  
**Chair**

April 2019

**Membership — 56<sup>th</sup> Parliament**

Mr Joe Kelly MP, Chair  
*Member for Greenslopes*

Ms Leanne Linard MP  
*Member for Nudgee*

Mr Mark McArdle MP<sup>15</sup>  
*Member for Caloundra*

Mrs Melissa McMahon MP<sup>16</sup>  
*Member for Macalister*

Mr Steve Minnikin MP<sup>17</sup>  
*Member for Chatsworth*

Mr Ray Stevens MP  
*Member for Mermaid Beach*

**Contact**

Telephone: 07 3553 6610

E-mail: [ethics@parliament.qld.gov.au](mailto:ethics@parliament.qld.gov.au)

Internet: [www.parliament.qld.gov.au/ethics](http://www.parliament.qld.gov.au/ethics)

Subscribe: [www.parliament.qld.gov.au/subscribe](http://www.parliament.qld.gov.au/subscribe)

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<sup>15</sup> Mr John-Paul Langbroek, the Member for Surfers Paradise, was appointed to the committee under Standing Order 202 as a substitute member of the committee for its meeting on 26 April 2019.

<sup>16</sup> The Member for Macalister was appointed to the committee under Standing Order 202 as a substitute member of the committee.

<sup>17</sup> The Member for Chatsworth was appointed to the committee under Standing Order 272 as a substitute member of the committee.



Our ref: MO2818

Mr Joe Kelly MP  
Member for Greenslopes  
Chair  
Ethics Committee  
Parliament House  
George Street  
BRISBANE QLD 4000

1 William Street  
Brisbane Queensland 4000  
PO Box 15009  
City East Queensland 4002  
Telephone +61 7 3719 7560  
Email [lgrma@ministerial.qld.gov.au](mailto:lgrma@ministerial.qld.gov.au)  
Website [www.dlgrma.qld.gov.au](http://www.dlgrma.qld.gov.au)

ABN 65 959 415 158

*Dear Joe*

Thank you for your letter dated 28 August 2018 inviting me to make a further submission addressing the information provided by the Mr Tim Nicholls MP, Member for Clayfield, and the Leader of the Opposition, Mrs Deb Frecklington MP, in response to my complaint of 15 June 2017 to the then Speaker, Hon Peter Wellington MP, that they had misled the House.

Both the response from Mr Nicholls and from Mrs Frecklington refer to the fact that the material from the then Member for Pumicestone, Mr Rick Williams, claims he was overcharged, and disputes the quantum of the rates and charges, something each member describes as being 'precisely the point of my question without notice to the Premier'.

The series of questions without notice to the Premier did not make reference to the fact that the undisputed portion of the charges were paid. They refer to 'not paying two years of water charges'.

This is not a trivial matter. Misleading the Parliament through deliberately misleading interpretations given to documents, particularly when asking questions during question time when the Premier or a Minister has little or no opportunity to verify their veracity undermines the purpose of this important convention in our Parliament.

I therefore submit that the members have failed to address the matters raised in my correspondence in any meaningful way and contend that I have established that they have deliberately misled the Parliament.

Yours sincerely

A large, stylized blue ink signature of Stirling Hinchliffe, written in a cursive script.

**STIRLING HINCHLIFFE MP**  
**Minister for Local Government,**  
**Minister for Racing and**  
**Minister for Multicultural Affairs**

17 September 2018



19<sup>th</sup> September 2018

Mr Joe Kelly  
Chair  
Ethics Committee  
Parliament House  
George Street  
BRISBANE QLD 4000

Via email: [ethics@parliament.qld.gov.au](mailto:ethics@parliament.qld.gov.au)

Dear Mr Kelly

Thank you for your letter of 28 August inviting me to provide further information in relation to the referral by Speaker Wellington of 9 August 2017.

Firstly, I apologise for the delay in sending in this submission. I simply misread the detail of the time frame for the response required. I then had to retrieve information to allow me to respond. The response involves re reading and cross referencing a considerable body of material. I meant no disrespect to the Committee.

I will address the three elements necessary to make out the allegation of contempt and why I believe those elements have not been made out and that respectfully this matter does not require the further attention of the Committee.

**Firstly** I contend that the allegation was not misleading in the context of a robust question time in the Parliament. I submit that in question time a certain element of robustness and what has been described by previous MEPPC reports (report 17 for example) as "puffery" is part and parcel of Question Time in the Queensland Parliament. Preambles to questions by their very nature contain an element of stage setting in order to provide context and to give the question more focus.

My question was directed squarely at the character of an ALP Member of Parliament who appeared to be avoiding an obligation to pay rates and using absurd defences to avoid that obligation. The Premier as the leader of the ALP has parliamentary responsibility for the conduct and character of members of her team and that is why the question was addressed to her.

My questions to the Premier observed that the former member had not paid rates and asked why, and was non-payment acceptable. I also tabled a copy of the defence and counterclaim as well as affidavits wherein he admitted not paying all the charges levied.

In defending a lawful claim issued by the local authority the former member can only have been alleging the charges were not owed, whether by reason of being too high or for failure of services rendered or for another reason. Again in my view this goes to the essential tenet of the questions asked, which was as to the character of the former member. It was clearly an option for the Premier in answering the questions to say that the State water charges



were not too high. The Premier could have simply said she fully supported the former member. As I submitted above, this robustness is a frequent feature of question time.

I enclose the documents I tabled at the time, including statements of claim and affidavits filed by both the Moreton Bay Regional Council representative and the former member for Pumicestone,

On review it is clear that the material tabled does not support the contention I mislead the house. The Statements of Claim filed by the Moreton Bay Regional Council against the former member clearly allege non-payment of rates and other lawful charges over a period of at least 2 years. The affidavit of Felicity Jane O'Dell of the Council (being the authorised officer to make the affidavit) highlights the non-payment of rates and charges by the defendant between April 2011 (see paragraph 14 of Ms O'Dell's affidavit) and 23 September 2013 (see Paragraph 31 of Ms O'Dell's affidavit).

Indeed it was only after the claims were filed that Williams attempted to make any payment as is stated in paragraph 33 of Ms O'Dell's affidavit. Clearly Williams had not paid his rates for more than 2 years including the bulk water rate amongst others. Council presumably in an attempt to recover a long overdue debt, issued applications for summary judgement. The content of Ms O'Dell's affidavit in support of those applications was not disputed by the former member.

I also respectfully request the committee consider the absurd claims made by the former member in his desire to avoid paying his rates. In the Defence and Counterclaim, Williams expressly denies several facts including;

1. That the Council is properly incorporated under the local government act and capable of suing and being sued and
2. That he is the owner of land on which the rates were levied!

He then denies items 2 to 6 of the balance of the Statement of claim including that he validly owes rates and charges because there is no "contract" between himself and the Council. He claims his land is held under "Radical Title" (whatever that may be - see para 3c of the Defence) and makes other equally nonsensical claims.

In paragraph 5 of the defence Williams "asserts" with no evidence to support the assertion that he has paid various charges (but importantly not water charges) and also says ***"but not so, much as to pay the taxes including the -general rate- a land tax, Regional Infrastructure separate tax, imposed legal costs...."***

On any plain reading of the material I believe my statements did reflect the fact of non-payment for 2 years of rates including water charges and that the questions were validly asked of the Premier, allowing the Premier to answer appropriately in the manner in which she deems fit.

Addressing the **second** element, I think it is apparent that I did not know the statement made to the house in either question was incorrect. Indeed reading the material, I believed the statement was accurate and would not be misleading the house. If I am in error in that regard it was certainly my view that my statement at the time was correct and its premise was supported by any reasonable reading of the material I tabled. I would say that the Parliament is not a court of law, but rather a house of debate and representation. It does not in my submission require the level of inquiry of a court but a fair reading of information in order to form a reasonable and justifiable position. That in my view is exactly the process I followed.

In this regard I make the point that I believed the accuracy of my statement to be supported by the material I tabled in the house. Had I not thought so then I would not have also taken the step of tabling the supporting material, (or indeed have asked the question).

Turning finally to the **third element**. Quite clearly from my previous comments I did not intend to mislead the house. My intent was to bring attention to the conduct of the former member for Pumicestone, which was a legitimate issue of public concern at the time given numerous reports about the former members' behaviour.

In tabling the documents referred to in both my questions I was concerned to place before the house the material I had relied upon in both questions. Doing so allowed any interested person to review the documents and form their own view as to the motives and actions of the former member. Indeed, it is the selective quotation of parts of those documents which the member for Sandgate relies upon to found the current matter under consideration by the committee.

Legitimately I sought to question the Premier over the actions of the former member, whose conduct as a member of the ALP at the time had been subject to widespread criticism. Indeed, I note the former member was disendorsed as an ALP member, as announced by the Premier 2 days prior to the 2017 election being called and within 3 months of the questions I asked.

In this light I suggest the essential tenet of my questions as to the character of the Member for Pumicestone were indeed justified and did not evince an intent to mislead the house, nor can they be seen as such. In fact the questions highlighted behaviour of the member, which ultimately the Premier herself found to be unacceptable leading to the former members subsequent disendorsement.

Once again thank you for the opportunity to make submissions on this matter. I remain available to assist the Committee in its deliberations about whether to investigate the complaint.

Yours sincerely



Tim Nicholls MP  
Member for Clayfield



**Deb Frecklington MP**

Leader of the Opposition and Shadow Minister for Trade

7 September 2018

Ethics Committee  
Attention: Mr Joe Kelly MP, Chair

By email: [ethics@parliament.qld.gov.au](mailto:ethics@parliament.qld.gov.au)

Dear Mr Kelly

Thank you for your letter of 28 August 2018.

I appreciate the opportunity to provide the Committee with additional material.

Please find **attached** submissions and evidence for the Committee's consideration.

I can assure the Committee that I did not intend to mislead the House, and I am willing make an apology to the House.

If it would be of assistance to the Committee, I am prepared to attend a hearing to provide further evidence.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Deb Frecklington'.

**DEB FRECKLINGTON MP**  
**Leader of the Opposition**  
**Shadow Minister for Trade**  
**Member for Nanango**

Encl.

**SUBMISSIONS****BACKGROUND**

1. During Question Time on 13 June 2017, the Member for Nanango tabled a document and asked the following question of the Premier:

**Mrs FRECKLINGTON:** *My question without notice is to the Premier. I table a document signed by the member for Pumicestone saying, in effect, that he did not have to pay his rates due to excessive fees and charges*

*Was the member for Pumicestone right not to pay his debts due to taxes and charges being too high for Queenslanders?*

2. The tabled document was obtained from the Pine Rivers Magistrates Court registry. It is the notice of intention to defend and defence filed by Richard A Williams in the Pine Rivers registry on 31 October 2013. The full file of documents obtained from the Court is **attached** for the Committee's review.

**RELEVANT CONSIDERATIONS**

3. 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.*

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

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

5. 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.
6. In determining whether each element is met, the standard of proof to be met is 'on the balance of probabilities.'
7. The Ethics Committee, supported by David McGee in Parliamentary Practice in New Zealand, has noted that recklessness falls short of the standard required to hold a member responsible for deliberately misleading the House.

**APPLICATION**

8. I will deal with each element in turn.

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

9. The question asked by the Member for Nanango was not misleading.
10. The defence filed by Mr Williams in paragraph five on page two appears to say that Mr Williams claims the charges are not reasonable, or they were in excess to the services he received. Mr Williams appears to take issue with being levied certain rates and charges. In paragraph five Mr Williams lists the additional rates and charges that he states are too high as repeated in the Member for Sandgate's letter. Mr Williams states that he has paid for the cost of the services he received, but should not be required to pay other taxes and charges.
11. The Committee should take note that the Defence by its very nature is an application to the Court to rule that Mr Williams should not pay an amount of money for those items. The effect of filing a defence is that Mr Williams asserts a right to plead that he should not be required to pay the levied charges. This is equivalent to saying those rates and charges are too high.
12. The Claim and Statement of Claim are attached to these submissions. Those documents do not suggest that Mr Williams was being charged any extraordinary or unusual fees or charges. He was being levied the same amounts as any other person in his local government area.
13. Mr Williams didn't want to pay certain charges he had been levied. He asked the Court to intervene and it's entirely fair to say that he considered them too high and unreasonable.
14. The second part of the question is incapable of being misleading. It does not assert a point and invites the answerer to say whether Mr Williams' actions were "right." There is no inference to be reasonably drawn from the reference to the cost of water.
15. In summary, the question was not misleading as it made a point that was a reasonable interpretation of Mr Williams' actions.

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

16. In the alternative, even if the statement was found to be misleading, it does not meet the requisite level of “deliberately misleading” to warrant prosecution by the Committee.
17. As above, the question asked by the Member for Nanango was based on a reasonable interpretation of Mr Williams’ actions and the Court documents. This is not the equivalent of a situation where a Member makes a statement knowing that statement was false.
18. At the absolute worst, the question could be criticised as a reckless interpretation of Mr Williams’ actions; but this is because paragraph five of the defence is so poorly drafted it’s illegible.
19. In summary, there is no evidence before the Committee that the question was deliberately misleading.

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

20. The question of intention to mislead is subjective. The Member for Nanango did not intend to mislead the House.
21. Further consideration should be given to the wording of the question. The question does not assert any statement that isn’t open to reasonable interpretation from the documents. On the basis of the link between the documents and the question, it should be assumed that even if the interpretation of Mr Williams’ actions was wrong and the question was reckless, the intention was not to mislead the House.

**CONCLUSION**

22. I respectfully submit that this matter should be dismissed.

**ATTACHMENT 1**

Documents obtained from the Pine Rivers Magistrates Court.



REGISTRY: PINE RIVERS  
NUMBER: 0050659/10

Plaintiff: MORETON BAY REGIONAL COUNCIL  
AND

**COPY**

Defendant: RICHARD A WILLIAMS

Filed in the PINE RIVERS Registry on 24/11/2010

**STATEMENT OF CLAIM**

**This claim in this proceeding is made in reliance on the following facts:**

1. At all material times:-

a) the Plaintiff was and is a local government duly constituted under the provisions of the Local Government Act 2009(QLD)

b) the Plaintiff was and is capable of suing and being sued;

c) the Defendant was and is the owner for the time being of certain land in this district situated at 11 Daniel Place, BANKSIA BEACH, QLD 4507, more particularly described as Lot 168 RP 221179 Parish of WOORIM ("the land").

2. Pursuant to S.94 of the Local Government Act 2009(QLD), the Plaintiff made and levied rates and charges in respect of the Land ("Rates and Charges") which were and are payable by the Defendant as the owner of the Land.

3. The amount of Rates and Charges levied in respect of the land which remain unpaid including interest and Court Costs is \$5024.31.

4. In accordance with S.52 of the Local Government (Finance, Plans and Reporting) Regulation 2010, the Plaintiff has given notice to the Defendant to pay rates and charges within 30 days of their issue.

5. In breach of S.52 of the Local Government (Finance, Plans and Reporting) Regulation 2010, the Defendant failed and neglected to pay the Rates and Charges to the Plaintiff within the time specified.

6. The Plaintiff now claims as a debt the overdue Rates and Charges together with interest and Court Costs in accordance with S.67 of the Local Government (Finance, Plans and Reporting) Regulation 2010 at the rate of 11% per annum, compounding daily.

The Plaintiff claims the following relief:

Overdue Rate.....\$4666.20  
Interest pursuant to S.67 of the Local Government  
(Finance, Plans and Reporting) Regulation 2010....\$70.36  
Claim.....\$4736.56  
Court Costs.....\$185.00

Claim filed on behalf of the plaintiff	Moreton Bay Regional Council
Form 16 R.22, 146	Solicitor
	220 Gympie RD, STRATHPINE QLD 4500
	Ph: ( 07 ) 34806855 Fax: ( 07 ) 34806995
	Reference: 218482.8

# LEGISLATIVE ASSEMBLY OF

*Queensland* **COPY**

Appeal Cost Fund.....\$2.90  
Lodgement Fee.....\$12.05  
Service & Travelling Costs.....\$87.80  
  
Professional Costs.....\$615.00  
TOTAL.....\$5639.31

**Signed:**

Signature not required for electronically lodged documents.

**Description:**

Solicitor for the Plaintiff

Your defence must be attached to your notice of intention to defend.

NOTICE UNDER RULE 150(3)

The plaintiff claims:

<b>Claim</b>	<b>\$4666.20</b>
<b>Interest</b>	<b>\$0.00</b>
<b>Costs of issuing the claim and this statement of claim</b>	<b>\$185.00</b>
<b>Appeal Costs Fund</b>	<b>\$2.90</b>
<b>Professional Costs</b>	<b>\$615.00</b>
<b>Service and Travelling Costs</b>	<b>\$87.80</b>
<b>Search Fees</b>	<b>\$0.00</b>
<b>e-Lodgement Service Provider's Fee</b>	<b>\$12.05</b>
<b>TOTAL AMOUNT OF PLAINTIFF'S CLAIM</b>	<b>\$5568.95</b>

The proceeding ends if you pay those amounts before the time for filing your notice of intention to defend ends. If you are in default by not filing a notice of intention to defend within the time allowed, the plaintiff is entitled to claim additional costs of \$145.00, costs of entering judgment in default.

REGISTRY: PINE RIVERS  
NUMBER: 0050659/10

Plaintiff: MORETON BAY REGIONAL COUNCIL

AND

Defendant: RICHARD A WILLIAMS

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**CLAIM**

**The plaintiff claims:**

The sum of \$5639.31 for outstanding Rates and Charges including interest in accordance with S.96 of the local Government Act 2009 (QLD) and S.67 of the Local Government (Finance, Plans and Reporting) Regulation 2010, to the date of filing this claim.

The plaintiff makes this claim in reliance on the facts alleged in the attached Statement of Claim. PINE RIVERS Magistrates Court has jurisdiction to hear the claim.

ISSUED WITH THE AUTHORITY OF THE MAGISTRATES COURTS OF QUEENSLAND

And filed in the PINE RIVERS Registry on 24/11/2010

To the defendant(s): TAKE NOTICE that you are being sued by the plaintiff in the Court. If you intend to dispute this claim or wish to raise any counterclaim against the plaintiff, you must within 28 days of the service upon you of this claim file a Notice of Intention to Defend in this Registry. If you do not comply with this requirement judgment may be given against you for the relief claimed and costs without further notice to you. The Notice should be in Form 6 to the Uniform Civil Procedure Rules. You must serve a sealed copy of it at the plaintiff's address for service shown in this claim as soon as possible.

Address of Registry: 374 Gympie Road, Strathpine Qld 4500



Registrar

Claim filed on behalf of the plaintiff  
Form 2 R.22

Moreton Bay Regional Council  
Solicitor  
220 Gympie RD, STRATHPINE QLD 4500  
Ph: (07) 34806855 Fax: (07) 34806995  
Reference: 218482.8

# LEGISLATIVE ASSEMBLY OF

COPY

If you assert that this Court does not have jurisdiction in this matter or assert any irregularity you must file a Conditional Notice of Intention to Defend in Form 7 under Rule 144, and apply for an order under Rule 16 within 14 days of filing that Notice.

If you object that these proceedings have not been commenced in the correct district of the Court, that objection must be included in your Notice of Intention to Defend.

PARTICULARS OF THE PLAINTIFF:

Name: MORETON BAY REGIONAL COUNCIL  
Plaintiff residential or business address: 220 GYMPIE RD, STRATHPINE QLD 4500  
Plaintiff Solicitor / Agent Name: Sean Magee Fitzgerald  
Solicitor / Agent Firm Name: Moreton Bay Regional Council  
Solicitor / Agent Business Address: 220 Gympie RD, STRATHPINE QLD 4500  
Address for Service: 220 Gympie RD, STRATHPINE QLD 4500  
Dx:  
Telephone: (07) 34806855  
Fax: (07) 34806995  
EMail Address:

Signed: Signature not required for electronically lodged documents.

Description: Solicitor for the Plaintiff

Dated: 24/11/2010

This Claim is to be served on:

RICHARD A WILLIAMS  
of: 11 DANIEL PL, BANKSIA BEACH QLD 4507

---

## MAGISTRATES COURT OF QUEENSLAND

REGISTRY: Pine Rivers  
NUMBER: 00050822/13Plaintiff: MORETON BAY REGIONAL COUNCIL  
AND  
Defendant: RICHARD A WILLIAMS

## AFFIDAVIT

I, Felicity Jane O'Dell, of Moreton Bay Regional Council, 220 Gympie Road, Strathpine, in the State of Queensland 4500, Team Leader – Rating Services, state on oath:

1. I am employed by the Plaintiff as the Team Leader – Rating Services. I have custody and control of the Plaintiff's records in this matter and I am authorised to swear this Affidavit.
2. The Plaintiff commenced a claim against the Defendant on 23 September 2013 for outstanding general rates, utility charges, separate charges and special rates and charges (the "Rates"). The Plaintiff is now seeking summary judgment of its claim for the sum of \$1,630.67 plus interest of \$93.21 and costs.
3. The Defendant is the registered owner of property within the Plaintiff's local government area, located at 11 Daniel Place, Banksia Beach, Queensland, more properly described as Lot 168 on RP 221179 (the "Property"). Exhibited to this Affidavit and marked "FJO-1" is a paginated bundle of documents to which I refer in this Affidavit by page number (the **Exhibit**). A copy of the current title search dated 16 September 2014 showing the Defendant as the registered owner of the Property is exhibited at **Page 1 of the Exhibit**.
4. Pursuant to s.94 of the *Local Government Act 2009* (Qld) (the "Act"), the Plaintiff must levy general rates on all rateable land within its local government area, and may levy special rates and charges, utility charges, and separate rates and charges.

Page 1

Signed:



Taken by:

AFFIDAVIT  
Filed on Behalf of the Plaintiff  
Form 46 Rule 431Moreton Bay Regional Council  
220 Gympie Road, Strathpine, Qld 4500  
Phone No: 07 3480 6749  
Fax No: 07 3205 0599

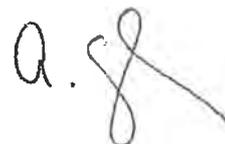
5. Pursuant to s.94 of the *Local Government Regulation 2012* (Qld) (the "Regulation"), the Plaintiff (as a local government) may make and levy a special rate or charge on rateable land if the rate or charge is (among other things) for a service, facility or activity and in the Plaintiff's opinion the land, or the occupier of the land has or will specially benefit from, or has or will have special access to, the service, facility or activity. The special rate or charge may be made and levied on any basis the Plaintiff considers appropriate.
6. 'Special rates and charges', as defined in s.92(3) of the Act, are for services, facilities and activities that have a special association with particular land because-
- (a) the land or its occupier-
    - (i) specially benefits from the service, facility or activity; or
    - (ii) has or will have special access to the service, facility or activity; or
  - (b) the land is or will be used in a way that specially contributes to the need for the service, facility or activity; or
  - (c) the occupier of the land specially contributes to the need for the service, facility or activity.
7. Examples of 'Special rates and charges' are provided in s.92(3) of the Act, which states Special rates and charges could be levied-
- \* for the cost of maintaining a road in an industrial area that is regularly used by heavy vehicles;
  - \* for the cost of replacing the drainage system in only part of the local government area; and
  - \* on land that is used only by businesses that would benefit from the promotion of tourism in the local government area.
8. On 1 July 2010, the Plaintiff resolved to adopt its budget and operational plan for the 2010/11 financial year. A copy of an extract from the minutes and resolutions from that meeting, and budget, is at **Pages 2-26 of the Exhibit.**
9. On 28 June 2011, the Plaintiff resolved to adopt its budget and operational plan for the 2011/12 financial year. A copy of an extract from the minutes and resolutions from that meeting, and budget, is at **Pages 27-52 of the Exhibit.**

Signed:



Page 2

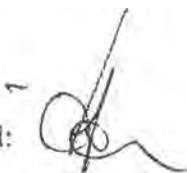
Taken by:



10. On 29 June 2012, the Plaintiff resolved to adopt its budget and operational plan for the 2012/13 financial year. The Pacific Harbour Canal Maintenance Special Charge, and the "overall plan" as required by s.94 of the Regulation, is referred to at paragraph 1.5.6 on page 62 of the document. The Regional Infrastructure Separate Charge is referred to at paragraph 1.6.1 on page 67 of the document. A copy of an extract from the minutes and resolutions from that meeting, and budget, is at **Pages 53-75 of the Exhibit.**
11. Fact sheets produced by the Plaintiff and explaining the Pacific Harbour Canals long-term maintenance plan and key maintenance issues in relation to the Pacific Harbour Canal Maintenance Special Charge are at **Pages 76-79 of the Exhibit.**
12. On 7 June 2013, the Plaintiff resolved to adopt its budget and operational plan for the 2013/14 financial year. The Pacific Harbour Canal Maintenance Special Charge, and the "overall plan" as required by s.94 of the Regulation, is referred to at paragraph 1.5.6 on page 57 of the document. The Regional Infrastructure Separate Charge is referred to at paragraph 1.6.1 on page 62 of the document. A copy of an extract from the minutes and resolutions from that meeting, and budget, is at **Pages 80-99 of the Exhibit.**
13. The Defendant's Property is included in the land for which the Rates have been levied.
14. On 8 April 2011, a rates notice was issued by the Plaintiff to the Defendant in respect of the Property in the amount of \$456.47. A copy of that rates notice is at **Page 100 of the Exhibit.**
15. On 6 July 2011, a rates notice was issued by the Plaintiff to the Defendant in respect of the Property in the amount of \$944.96. A copy of that rates notice is at **Page 101 of the Exhibit.**
16. On 24 August 2011, a rates reminder notice was issued by the Plaintiff to the Defendant in respect of the Property in the amount of \$952.98. A copy of that rates reminder notice is at **Page 102 of the Exhibit.**
17. On 5 September 2011, a letter was sent by the Plaintiff to the Defendant advising that legal proceedings would be commenced if the outstanding balance was not paid. A copy of that letter is at **Page 103 of the Exhibit.**

Page 3

Signed:



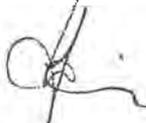
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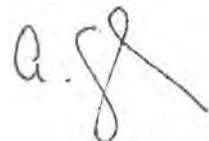
18. On 5 October 2011, a rates notice was issued by the Plaintiff to the Defendant in respect of the Property in the amount of \$1,446.21. A copy of that rates notice is at **Page 104 of the Exhibit**.
19. On 4 January 2012, a rates notice was issued by the Plaintiff to the Defendant in respect of the Property in the amount of \$1,961.84. A copy of that rates notice is at **Page 105 of the Exhibit**.
20. On 4 April 2012, a rates notice was issued by the Plaintiff to the Defendant in respect of the Property in the amount of \$1,979.38. A copy of that rates notice is at **Page 106 of the Exhibit**.
21. On 23 May 2012, a rates reminder notice was issued by the Plaintiff to the Defendant in respect of the Property in the amount of \$2,003.37. A copy of that rates reminder notice is at **Page 107 of the Exhibit**.
22. On 5 June 2012, a letter was sent by the Plaintiff to the Defendant advising that legal proceedings would be commenced if the outstanding balance was not paid. A copy of that letter is at **Page 108 of the Exhibit**.
23. On 29 June 2012, a letter was sent by the Plaintiff to the Defendant advising of the new Pacific Harbour Canal Maintenance Special Charge and the reasons for its introduction. A copy of that letter is at **Pages 109-110 of the Exhibit**.
24. On 4 July 2012, a rates notice was issued by the Plaintiff to the Defendant in respect of the Property in the amount of \$1,554.65. A copy of that rates notice is at **Page 111 of the Exhibit**.
25. On 3 October 2012, a rates notice was issued by the Plaintiff to the Defendant in respect of the Property in the amount of \$2,124.16. A copy of that rates notice is at **Page 112 of the Exhibit**.
26. On 9 October 2012, a letter was sent by the Plaintiff to the Defendant advising that legal proceedings would be commenced if the outstanding balance was not paid. A copy of that letter is at **Page 113 of the Exhibit**.
27. On 2 January 2013, a rates notice was issued by the Plaintiff to the Defendant in respect of the Property in the amount of \$2,710.03. A copy of that rates notice is at **Page 114 of the Exhibit**.

Page 4

Signed:



Taken by:



28. On 3 April 2013, a rates notice was issued by the Plaintiff to the Defendant in respect of the Property in the amount of \$3,040.38. A copy of that rates notice is at **Page 115 of the Exhibit**.
29. On 11 June 2013, a letter was sent by the Plaintiff to the Defendant advising that legal proceedings would be commenced if the outstanding balance was not paid. A copy of that letter is at **Page 116 of the Exhibit**.
30. On 3 July 2013, a rates notice was issued by the Plaintiff to the Defendant in respect of the Property in the amount of \$3,930.26. A copy of that rates notice is at **Page 117 of the Exhibit**.
31. On 23 September 2013, a letter was sent by the Plaintiff to the Defendant advising that legal proceedings would be commenced if the outstanding balance was not paid. A copy of that letter is at **Page 118 of the Exhibit**.
32. On 22 September 2014, I arranged for the Plaintiff's outstanding rates system to be checked and it revealed that the Rates remain unpaid by the Defendant.
33. Since the date of filing the claim, the Defendant has made some payments towards the outstanding claim amount, in the amount of \$2,299.59, as outlined in a breakdown of rates assessment prepared by the Plaintiff. A copy of that breakdown of rates assessment is at **Pages 119-126 of the Exhibit**. The Plaintiff is now seeking summary judgment of its claim for the sum of \$1,630.67 plus interest of \$93.21 and costs.
34. All of the facts and circumstances herein deposed to are within my own knowledge save such as are deposed to from information only and my means of knowledge and sources of information appear on the face of this my Affidavit.

Sworn by Felicity Jane O'Dell on 22 September 2014 at Strathpine in the presence of Angus James Conaghan, Solicitor:

Signed:



Deponent



Solicitor

## MAGISTRATES COURT OF QUEENSLAND

REGISTRY: Pine Rivers  
NUMBER: 00050822/13

Plaintiff: MORETON BAY REGIONAL COUNCIL

AND

Defendant: RICHARD A WILLIAMS

**Application for Summary Judgment**

TAKE NOTICE that the Plaintiff is applying to the Court for the following orders:

1. That judgment be given pursuant to Rule 292 of the *Uniform Civil Procedure Rules 1999* (Qld) in favour of the Plaintiff against the Defendant in the following terms:-
  - (a) The sum of \$1,630.67 for outstanding rates and charges;
  - (b) Interest in the amount of \$93.21 calculated in accordance with s133 of the *Local Government Regulation 2012* (Qld);
  - (c) Costs in the amount of \$316.09 for the costs of issuing and serving the Claim and Statement of Claim in this matter; and
  - (d) Professional costs in the amount of \$352.00 calculated in accordance with Item 1 of Part 2 of Schedule 3 of the *Uniform Civil Procedure Rules 1999* (Qld).
2. That the Defendant pay the Plaintiff the amount of \$170.50 for the costs of and incidental to this application for summary judgment, pursuant to Item 10 of Part 2 of Schedule 3 of the *Uniform Civil Procedure Rules 1999* (Qld).
3. That, as secondary and alternative relief, the Defence be struck out pursuant to Rule 171 of the *Uniform Civil Procedure Rules 1999* (Qld) as disclosing no reasonable basis for defence.

**APPLICATION**Filed on behalf of the Plaintiff  
Form 9 Rule 31Moreton Bay Regional Council  
220 Gympie Road, Strathpine 4500  
Tel: (07) 3480 6749  
Fax: (07) 3205 0599Email: [Angus.Conaghan@moretonbay.qld.gov.au](mailto:Angus.Conaghan@moretonbay.qld.gov.au)

This application will be heard by the Magistrates Court at Pine Rivers

On: 17 OCT 2014

At: 09.30 am

Filed in the Pine Rivers Registry on: 23 SEP 2014

Registrar:



If you wish to oppose this application or to argue that any different order should be made, you must appear before the Court in person or by your lawyer and you shall be heard. If you do not appear at the hearing the orders sought may be made without further notice to you.

On the hearing of the application, the applicant intends to rely on the following affidavit:

1. Affidavit of Felicity Jane O'Dell sworn on 22 September 2014.

THE APPLICANT ESTIMATES THE HEARING SHOULD BE ALLOCATED 10 MINUTES.

Signed:

Angus James Conaghan – Solicitor for the Plaintiff

Dated: 23 September 2014

This application is to be served on:

Richard A Williams  
11 Daniel Place,  
Banksia Beach, Qld, 4507

## MAGISTRATES COURT OF QUEENSLAND

REGISTRY: Pine Rivers  
NUMBER: 0050822/13

Plaintiff: Moreton Bay Regional Council ABN 92 967 232 136

AND

Defendant Richard A Williams

**NOTICE OF INTENTION TO DEFEND AND DEFENCE TO A MINOR DEBT CLAIM**

TAKE NOTICE that the Defendant intends to defend this proceeding

The facts relied on by the Defendant are set out in the Defence included in this document.

Filed in the Pine Rivers

Registry on 31 / 10 / 2013

Registrar:

**DEFENCE**

1. The defendant denies the allegations in paragraph 1 of the statement of claim.
  - (a) But does admit that the Corporation entity know as the Moreton Bay Regional Council was issued an Australian Business Number 92967232136 by the Australian Securities and Investment Commission under the Corporations Act to conduct business (the Plaintiff) and is capable of suing and being sued.
  - (b) I, the defendant, is capable of suing and being sued, the defendant owns a fee hold property at 11 Daniel Place Banksia Beach in the State of Queensland, Country of Australia
2. The defendant denies the allegation in paragraph 2,3,4,5,6 of the statement of claim.
  - (a) The defendant denies the allegation in paragraph 2,3,4,5,6 of the statement of claim and after making reasonable inquiries believes that the allegation is untrue or cannot be admitted because:
  - (b) The defendant asserts that in accordance with the Australian Constitution that the Plaintiff the Moreton Bay regional Council is a Corporation with an Australian

NOTICE OF INTENTION TO DEFEND AND  
DEFENCE TO A MINOR DEBT CLAIM  
Filed on Behalf of the Defendant(s)  
Form 4, Version 2  
Uniform Civil Procedure Rules 1999  
Rules 139, 146, 514Name: Richard A Williams  
Address: 11 Daniel Place  
Banksia Beach  
Phone No:0411526959  
Fax No:

Business Number and has no enforceable contract of agreement with the Defendant.

- (3) (a) My LAND TITLE is a signed and sealed COMMON LAW CONTRACT with the Crown.
- (b) My LAND TITLE is held in exactly the same manner as the Crown held it immediately before she sold it.
- (c) I hold the Radical Title on my Land
- (d) The Torrens Title system of registration protects MY LAND from unattached restrictions such as this alleged contract.
4. *The Defendant has been placed "under duress" by the Plaintiff (Corporation) and has been forced to pay to the Corporation fees and Taxes as demanded on an alleged and unconstitutional Contract, the Plaintiff (Corporation) then failed in it's duty to deliver services for which payment was rendered to the Plaintiff (Corporation)*
5. *The defendant asserts that he has met the aforementioned demands in an amount equal or greater than that for which services were provided with respect to waste management "garbage collection," the Regional infrastructure "Maintenance" charge, and happily the State fire services charge, the but not, so much as to pay the taxes including- general rate –a land tax, Regional infrastructure separate tax, imposed legal costs (not determined by the Courts, an improper special tax – Pacific Harbour Canal Maintenance (tax) and interest.*
6. *The plaintiff (Corporation) has been causative in substantial damaging the defendants freehold property*
7. *The Plaintiff (Corporation) has denied the Defendant natural justice.*
8. *The Plaintiff (Corporation) has been causative in unconscionably forcing the defendant into financial hardship.*
9. *The defendant asserts that with all due respect to this Court, that the Defendants Counterclaim with regard to quantum will most definitely exceed the limitations of this Court.*

#### PARTICULARS OF THE DEFENDANT

Name: Richard A Williams

Residential or business address: 11 Daniel Place Banksia Beach

Defendant's address for service: 11 Daniel Place Banksia Beach

Defendant's telephone number or contact number: 0411526959

Defendant's E-mail address *rickwl@optusnet.com.au*

Signed:



Defendant - Richard A Williams

Date: 31 October 2013



REGISTRY: Pine  
Rivers  
NUMBER:0050822/13

Plaintiff: *Moreton Bay Regional Council*  
*ABN 92967232136*

Defendant: *Richard A Williams*

**NOTICE OF INTENTION TO DEFEND**

TAKE NOTICE that the Richard A Williams Defendant intends to defend this proceeding.  
The facts relied on by the Richard A Williams Defendant are set out in the attached defence.

Filed in the Pine Rivers Registry on *31 / 10 / 2013*:

*[Signature]*  
Registrar:



**PARTICULARS OF THE DEFENDANT:**

Name: Richard A Williams

Defendant's residential address: 11 Daniel Place Banksia Beach

Address for service: 11 Daniel Place Banksia Beach

Telephone: 0411526959

E-mail address : rickwl@optusnet.com.a

defendant's address for service:11 Daniel Place Banksia Beach

defendant's telephone number or contact number: 0411526959

defendant's fax number (if any): 07 34089773

defendant's e-mail address (if any)]rickwl@optusnet.com.au

Signed:

*[Signature of Richard A Williams]*

Description: Defendant Richard A Williams

Dated: 31 October 2013

NOTICE OF INTENTION TO DEFEND	Name:Richard A Williams
Filed on Behalf of the Defendant(s)	Address:11 Daniel Place
Form 6, Version 1	Banksia Beach
Uniform Civil Procedure Rules 1999	Phone No:0411526959
Rule 139	Fax No: 34089773

REGISTRY: PINE RIVERS

NUMBER: 0050822/13

Plaintiff: MORETON BAY REGIONAL COUNCIL

AND

Defendant: RICHARD A WILLIAMS

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**CLAIM**

The plaintiff claims:

The sum of \$5004.56 for outstanding Rates and Charges including interest calculated in accordance with S.133 of the Local Government Regulation 2012, to the date of filing this claim.

The plaintiff makes this claim in reliance on the facts alleged in the attached Statement of Claim. PINE RIVERS Magistrates Court has jurisdiction to hear the claim.

ISSUED WITH THE AUTHORITY OF THE MAGISTRATES COURTS OF QUEENSLAND

And filed in the PINE RIVERS Registry on 23/09/2013

To the defendant(s): TAKE NOTICE that you are being sued by the plaintiff in the Court. If you intend to dispute this claim or wish to raise any counterclaim against the plaintiff, you must within 28 days of the service upon you of this claim file a Notice of Intention to Defend in this Registry. If you do not comply with this requirement judgment may be given against you for the relief claimed and costs without further notice to you. The Notice should be in Form 6 to the Uniform Civil Procedure Rules. You must serve a sealed copy of it at the plaintiff's address for service shown in this claim as soon as possible.

Address of Registry: 374 Gympie Road, Strathpine Qld 4500



Registrar

Claim filed on behalf of the plaintiff  
Form 2 R.22

Moreton Bay Regional Council  
Solicitor  
220 Gympie RD, STRATHPINE QLD 4500  
Ph: (07) 34806855 Fax: (07) 34806995  
Reference: 218482.8

If you assert that this Court does not have jurisdiction in this matter or assert any irregularity you must file a Conditional Notice of Intention to Defend in Form 7 under Rule 144, and apply for an order under Rule 16 within 14 days of filing that Notice.

If you object that these proceedings have not been commenced in the correct district of the Court, that objection must be included in your Notice of Intention to Defend.

## PARTICULARS OF THE PLAINTIFF:

Name: MORETON BAY REGIONAL COUNCIL

Plaintiff residential or business address: 220 GYMPIE RD, STRATHPINE QLD 4500

Plaintiff Solicitor / Agent Name: Sean Magee Fitzgerald

Solicitor / Agent Firm Name: Moreton Bay Regional Council

Solicitor / Agent Business Address: 220 Gympie RD, STRATHPINE QLD 4500

Address for Service: 220 Gympie RD, STRATHPINE QLD 4500

Dx:

Telephone: (07) 34806855

Fax: (07) 34806995

EMail Address:

Signed: Signature not required for electronically lodged documents.

Description: Solicitor for the Plaintiff

Dated: 23/09/2013

This Claim is to be served on:

of: RICHARD A WILLIAMS  
11 DANIEL PL, BANKSIA BEACH QLD 4507, AUSTRALIA

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Plaintiff: MORETON BAY REGIONAL COUNCIL

AND

Defendant: RICHARD A WILLIAMS

Filed in the PINE RIVERS Registry on 23/09/2013

STATEMENT OF CLAIM

This claim in this proceeding is made in reliance on the following facts:

Claim - Individual

Precedent 1. At all material times:- a) the Plaintiff was and is a local government duly constituted under the provisions of the Local Government Act 2009 b) the Plaintiff was and is capable of suing and being sued; c) the Defendant was and is the owner for the time being of certain land in this local government area situated at 11 Daniel Place, BANKSIA BEACH QLD 4507, more particularly described as Lot 168 RP 221179 Parish of WOORIM ("the Land").

2. Pursuant to S.94 of the Local Government Act 2009, the Plaintiff made and levied rates and charges in respect of the Land ("Rates and Charges") which were and are payable by the Defendant as the owner of the Land.

3. The amount of Rates and Charges levied in respect of the Land which remain unpaid including interest and Court costs is \$4339.56.

4. In accordance with S.118 of the Local Government Regulation 2012, the Plaintiff has given notice to the Defendant to pay rates and charges within 30 days after the date of their issue

5. In breach of S.118 of the Local Government Regulation 2012, the Defendant failed and neglected to pay the Rates and Charges to the Plaintiff within the time specified.

6. The Plaintiff now claims as a debt the overdue Rates and Charges together with Court costs in accordance with S.133 of the Local Government Regulation 2012 at the rate of 11% per annum, compounding daily.

The Plaintiff claims the following relief:

Overdue Rates and Charges.....	\$3930.26
Interest pursuant to S.133 of the Local Government Regulation 2012....	\$93.21
Claim.....	\$4023.47
Court Costs.....	\$202.00
Appeal Cost Fund.....	\$3.20
Lodgment Fee.....	\$14.09
Service & Travelling Costs.....	\$96.80
Professional Costs.....	\$665.00
TOTAL.....	\$5004.56

Claim filed on behalf of the plaintiff Form 16 R.22, 146	Moreton Bay Regional Council Solicitor 220 Gympie RD, STRATHPINE QLD 4500 Ph: (07) 34806855 Fax: (07) 34806995 Reference: 218482.8
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The amount of interest claimed, calculated in accordance with the particulars in this statement of claim, is \$93.21 at an annual interest rate of 11.00 % calculated from 01/07/2013.

**Signed:**

Signature not required for electronically lodged documents.

**Description:**

Solicitor for the Plaintiff

Your defence must be attached to your notice of intention to defend.

NOTICE UNDER RULE 150(3)

The plaintiff claims:

<b>Claim</b>	<b>\$3930.26</b>
<b>Interest</b>	<b>\$93.21</b>
<b>Costs of issuing the claim and this statement of claim</b>	<b>\$202.00</b>
<b>Appeal Costs Fund</b>	<b>\$3.20</b>
<b>Professional Costs</b>	<b>\$665.00</b>
<b>Service and Travelling Costs</b>	<b>\$96.80</b>
<b>Search Fees</b>	<b>\$0.00</b>
<b>e-Lodgement Service Provider's Fee</b>	<b>\$14.09</b>
<b>TOTAL AMOUNT OF PLAINTIFF'S CLAIM</b>	<b>\$5004.56</b>

The proceeding ends if you pay those amounts before the time for filing your notice of intention to defend ends. If you are in default by not filing a notice of intention to defend within the time allowed, the plaintiff is entitled to claim additional costs of \$155.00, costs of entering judgment in default.

## MINUTES



Objective ID: A312851

**Ethics Committee**

Meeting No. 03B

Thursday, 22 March 2018, 1:36PM

Committee Room 1, Parliamentary Annexe

**Present**

Mr Joe Kelly MP, Chair  
Ms Nikki Boyd MP  
Ms Leanne Linard MP  
Mr Mark McArdle MP  
Mr Ray Stevens MP  
Mr Steve Minnikin MP

**Apologies** Nil

**In attendance**

Ms Bernice Watson, Committee Secretary  
Ms Ciara Furlong, Assistant Committee Secretary

**1. Welcome and apologies**

The meeting commenced at 1:36pm. There were no apologies.

**2. Remaining matters**

Discussion ensued in relation to the three remaining matters from the 55<sup>th</sup> Parliament. Consideration was given as to whether to consider them as a group or individually. The Chair indicated they would be dealt with individually.

The committee agreed to defer consideration of the three remaining inquiry matters until the next meeting of the committee.

**Close** The meeting closed at 1:48 PM

Certified correct on the 14<sup>th</sup> day of June 2018

Joe Kelly MP

Chair

## MINUTES



Objective ID: A356902

**Ethics Committee**

Meeting No. 07B

Thursday 23 August 2018, 1:17PM

Committee Room 1, Parliamentary Annexe, Brisbane

<b>Present</b>	Mr Joe Kelly MP, Chair Ms Nikki Boyd MP Ms Leanne Linard MP Mr Mark McArdle MP Mr Steve Minnikin MP (SO 272) Mr Ray Stevens MP
<b>Apologies</b>	Mr Tim Nicholls MP
<b>In attendance</b>	Ms Bernice Watson, Committee Secretary Ms Ciara Furlong, Assistant Committee Secretary

**1. Welcome and apologies**

The meeting commenced at 1:17pm.

**2. Minutes**Resolved

That the minutes of meeting 5B held on 14 June 2018 are confirmed as a true and accurate record of the meeting.

Moved: Mr McArdle      Seconded: Mr Stevens

**3. Inquiry 4 – Nicholls and Frecklington**

Discussion ensued.

Resolved

That the committee continue to deal with the matter, pursuant to section 105 of the *Parliament of Queensland Act 2001*.

Resolved

That Mr Kelly and Mr McArdle develop correspondence to be sent to the Members for Clayfield, Nanango and Sandgate to request further information in relation to the matter.

Moved: Mr Stevens

Seconded: Ms Linard

**Close**

**The meeting closed at 1:36PM**

Certified correct on the

day of

2018



Joe Kelly MP

Chair

## MINUTES



Objective ID: A368128

**Ethics Committee**

Meeting No. 08B

Thursday 20 September 2018, 1:04PM

Committee Room 1, Parliamentary Annexe, Brisbane

**Present**

Mr Joe Kelly MP, Chair  
Ms Nikki Boyd MP  
Ms Leanne Linard MP  
Mr Mark McArdle MP  
Mr Steve Minnikin MP (SO 272 – sub Mr Tim Nicholls  
Mr Ray Stevens MP

**In attendance**

Ms Bernice Watson, Committee Secretary  
Ms Ciara Furlong, Assistant Committee Secretary

**1. Welcome and apologies**

The meeting commenced at 1:04pm.

**2. Minutes**Resolved

That the minutes of meeting 7B held on 23 August 2018 are confirmed as a true and accurate record of the meeting.

Moved: Mr McArdle      Seconded: Ms Boyd

**3. Inquiry 4 – Nicholls and Frecklington**

Discussion ensued.

Resolved

That the committee proceed to an inquiry into the matter, to include a private hearing with Mrs Frecklington and Mr Nicholls at a date and time to be determined by the Chair and Mr McArdle.

Moved: Ms Boyd      Seconded: Ms Linard

Mr McArdle, Mr Minnikin and Mr Stevens abstained from the vote.

Close

The meeting closed at 1:50PM

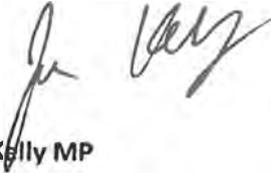
Certified correct on the

16<sup>th</sup>

day of

February

2019



Joe Kelly MP

Chair

## MINUTES



Objective ID: A399177

**Ethics Committee**

Meeting No. 13B

Thursday 6 December 2018, 12:18PM

Committee Room 1, Parliamentary Annexe and via teleconference

<b>Present</b>	Mr Joe Kelly MP, Chair Ms Leanne Linard MP Mr Mark McArdle MP Ms Melissa McMahon MP (SO 272) Mr Steve Minnikin MP (SO 272) Mr Ray Stevens MP
<b>Apologies</b>	Ms Nikki Boyd MP Mr Tim Nicholls MP
<b>In attendance</b>	Ms Bernice Watson, Committee Secretary Ms Ciara Furlong, Assistant Committee Secretary

**1. Welcome and apologies**

The meeting commenced at 12:18pm.

Members were advised of correspondence from the Leader of the House appointing the Member for Macalister, Ms McMahon as a substitute for Ms Boyd under Standing Order 202.

**2. Inquiry 4 – Matter of Privilege referred by the Speaker on 9 August 2017 (Nicholls & Frecklington)**

Discussion ensued.

**Resolved**

That the Chair be authorised to seek advice of the Deputy Clerk before the committee considers the matter further.

Moved: Mr Stevens      Seconded: Mr McArdle

**Close**

**The meeting closed at 12:19PM**

Certified correct on the

26<sup>th</sup>

day of

Apr 1

2019

**Joe Kelly MP**

**Chair**

*Joe Kelly*

## MINUTES



Objective ID: A418814

**Ethics Committee**

Meeting No. 15B

Thursday 14 February 2019, 1:33PM

Committee Room 1, Parliamentary Annexe

<b>Present</b>	Mr Joe Kelly MP, Chair Ms Nikki Boyd MP Ms Leanne Linard MP Mr Mark McArdle MP Mr Steve Minnikin MP (SO 202) Mr Ray Stevens MP
<b>Apologies</b>	Mr Tim Nicholls MP, Deputy Chair
<b>In attendance</b>	Ms Bernice Watson, Committee Secretary Ms Ciara Furlong, Assistant Committee Secretary

**1. Welcome and apologies**

The meeting commenced at 1:38pm.

**2. Minutes**Resolved

That the minutes of meeting 8B held on 20 September 2018 and meeting 13B held on 6 December 2018 are confirmed as true and accurate records of the meetings.

Moved: Mr Nicholls      Seconded: Ms Linard

**3. Correspondence**

The committee noted the register of incoming and outgoing correspondence.

Moved: Mr McArdle      Seconded: Ms Boyd

4. Inquiry 4 – Matter of Privilege referred by the Speaker on 9 August 2017 (Nicholls & Frecklington)

Discussion ensued.

Resolved

That the committee withdraw the decision to proceed to investigation and proceed to consider a draft report.

Moved: Mr Kelly      Seconded: Mr McArdle

Close      The meeting closed at 1:38PM

Certified correct on the 26<sup>th</sup> day of April 2019

Joe Kelly MP  
Chair



## MINUTES



Objective ID: A438475

**Ethics Committee**

Meeting No. 19B

Friday, 26 April 2019, 9:30AM

Room 5.30, Parliamentary Annexe

**Present**

Mr Joe Kelly MP, Chair  
Mr John-Paul Langbroek MP (substitute for Mr Mark McArdle under SO 202)  
Ms Leanne Linard MP (*via teleconference*)  
Ms Melissa McMahon MP  
Mr Steve Minnikin MP (substitute for Mr Tim Nicholls under SO 272) (*via teleconference*)  
Mr Ray Stevens MP

**In attendance**

Ms Bernice Watson, Committee Secretary  
Ms Natasha Mitchenson, Assistant Committee Secretary  
**Welcome and apologies**

The meeting commenced at 9:38am.

**1. Minutes of Meeting 15B (14 February 2019)**Resolved

That the minutes of meeting 15B held on 14 February 2019 are confirmed as a true and accurate record of the meeting.

Moved: Mr Stevens    Seconded: Ms McMahon

**2. Inquiry 4: Matter of Privilege referred by the Speaker on 9 August 2017 (Nicholls/Frecklington)**Resolved

That the committee adopts the report as amended and authorises its tabling.

Moved: Mr Kelly    Seconded: Mr Stevens

**Close                    The meeting closed at 9:42AM**

Certified correct on the 2<sup>nd</sup> day of May 2019

A handwritten signature in black ink, appearing to read 'Joe Kelly'.

Joe Kelly MP

Chair