



ETHICS COMMITTEE

REPORT NO. 200

MATTER OF PRIVILEGE REFERRED BY THE SPEAKER ON 12 FEBRUARY 2019 RELATING TO ALLEGED CONTEMPT BY A MEMBER

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.¹ The committee investigates and reports on matters of privilege and possible contempts of Parliament referred to it by the Speaker or the House.
3. This report concerns a referral from the Speaker regarding possible contempts of Parliament by the Member for Everton, Mr Tim Mander MP by breaching Standing Order (SO) 271; and wilfully disobeying an order of the House (SO 266(22)).

The referral

4. On 17 October 2018, the Leader of the House wrote to the Speaker, alleging that the Member for Everton deliberately misled Parliament and wilfully disobeyed an order of the House during Question Time on 16 October 2018.
5. The matter that the Member for Everton allegedly referred to in Question Time on 16 October 2018 related to an allegation that the Premier may have committed a contempt of Parliament by threatening to withdraw additional staffing resources previously granted to Katter's Australia Party ('the Premier's matter'). At the time, the Premier's matter was before the Ethics Committee and subject to SO 271, which restricts debating the matter in the House.
6. The Crime and Corruption Commission (CCC) had completed an initial assessment of the Premier's matter, on referral from the Member for Traeger, before the matter was referred to the committee by the Speaker. On 27 September 2018, the CCC had issued a media release and held a press conference, advising it would not take any further action in respect of possible criminal activity.
7. The CCC Chairperson stated at the press conference that the matter 'technically satisfies the elements of the offence such that there is what we call as lawyers a prima facie case' but also indicated the CCC did not consider section 60 of the *Criminal Code* was intended to deal with behaviour during

¹ *Parliament of Queensland Act 2001* s 104B.

transparent, open debate in Parliament. The CCC stated that even if the elements of the criminal offence were to be established, an assessment of the likelihood of successful prosecution was required. In this case, the CCC considered it would not be at all likely.²

8. On 12 October 2018, the Speaker referred the Premier's matter to the committee for its consideration, but noted that the bribery (section 60 of the *Criminal Code*) element of the matter was not within the remit of the referral:

On the facts before me, there is no prima facie attempt, by a bribe (a benefit), to influence a Member whether that be in relation to a specific bill, resolution, matter or thing submitted or intended to be submitted to the House or the free performance by a Member for the Member's duties as a Member more generally. I am not, therefore referring consideration of the alleged contempt relating to bribery to the Ethics Committee.³

9. On 16 October 2018, during question time, the Member for Everton put the following Question Without Notice to the Premier:

In light of the damning findings by the Queensland Crime and Corruption Commission, including a prima facie criminal case for matters such as bribery against the Premier, will the Premier now do the right thing and stand down while this investigation is concluded?⁴

10. The Speaker immediately ruled the question out of order under SO 271, which restricts debate on a matter currently before the committee.

11. The Speaker referred the allegation that the Member for Everton wilfully disobeyed SO 271 to the committee on 12 February 2019. The allegation that the Member for Everton deliberately misled the House was not referred to the committee.

12. The Speaker's referral notes:

Normally if a matter is dealt with on the floor of the House it is not referred to the ethics committee. However, on the face of it this was a prepared and deliberate breach of the Standing Order and therefore, I have decided that the matter warrants the further attention of the House via the Ethics Committee.

Definition of contempt

13. 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.

14. Standing Order 271 provides:

A matter referred to the Ethics Committee must not be debated in the House until such time as the Ethics Committee has reported on the matter if, in the opinion of the Speaker, such debate could prejudice a matter.

² Alan MacSporran QC, CCC Chairperson, '[CCC finalises assessment of compliant by Mr Robbie Katter](#)', media release, 27 September 2018.

³ Speaker's Ruling – [Referral to Ethics Committee, Katter Party Resources](#), 12 October 2018.

⁴ Record of proceedings, 16 October 2018, at [2778](#).

15. Standing Order 266 states in part:

Examples of contempt

Without limiting the power of the House, it may treat as a contempt any of the following:

...(22) wilfully disobeying an order of the House or disrupting the orderly conduct of the business of the House or Committee.

16. The Standing Orders are permanent orders of the House.⁵ The order in this case was the prohibition by the Speaker under SO 271 on debating the Premier's matter following the referral of that matter by the Speaker to the committee.
17. The question before the committee was whether the Member for Everton breached SO 271 in referring to a matter currently before the committee, and if so, whether that conduct amounts to contempt as intended by SO 266(22).

The committee's proceedings

18. 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.
19. The standard of proof in determining a contempt is the balance of probabilities. This is a lower standard than the 'reasonable doubt' standard required for criminal matters. However, a very high order of proof on the balance of probabilities is required to find a contempt, consistent with the test applied in relation to misconduct charges at common law. In the leading High Court authority in the area, *Briginshaw v Briginshaw* (1938) 60 CLR 336, Latham CJ at 343-344 stated: 'The standard of proof required by a cautious and responsible tribunal will naturally vary in accordance with the seriousness and importance of the issue'.
20. On determining to proceed with the inquiry into this referral, the committee wrote to the Leader of the House and the Member for Everton inviting submissions addressing the elements to be established in the alleged contempts, and clarifying facts in dispute.
21. Both parties responded and the committee determined on the information before it that it had sufficient information to deliberate on the allegations.
22. There are five elements to be established where it is alleged that a member has committed the contempt of debating a matter before the Ethics Committee in the House:
- i. Was the Member for Everton aware the matter was before the Ethics Committee?
 - ii. Had the Ethics Committee not yet reported?
 - iii. Did the Member for Everton seek to debate the matter in the House?
 - iv. Had the Speaker indicated his opinion that such debate could prejudice the matter?
 - v. Did the attempt to debate the matter amount to an improper interference with the free exercise of the authority and functions of the House, or its Ethics Committee?
23. After considering SO 271, the committee then went on to consider whether the Member for Everton's actions could be considered a breach of SO 266(22) – wilfully disobeying an order of the House.

Alleged contempt 1: Breach of Standing Order 271

Element 1 – Was the Member for Everton aware the matter was before the Ethics Committee?

24. In her submission, the Leader of the House noted the Member for Everton was present in the House on 16 October 2018 when the Clerk advised that the Speaker's Ruling titled 'Ruling by the Speaker of the Legislative Assembly, Hon. Curtis Pitt, regarding referral to Ethics Committee, Katter Party Resources' had been tabled on 12 October 2018.

⁵ McGee, D, *Parliamentary Privilege in New Zealand*, Third Edition, Dunmore Publishing Ltd, Wellington, 2005, at 119.

25. Following this ruling, the Leader of the Opposition had issued a media release stating:
Today's decision means that the LNP will be unable to question the Premier about this matter next week or establish a select committee to investigate her conduct.
26. The matter was also widely reported in the media.
27. Due to the wide media coverage, along with the media release by the Leader of the Opposition, the committee is satisfied on the balance of probabilities that as Deputy Leader of the Opposition, the Member for Everton was aware that the matter in question was before the Ethics Committee.

Element 2 – Had the Ethics Committee not yet reported?

28. The committee is satisfied that it was uncontested that at the time the Member for Everton asked the Question without Notice, the committee had not yet reported.

Element 3 – Did the Member for Everton seek to debate the matter in the House?

29. The Member for Everton argued that this element was not made out for two reasons:
- first, he stated that the investigation he was referring to in his question was the CCC investigation, not the Ethics Committee investigation; and
 - second, the nature of his question was procedural, rather than substantive and therefore was not an attempt to debate the matter in the House.
30. With respect to the first argument, the Member for Everton had confirmed in his submission to the Speaker that the investigation he was referring to was the Ethics Committee investigation:
It is my opinion that asking the Premier whether she intended to stand down during the course of the ethics investigation was not a breach of standing order 271 because standing order 271 refers to debating a matter referred to the Ethics Committee.
31. In his initial submission to the committee, the Member for Everton argued that he was referring to the CCC investigation relating to bribery, and that because the bribery aspect of the allegations had been excluded from the Ethics Committee referral,⁶ SO 271 was not enlivened:
The investigation I referred to was the investigation undertaken by the Crime and Corruption Commission. At no time did I mention the considerations of the Ethics Committee.
32. In a subsequent submission the Member for Everton further clarified that the Member for Traeger had stated he was seeking to refer the bribery matter to the DPP for potential prosecution and that the Member for Everton therefore considered that matter was ongoing.
33. The committee notes the discrepancies in the Member for Everton's submissions. The committee also notes that at the time the Member for Everton asked the Question without Notice, the CCC assessment had already concluded. That the Member for Everton was also aware of this is clear from his reference to CCC 'findings'. The only 'investigation' ongoing at the time was the Ethics Committee investigation.
34. With respect to the second argument, the Member for Everton argued that his question was merely procedural. That is, the question related to whether the Premier would stand down, rather than seeking to debate any substantive content of the allegations or investigation.
35. SO 271 makes no distinction between matters that are procedural in nature and those that are substantive. Further, there was no analysis or precedent provided to support the Member for Everton's argument in this respect.
36. It appears the Member for Everton was under a mistaken belief that SO 271 distinguishes between matters that are substantive, and those that are merely procedural.

⁶ Speaker's Ruling – [Referral to Ethics Committee, Katter Party Resources](#), 12 October 2018.

37. Despite the Member for Everton's apparent mistaken belief, the committee is satisfied that by asking a question related to the ongoing Ethics Committee investigation, the Member for Everton was seeking to debate the matter in the House and this element is satisfied.

Element 4 – Had the Speaker indicated his opinion that such debate could prejudice the matter

38. Immediately after the Member for Everton asked the Question without Notice, the Speaker ruled the question out of order.⁷
39. Following a query from the Member for Kawana, the Speaker further clarified the scope of SO 271:
*Member for Kawana, I know what I said and wrote. I appreciate you reading that back to me. Member, it goes to the broader issue of conduct and a matter is before the Ethics Committee. I have ruled the question out of order.*⁸
40. In her submission, the Leader of the House contended that the Speaker's ruling was very specific, and made clear that any reference to the matter in the House would be considered a breach of SO 271.
41. The committee agrees with this analysis. The Speaker clearly stated that he had given a ruling which enacted SO 271; and he had in fact clearly done so at the time of referring the Premier's matter. When the Member for Kawana sought clarification on the scope of the matter referred to the committee, the Speaker reiterated that the question went to the broader issue of conduct and a matter before the committee. This is further evidence that the Speaker considered the debate could prejudice a matter before the committee.

Element 5 – Did the attempt to debate the matter amount to, or was intended or likely to amount to, an improper interference with the free exercise of the authority and functions of the House, or its Ethics Committee?

42. As reported by the MEPPC in a previous matter, the principle behind SO 271 is to prevent discussion of a matter before the committee and therefore to prevent any influence on the proceedings from outside the committee's own processes.⁹
43. The committee considers there was no doubt that raising in the House matters on which the committee has yet to report is an interference with the committee's functions of deliberating and reporting to the House. The key question was whether this interference was improper.
44. MEPPC Report No. 121 engaged with this matter and stated that if any statements sought to 'pre-empt the outcome of the committee's investigation or impede the committees processes' it would be an improper interference with the free exercise of the authority and functions of the committee.¹⁰
45. In referring to 'damning findings' and asking if the Premier would step aside, the committee considers that the Member for Everton's question contained inferences of guilt which could conflict with future deliberations on the matter by the Assembly or the committee.
46. The Member for Everton submitted that because the preamble of his question referenced the bribery allegation, which was not subject to the Ethics Committee investigation, that he could not have influenced the committee's deliberations.
47. However, the 'findings' that the Member for Everton was referring to, that is the content of the media release and press conference by the CCC with respect to the Premier,¹¹ related to the *same actions* that were before the committee.
48. The committee therefore considers that raising the matter that was before the committee, and referencing the CCC media release and press conference in such a way as the Member did, was likely

⁷ Record of Proceedings, 16 October 2018, at [2778](#).

⁸ Record of proceedings, 16 October 2018, at [2778](#).

⁹ MEPPC, Report on a matter of privilege – Matter relating to an alleged contempt of impugning the Assembly's ethics processes and by prejudging an inquiry outcome impugning the Ethics Committee's processes and deliberations, Report No. 118, at [16](#).

¹⁰ MEPPC, Report on matter of privilege – Matter relating to an alleged deliberate misleading of the House by a Minister, Report No. 121, at [8](#).

¹¹ Alan MacSporran QC, CCC Chairperson, 'CCC finalises assessment of compliant by Mr Robbie Katter', media release, [27 September 2018](#).

to amount to an improper interference with the free exercise of the authority and functions of the Ethics Committee.

49. As all five elements are made out, the committee finds the Member for Everton, notwithstanding his apparent mistaken belief as to the application of SO 271, is in contempt of Parliament for breaching SO 271.

Alleged contempt 2: Wilful disobedience (SO 266(22))

50. The committee then turned to SO 266(22) to determine if the Member for Everton's breach of SO 271 constituted a wilful disobedience of an order of the House.
51. The current committee, along with predecessor committees, has not considered a breach of SO 266(22) previously.
52. The first question was whether SO 271 constituted 'an order of the House' as required by SO 266(22).
53. The Leader of the House did not specifically address SO 266(22) in her submission to the committee, rather focussing on the elements of a breach of SO 271 and highlighting the seriousness of that breach.
54. The Member for Everton contended that SO 266(22) was only designed to provide a sanction for a person who disobeys an order to attend or provide evidence to the House following a resolution of the House or a committee. The Member for Everton based his submission on McGee's explanation of a similar New Zealand standing order.¹²
55. The New Zealand Standing Order reads:
Failing to obey an order of the House or a summons issued by order of the House of by the Speaker.
56. In contrast Standing Order 266(22) reads:
Wilfully disobeying an order of the House or disrupting the orderly conduct of the business of the House or a committee.
57. The committee considers that while not dissimilar, these standing orders are not analogous; the second part of each standing order is very different. When interpreting a legislative instrument such as the standing orders, words are read in the context of those around them. Therefore the committee determines these two standing orders cannot be considered equivalent because of the degree of variation.
58. The committee took into account McGee's advice that standing orders are permanent orders of the House.¹³
59. The committee therefore considers that SO 271 does constitute 'an order of the House'.
60. Because the committee concluded that a standing order is 'an order of the House', the key question is whether the Member for Everton's breach of SO 271 was 'wilful'.
61. The committee considers this element of wilfulness must be of a high threshold, categorically showing intent, otherwise each breach of a standing order could potentially also be a contempt under SO 266(22), thus nullifying the effect of the SO 266(22) as a stand-alone contempt.
62. There is no relevant judicial definition of 'wilful', because any definition is dependent on the context specific use of the word and is not readily applicable to parliamentary law.
63. The committee therefore turned to the Macquarie Dictionary which defines wilful as 'willed, voluntary, intentional'.¹⁴
64. The Member for Everton contended that he did not wilfully disobey SO 271 as he was of the understanding that he was not in breach of SO 271 for the reasons outlined previously.

¹² McGee, D, Parliamentary Privilege in New Zealand, third edition, Dunmore Publishing Ltd, Wellington, 2005, at 649-650.

¹³ McGee, D, Parliamentary Privilege in New Zealand, third edition, Dunmore Publishing Ltd, Wellington, 2005, at 119.

¹⁴ *Wilful*, Macquarie Dictionary (revised 3rd edition).

65. In determining if the Member for Everton's breach of SO 271 was wilful, the committee noted that once the Speaker had ruled the question out of order, the Member for Everton did not persist, nor did he attempt to ask a similar question at any point in the future.
66. The committee considers that a persistent breach of a standing order would be more likely to reach the threshold of 'wilful' required to enliven SO 266(22).
67. The committee determines that while the Member for Everton did breach SO 271, that breach was not of the nature to reach the threshold required of 'wilful' under SO 266(22).

Conclusion

68. As noted above, the Member for Everton submitted that his question was merely procedural, and he was of the belief that Standing Order 271 only prohibited substantive debate of a matter.
69. The committee notes, and appreciates, the Member for Everton's offer to apologise should his understanding of SO 271 differ from that of the Speaker and/or the committee, as is the case. The committee considers this an appropriate means of resolving the matter.
70. Notwithstanding, the committee finds that the actions of the Member for Everton in asking the Premier a question without notice was a breach of SO 271, and constitutes a contempt of Parliament.

Recommendation

71. The committee recommends that a finding of contempt be made against the Member for Everton.
72. The committee recommends that the Member for Everton take it upon himself as soon as practicable to apologise to the House, on the floor of the House, for his actions in breaching SO 271.
73. The committee recommends that all members take note of the scope of SO 271, and that when it is enacted, debate of any kind, whether procedural or substantive, is prohibited.

Conclusion

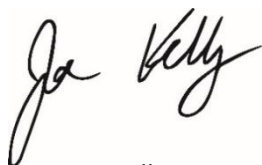
On the information before it, the committee finds, on the matter of privilege in relation to the Member for Everton, that despite the Member's mistaken belief the allegation of contempt for breaching Standing Order 271 is made out.

Recommendation 1

The committee recommends a finding of contempt be made against the Member for Everton and he should take it upon himself as soon as practicable to apologise unequivocally to the House, on the floor of the House, for his conduct.

Recommendation 2

The committee recommends that all members familiarise themselves with the scope of Standing Order 271, noting that when Standing Order 271 is enlivened, any debate of the matter, whether procedural or substantive, is prohibited.



Joe Kelly MP
Chair

June 2020

Membership — 56th Parliament

Mr Joe Kelly MP, Chair
Member for Greenslopes

Mr Tim Nicholls MP, Deputy Chair
Member for Clayfield

Ms Leanne Linard MP
Member for Nudgee

Mr Mark McArdle MP
Member for Caloundra

Mr Ray Stevens
Member for Mermaid Beach

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*Mr Chris Whiting MP replaced Ms Nikki Boyd MP on the Ethics Committee on 19 May 2020.



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10 May 2019

Mr Joe Kelly MP
Chairperson – Ethics Committee
Parliament House
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BRISBANE QLD 4000

BY EMAIL ethics@parliament.qld.gov.au

Dear Mr Kelly *Joe*

Thank you for your letter dated 26 April 2019 inviting me to make a further submission in relation to the matter referred by the Speaker to the Ethics Committee of the Queensland Parliament on 12 February 2019.

As your letter outlines, Section 37 of the *Parliament of Queensland Act 2001* defines the meaning of 'contempt' 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*

In the correspondence from the Speaker, he has drawn the Ethics Committee's attention to Standing Order 271 and Standing Order 266(22).

Standing Order 271 provides:

A matter referred to the ethics committee must not be debated in the House until such time as the ethics committee has reported on the matter if, in the opinion of the Speaker, such debate could prejudice the matter.

Standing Order 266 states in part:

Without limiting the power of the House, it may treat as a contempt any of the following:

...

- (22) *wilfully disobeying an order of the House or disrupting the orderly conduct of the business of the House or Committee.*

(2)

In order to establish a contempt of the House in the breach of these Standing Orders, it is necessary to establish five elements:

1. Was the member aware the matter was before the Ethics Committee?
2. Had the Ethics Committee not yet reported?
3. Did the member seek to debate the matter in the House?
4. Had the Speaker indicated his opinion that such debate could prejudice the matter?
5. Did the attempt to debate the matter amount to an improper interference with the free exercise of the Ethics Committee's authority and functions?

I will address each of these elements in turn.

1. Was the member aware the matter was before the Ethics Committee?

On 15 October, following Mr Speaker's decision to refer the matter to the Ethics Committee, the Leader of the Opposition, the Member for Nanango Ms Deb Frecklington MP, issued a media release which referred to the referral of the Premier to the Ethics Committee and which specifically stated:

"Today's decision means that the LNP will be unable to question the Premier about this matter next week or establish a select committee to investigate her conduct."

The media release by the Leader of the Opposition specifically referenced not only the knowledge of the referral of the matter to the Ethics committee, but also the consequences of Standing Order 271, which prevents debate of a matter referred to the Ethics Committee until such time as the Ethics Committee has reported on the matter.

It is inconceivable that the Leader of the Opposition did not have any discussion about these matters with the Deputy Leader of the Opposition, the Member for Everton Mr Tim Mander MP prior to issuing the media release. Nor is it conceivable that the Deputy Leader of the Opposition would not have read the Leader of the Opposition's media release.

Self-evidently, the question asked by the Deputy Leader of the Opposition references the fact that investigation of the matter is still ongoing. This clearly refers to the consideration of the matter by the Ethics Committee, as the Crime and Corruption Commission had concluded its consideration of the matter and decided not to proceed any further.

As stated in my previous correspondence to Mr Speaker, as a Member of Parliament, the Member should receive emails from the Table Office when documents are uploaded to the Online Table Database. Therefore, he would have received an email from the Table Office on 12 October 2018 advising that Mr Speaker had tabled the document entitled "*Ruling by the Speaker of the Legislative Assembly, Hon. Curtis Pitt, regarding referral to Ethics Committee, Katter Party Resources*".

Additionally, Mr Speaker's ruling was incorporated in the "Notification and tabling of papers by the Clerk" on the morning of the 16 October 2018, where the Clerk of the Queensland Parliament officially tables all the papers which were tabled during the recess. This document is emailed to Members, as evidenced by the Clerk saying in the House in front of all present Members "*I inform the House of tabling of certain papers in accordance with the notification of tabling document, emailed to Members*".

This decision to refer the matter to the Ethics Committee was also widely reported in the mainstream media and on social media. Among the media outlets reporting on this matter was the Australian Associated Press which published in the North Queensland Register on 16 October 2018 (previously submitted) quotes the Deputy Leader of the Opposition.

(3)

In response to questions about Mr Speaker's decision to refer the matter to the Ethics Committee, the article quotes the Deputy Leader of the Opposition as saying:

Deputy Opposition Leader Tim Mander on Sunday joined calls for Ms Palaszczuk to stand down.

Mr Mander defended his party calling for the Premier to be investigated for something they called on her to do.

"The CCC said the Opposition's questions were appropriate, it's the Premier who made the threats, it's the Premier whose integrity is under question and it's her who needs to response (sic)," Mr Mander said. (North Queensland Register, 16/10/18)

It is therefore very clear that the Deputy Leader of the Opposition was aware that the matter was before the Ethics Committee.

I therefore submit that, not only was the Deputy Leader of the Opposition aware that the matter was before the Ethics Committee, he was also aware of the effect of standing Order 271 in preventing debate of the matter until such time as the Ethics Committee has reported on the matter.

2. Had the Ethics Committee not yet reported?

At the time of the Deputy Leader of the Opposition's question, the matter had not yet been reported on by the Ethics Committee. The question was asked on 16 October 2018, the day following the Leader of the Opposition's media release. At the time of writing, the Ethics Committee has still not reported on the matter. This is a factual matter that is satisfied by the facts.

3. Did the member seek to debate the matter in the House?

The Deputy Leader of the Opposition asked a question of the Premier on 16 October 2018 regarding the issues under consideration by the Ethics Committee and sought to have the Premier respond to his assertion that she ought to stand down pending determination of the matter. This is clearly seeking for the matter to be debated.

On 12 October 2018 Mr Speaker issued a Speaker's ruling in which he referred the matter to the Ethics Committee. In his statement, Mr Speaker was very specific in referencing Standing Order 271 and advising Members that they should not refer to these matters in the House. It was a specific warning given to Members in relation to the consequences of the matter being referred to the Ethics Committee.

In asking the question of the Premier on 16 October 2018, the Deputy Leader of the Opposition expressly disregarded the warning given by Mr Speaker in his ruling, and further disregarded the warning given by the Leader of the Opposition in her media release in seeking to debate the matter in the House.

Not only did the Deputy Leader of the Opposition seek to debate the matter in the House, he did so in full knowledge that to do so would be a breach of Standing Order 271.

4. Had the Speaker indicated his opinion that such debate could prejudice the matter?

As previously stated, Mr Speaker had issued a Speaker's Ruling on 12 October 2018 in which he reminded Members that Standing Order 271 now applied, and the matter could not be referred to in the House.

(4)

This warning by Mr Speaker was very specific. He made it very clear that any reference to the matter in the House would be considered a breach of standing Order 271, and in fact so determined in ruling the Deputy Leader of the Opposition question out of order when it was asked in the House.

Having satisfied all previous elements, I turn then to the final element.

5. Did the attempt to debate the matter amount to an improper interference with the free exercise of the Ethics Committee's authority and functions?

The Ethics Committee is charged with responsibility for upholding the Standing Orders of the House by dealing with persons who breach the Standing Orders and thereby interfere with the free exercise of the House and its Committees' authority and functions.

David McGee has noted that there is a difference between statements made off the cuff and those made in a situation of some formality. Whilst these comments expressly apply to the contempt of misleading the House, they are equally applicable in these circumstances.

The Deputy Leader of the Opposition is clearly seen reading from a pre-prepared written document in asking the Question Without Notice. In fact, the line of questioning would have been the subject of the Opposition strategy meeting prior to question time on 16 October 2018. It cannot therefore be the case that the Deputy Leader of the Opposition was caught unawares, and his question was asked off the cuff.

In fact, it is difficult to see how the Deputy Leader of the Opposition asking of the question is anything, but a flagrant disregard of the Speaker's warning contained in the Speaker's ruling.

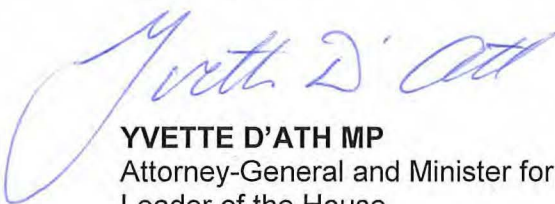
Previous Ethics Committees have considered the issue of confidentiality of Committee proceedings, which I contend is premised on similar principles as the protection of Standing Orders relating to referring in the House to matters currently before the Ethics Committee.

The Ethics Committee must be able to determine matters before it without any untoward pressure, either real or perceived, by members of the House. This is the reason for the Standing Order.

Given that Mr Speaker has already made a determination in his Speaker's Ruling of 12 October 2018 that the matter cannot be seen to be unimportant, technical or trivial, and given that this in fact appears to be a serious instance of disregard for the Standing Orders despite the warning, it is my submission that this is a serious instance of a breach of Standing Order 271 and therefore a serious contempt of the Parliament.

I hope this further submission satisfies the requirements of the committee. Should you or the Committee require any further information, please do not hesitate to contact me.

Yours sincerely



YVETTE D'ATH MP
Attorney-General and Minister for Justice
Leader of the House



Tim Mander MP

Deputy Leader of the Opposition and Shadow Treasurer

10 May 2019

Mr Joe Kelly MP
Chair
Ethics Committee
By email: ethics@parliament.qld.gov.au

Dear Mr Kelly

I refer to your letter of 26 April 2019 and the opportunity to make a submission to the Ethics Committee about a matter of privilege referred by the Speaker.

I understand you have the correspondence I provided to the Speaker on 12 November 2018, in addition I wish to make the following the submission.

Background

The matter of privilege referred by the Speaker contends that I committed a contempt of parliament by wilfully disobeying an order of the House.

The Speaker has cited Standing Order 271 and Standing Order 266 (22).

I contend that I did not wilfully disobey an order of the House because I did not refer to a matter before the Ethics Committee.

I will address the matter of privilege against these Standing Orders in turn.

Standing Order 271

I submit that my question without notice on 16 October 2018 did not breach Standing Order 271.

Standing Order 271 provides:

A matter referred to the ethics committee must not be debated in the House until such time as the ethics committee has reported on the matter if, in the opinion of the Speaker, such debate could prejudice the matter.

On 16 October 2016 I asked the Premier:

My question without notice is to the Premier. In light of the damning findings by the Queensland Crime and Corruption Commission, including a prima facie criminal case for matters such as bribery against the Premier, will the Premier now do the right thing and stand down while this investigation is concluded?¹

¹ Hansard 16 October 2018, page 2778.

My question was about the criminal case for the matter of bribery.

The Speaker's Ruling of 12 October 2018 dismissed the issue of bribery and did not refer this aspect of the Crime and Corruption Commission's findings to the Ethics Committee.

I provide the following extract from the Speaker's Ruling:

*On the facts before me, there is no prima facie attempt, by a bribe (a benefit), to influence a Member whether that be in relation to a specific bill, resolution, matter or thing submitted or intended to be submitted to the House or the free performance by a Member of the Member's duties as a Member more generally. I am not, therefore, referring consideration of the alleged contempt relating to bribery to the Ethics Committee.*²

Further, the matter referred by the Speaker to the Ethics Committee was:

I formally refer the Member for Traeger's complaints to the Ethics Committee in relation to the following:

- *Threats or intimidation or disadvantaging a member - 80266(9), (17) or POQA s 37 example 3;*
- *Molestation of a member - SO 266 (10);*
- *Compulsion by menace - POQA s 37 example 2; and*
- *The Contempt of Improper Influence - s.37(2) of the POQA.*³

In addition to my question specifically referencing bribery – a matter not referred to the Ethics Committee by the Speaker – I did not refer to any of the matters that the Speaker referred to the Ethics Committee, namely; threats or intimidation or disadvantaging a member, molestation of a member, compulsion by menace and the contempt of improper influence.

The investigation I referred to was the investigation undertaken by the Crime and Corruption Commission. At no time did I mention the considerations of the Ethics Committee.

In support of this, my question referred to “a *prima facie criminal case*” rather than breaches of the Standing Orders or the *Parliament of Queensland Act 2001*. The Ethics Committee is not considering a criminal case that breaches of the Criminal Code, but is only looking at breaches of the Standing Orders or the *Parliament of Queensland Act 2001*.

I submit that no element of my question related to a matter before the Ethics Committee, therefore I have not breached SO271.

² Speaker's ruling 12 October 2018

<https://www.parliament.qld.gov.au/documents/tableOffice/TabledPapers/2018/5618T1594.pdf>

³ Speaker's ruling 12 October 2018

<https://www.parliament.qld.gov.au/documents/tableOffice/TabledPapers/2018/5618T1594.pdf>

Standing Order 266

I submit that my question without notice on 16 October 2018 did not breach Standing Order 266.

Standing Order 266 (22) provides:

Without limiting the power of the House, it may treat as a contempt any of the following:

....

(22) wilfully disobeying an order of the House or disrupting the orderly conduct of the business of the House or Committee.

I believe as outlined in my submission that my question without notice to the Premier did not relate to a matter before the Ethics Committee.

Therefore, I did not “wilfully disobey” the orderly conduct of the business of the House or Committee.

I can assure the Ethics Committee that I did not intend to commit a contempt of Parliament, and I am willing to make a statement to the House clarifying the elements of my question and my intent if required.

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

Yours sincerely



Tim Mander MP
Deputy Leader of the Opposition
Shadow Treasurer
Member for Everton



Tim Mander MP

Deputy Leader of the Opposition and Shadow Treasurer

14 October 2019

Mr Joe Kelly
Chair
Ethics Committee

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

Dear Mr Kelly

Thank you for your letter dated 23 September.

There is no inconsistency in my submissions. My question without notice did not refer to the Ethics Committee's actions or deliberations.

As stated in both letters, the question I asked contained two parts: the preamble, which referred to the findings of the Crime and Corruption Commission and the 'hook' of the question, about a procedural matter.

The preamble specifically did not relate to matters under consideration by the Ethics Committee. It related to the bribery issue which the Speaker excluded from the Ethics Committee's investigation.

The second element of my question was procedural – it did not relate to the considerations of the Ethics Committee. It was a question to the Premier asking if the normal procedure of stepping down while under investigation would be observed. The hook of the question was about the Premier's actions, not about the actions of the Ethics Committee.

I have never referred to matters which are under examination by the Ethics Committee or its considerations.

I trust this clarifies my position for you.

Yours sincerely

A handwritten signature in blue ink that reads "Tim Mander".

Tim Mander MP
Deputy Leader of the Opposition
Shadow Treasurer



Tim MANDER MP

Member for **Everton**

22 November 2019

Mr Joe Kelly MP
Chair, Ethics Committee

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

Dear Mr Kelly

Thank you for your letter of 12 November and the opportunity to make a further submission to the committee.

The committee has asked for submissions in relation to whether my question without notice referred to the Ethics Committee Investigation and Standing Order 266(22).

THE QUESTION WITHOUT NOTICE

I refer the committee to the Crime and Corruption Commission's (CCC) press release dated 27 September 2018. The CCC said:

"The information available, if proved, may involve an offence against s. 60 regarding the answer given by the Premier to a Question without Notice by the Member for Warrego on 22 August 2018. The Premier's answer allegedly contained an implied threat to withdraw KAP staffing resources with the intent to influence KAP parliamentary members in their vote and opinion upon a question arising in the Legislative Assembly.

The Premier's answer could be admitted in proceedings against her to the extent necessary to prosecute an offence against s. 60. However, the CCC does not consider that s. 60 is intended to apply to statements made openly during parliamentary proceedings conducted under the Parliament of Queensland Act 2001 and apparently in compliance with the Standing Rules and Orders of the Legislative Assembly. Generally, those proceedings may not be impeached outside Parliament."

At a later press conference, the CCC Chair, Mr MacSporran QC said the matter:

'technically satisfies the elements of the offence such that there is what we call as lawyers a prima facie case.'

Relying on those statements made after weeks of consideration by the CCC, I believe it reasonable to refer to the fact that the Premier has a prima facie case to answer in relation to section 60 of the *Criminal Code* for Bribery, as a damning finding.



Following this, as the committee is aware, on 12 October 2018 the Speaker chose to specifically exclude the issue of Bribery from his referral of the matter to the committee. The Speaker said:

I am not, therefore, referring consideration of the alleged contempt relating to bribery to the Ethics Committee.

Following the Speaker's referral, the Member for Traeger stated that he would continue to seek a prosecution of the Bribery matter outside the Parliament's processes, by referred to the DPP. I took this to mean that the Bribery matter was not at an end and the complainant, Mr Katter, would take further action in respect of this finding.

Given the CCC's statements, and the Speaker's express exclusion of the Bribery issue from the referral to the Committee, I submit that asking a question with a preamble with reference to the Bribery issue cannot breach Standing Order 271, as the matter of Bribery was not the subject of the committee's considerations.

On this basis I asked the Premier the question without notice. I specifically did not refer to a matter the subject matter of the committee's considerations. The question was about whether the Premier would stand down while under investigation, a precedent that the Premier has applied in the *Mangocube* affair while the Member for Miller was under investigation by the CCC, and, would be applied if the Member for South Brisbane was to be investigated for her investment property purchase.

The intent of my question was to ask the Premier about a procedural matter only and was not in any way intended to influence or prejudice the committee's investigation.

I note that the committee's report 189, and the minutes of the committee's meetings in relation to that investigation indicate that at the time of my question the committee had not resolved to proceed with an investigation. It was not possible for my reference to "damning findings" to be interpreted to refer to the committee's decision, when at the time the committee had not even commenced an investigation.

It is also arguable that my question would have seen the avoidance of any suggestion that the committee's investigations could be subject to influence or prejudice arising from the Premier retaining the powers and influence of her office while under investigation.

STANDING ORDER 266(22)

Standing Order 266(22) is an example of what the House may treat as a Contempt, as follows:

(22) wilfully disobeying an order of the House or disrupting the orderly conduct of the business of the House or a committee;

The Ethics Committee has not previously considered a matter concerning Standing Order 266(22).

I submit that the operation of Standing Order 266(22) mirrors the New Zealand Parliament's standing orders which provide in Standing Order 410(t) an example of a matter of contempt as:

(t) failing to obey an order of the House or a summons issued by order of the House or by the Speaker:

In respect of the New Zealand Parliament's Standing Order 410(t), McGee says:

The House will hold in contempt any person who disobeys an order of the House directed to him or her. Such an order would normally be a direction to attend the House or a committee to give evidence, or to produce to the House or a committee documents believed to be in the person's possession. The power to hold in contempt disobedience to such an order directly supports the House's power of inquiry.¹

I submit that a breach of standing orders does not constitute a Contempt under Standing Order 266(22) as this is designed to provide a sanction for a person who disobeys an order to attend or provide evidence to the House following a resolution of the House or a committee.

I note there have been many examples where Members have breached standing orders, that have not been punished by way of a Contempt sanction. It would constitute a significant precedent for the committee to punish a Member asking questions without notice that may fall foul of the standing orders by way of a finding of Contempt, given that such occurrences are not infrequent and, like my instance, largely unintentional. I submit that the punishment of a Contempt finding is far in excess of the breach.

If the committee does not accept my submission that Standing Order 266(22) does not apply to this matter, I will address Standing Order 271.

Standing Order 271 provides as follows:

A matter referred to the ethics committee must not be debated in the House until such time as the ethics committee has reported on the matter if, in the opinion of the Speaker, such debate could prejudice the matter.

The committee has previously said of Standing Order 271, in its report 118:

...The principle behind [Standing Order 271] is to prevent discussion of a matter before the Ethics Committee and therefore to prevent any attempt to influence the proceedings from outside the committee's own processes.

I submit that the construction of Standing Order 271, with the reference to the Speaker's opinion, means that the rule is not an absolute prohibition of discussion of a matter in the Chamber. It is a threshold question that prevents debate that could have the effect of influencing or prejudicing the Ethics Committee in its processes.

I submit that the question I asked, with a preamble referencing the Bribery matter that was not the subject of the Speaker's referral to the Ethics Committee, did not and could not

¹ (McGee, David, *Parliamentary Practice in New Zealand*, 4th ed., edited by Mary Harris and David Wilson. Oratia Books, Auckland, 2017; ISBN 978-0-947506-24-7, Ebook ISBN 978-0-947506-27-8.) at chapter 46.

have influenced the committee in its deliberations. Therefore, I submit that I have not breached the threshold required to enliven Standing Order 271.

CONCLUSION

I can assure the committee that I did not intend to commit a Contempt of the Parliament and I did not intend to disobey Standing Order 271. I genuinely believed that as the Bribery matter had been carved out of the Speaker's referral, it was able to be referenced in my question.

I remind the committee that I offered to apologise to the Speaker in the first instance if my understanding of the operation of Standing Order 271 was incorrect. I repeat that offer to the committee.

As requested by the committee, I have provided further submissions in respect of the question I asked and of Standing Order 266(22).

If the committee requires any further material, please do not hesitate to contact me.

Yours sincerely

A handwritten signature in black ink, appearing to read "Tim Mander". The signature is written in a cursive style with a long, sweeping underline.

Tim Mander MP
Deputy Opposition Leader
Member for Everton



Queensland Parliamentary Service

THE CLERK OF THE PARLIAMENT

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Our Ref: A531456

17 February 2020

Mr Joe Kelly
Chair
Ethics Committee

ethics@parliament.qld.gov.au

Dear Mr Kelly

I refer to the Committee's letter of 10 February 2020 relating to a matter of privilege referred by the Speaker on 12 February 2019 relating to an alleged contempt of the Parliament by the Member for Everton.

In that letter, the Committee has requested two pieces of information:

- *The committee would like to know whether the Member for Everton sought your advice on the question in advance of it being asked. If so, what was the advice that was proffered? The committee is particularly interested if any such advice contained a warning that the question had the potential to breach Standing Orders.*
- *In addition, and noting that you may not be able to make such a disclosure, the committee asks whether there is a general practice of advice being provided on Questions without Notice in advance of question time.*

In respect of the first item of information, I note that I make a distinction between advice I give as the Clerk and advice I give as the Registrar of Interests. In respect of advice I give as Registrar, Standing Orders contemplates communication between the Registrar and the Ethics Committee about advice to members. In respect of the advice I give as Clerk as the principal permanent officer of the Assembly and procedural adviser to all members, I regard that advice as strictly confidential. I will, of course comply with any order from the Committee to reveal that advice. However, I have suggested to previous Ethics Committees, and I suggest to the current Ethics Committee, that the Committee should first consider the issue of whether the Committee should insist on advice sought by a member (or their agents) from the Clerk and the advice provided. Not only is such advice privileged in a parliamentary sense, but akin to legal professional privilege (although not strictly). But the 'chilling effect' of releasing such advice (that is the effect on members seeking such advice in the future) as against the wider interests to be served by members seeking such advice should be considered.

In respect of the second item of information, I think there is little harm in confirming that there is a general practice of advice being sought and provided on Questions without Notice in advance of question time. That practice developed at the urging of Speakers. However, it is important to note that:

- Such advice is just that, advice. It is made clear at all times that ultimately rulings are made by the Speaker, not the Clerk.
- Such advice is tendered shortly before the commencement of proceedings each day, the questions are not provided in advance and no copy of the questions or the advice is captured or stored. It is a totally oral process.
- The advice is sought through and tendered to agents of members, not the members themselves. Any advice given to such agents may or may not be passed on to members in part or in whole.
- Questions may or may not be altered as a result of advice.
- While the process has generally occurred in recent years, there have been occasions where due to competing priorities the meeting to consider the draft questions has not gone ahead.

Yours sincerely



Neil Laurie
The Clerk of the Parliament



Tim Mander MP

Deputy Leader of the Opposition and Shadow Treasurer

20 February 2020

Mr Joe Kelly
Chair
Ethics Committee

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

Dear Mr Kelly

Thank you for your letter dated 10 February 2020.

In answer to your two specific questions:

1. It is standard practice for the Opposition's proposed questions without notice to be provided collectively to the Clerk of the Parliament for advice in respect of compliance with Standing Orders before Question Time each sitting day.
2. I do not recall any advice that the question may infringe standing order 271.

If I can be of any further assistance to the Committee, please do not hesitate to contact me.

Yours sincerely

A handwritten signature in blue ink that reads 'Tim Mander'.

Tim Mander MP
Deputy Leader of the Opposition
Shadow Treasurer

EXTRACT OF MINUTES –

**MATTER OF PRIVILEGE REFERRED BY THE SPEAKER ON
12 FEBRUARY 2019 RELATING TO AN ALLEGED CONTEMPT
BY A MEMBER**



Ethics Committee

Meeting No. 19A

Friday, 26 April 2019, 10:03AM

Room 5.30, Parliamentary Annexe

Present Mr Joe Kelly MP, Chair
Mr Tim Nicholls MP, Deputy Chair
Mr John-Paul Langbroek MP (substitute for Mr Mark McArdle MP under SO 202)
Ms Leanne Linard MP
Ms Melissa McMahon MP (substitute for Ms Nikki Boyd MP under SO 272)
Mr Ray Stevens MP

Apologies Mr Mark McArdle MP

In attendance Ms Bernice Watson, Committee Secretary
Ms Natasha Mitchenson, Assistant Committee Secretary

Inquiry 9: Matter of Privilege referred by the Speaker on 12 February 2019 (Mander)

Resolved

That the committee seek additional information from the Leader of the House and the Member for Everton in order to determine whether to proceed to an investigation.

Moved: Mr Kelly Seconded: Mr Nicholls

EXTRACT OF MINUTES –

**MATTER OF PRIVILEGE REFERRED BY THE SPEAKER ON
12 FEBRUARY 2019 RELATING TO AN ALLEGED CONTEMPT
BY A MEMBER**



Ethics Committee

Meeting No. 21

Thursday, 16 May 2019, 1:08PM

Committee Room 1, Parliamentary Annexe

Present

Mr Joe Kelly MP, Chair

Mr Tim Nicholls MP, Deputy Chair

Mr John-Paul Langbroek MP (substitute for Mr Mark McArdle MP under SO 202)

Ms Leanne Linard MP

Ms Melissa McMahon MP (substitute for Ms Nikki Boyd MP under SO 202)

Mr Ray Stevens MP

Apologies

Mr Mark McArdle MP

Ms Nikki Boyd MP

In attendance

Ms Bernice Watson, Committee Secretary

Ms Natasha Mitchenson, Assistant Committee Secretary

Inquiry 9: Matter of Privilege referred by the Speaker on 12 February 2019 (Mander)

Discussion ensued.

The committee requested that the secretariat provide the committee with a copy of the Speaker's Ruling that was made when the Premier was referred to the ethics committee.

EXTRACT OF MINUTES –

**MATTER OF PRIVILEGE REFERRED BY THE SPEAKER ON
12 FEBRUARY 2019 RELATING TO AN ALLEGED CONTEMPT
BY A MEMBER**



Ethics Committee

Meeting No. 23

Thursday, 13 June 2019, 1:08PM

Committee Room 1, Parliamentary Annexe

Present

- Mr Joe Kelly MP, Chair
- Mr Tim Nicholls MP, Deputy Chair
- Ms Leanne Linard MP
- Mr Mark McArdle MP
- Ms Melissa McMahon MP (substitute for Ms Nikki Boyd MP under SO 202)
- Mr Ray Stevens MP

Apologies

- Ms Nikki Boyd MP

In attendance

- Mr Neil Laurie, Clerk of the Parliament
- Ms Bernice Watson, Committee Secretary
- Ms Natasha Mitchenson, Assistant Committee Secretary

Inquiry 9: Matter of Privilege referred by the Speaker on 12 February 2019 (Mander)

Discussion ensued.

EXTRACT OF MINUTES –

**MATTER OF PRIVILEGE REFERRED BY THE SPEAKER ON
12 FEBRUARY 2019 RELATING TO AN ALLEGED CONTEMPT
BY A MEMBER**



Ethics Committee

Meeting No. 24

Thursday, 22 August 2019, 1:05PM

Committee Room 1, Parliamentary Annexe

Present

Mr Joe Kelly MP, Chair
Mr Tim Nicholls MP, Deputy Chair
Ms Leanne Linard MP
Mr Mark McArdle MP
Ms Melissa McMahon MP (substitute for Ms Nikki Boyd MP under SO 202)
Mr Ray Stevens MP

Apologies

Ms Nikki Boyd MP

In attendance

Ms Bernice Watson, Committee Secretary
Ms Natasha Mitchenson, Assistant Committee Secretary

Inquiry 9: Matter of Privilege referred by the Speaker on 12 February 2019 (Mander)

Discussion ensued.

Resolved that the committee investigate the alleged contempt in accordance with the established procedures of the ethics committee.

Moved: Ms Linard Seconded: Mr Nicholls

EXTRACT OF MINUTES –

**MATTER OF PRIVILEGE REFERRED BY THE SPEAKER ON
12 FEBRUARY 2019 RELATING TO AN ALLEGED CONTEMPT
BY A MEMBER**



Ethics Committee

Meeting No. 27

Thursday, 19 September 2019, 1:06pm

Committee Room 1, Parliamentary Annexe

Present

Mr Joe Kelly MP, Chair

Mr Tim Nicholls MP, Deputy Chair

Ms Nikki Boyd MP

Mr John-Paul Langbroek MP (substitute for Mr Ray Stevens MP under SO 202)

Mr Mark McArdle MP

Ms Melissa McMahon MP (substitute for Ms Leanne Linard MP under SO 202)

Apologies

Ms Leanne Linard MP

Mr Ray Stevens MP

In attendance

Ms Bernice Watson, Committee Secretary

Ms Natasha Mitchenson, Assistant Committee Secretary

Inquiry 9: Matter of Privilege referred by the Speaker on 12 February 2019 (Mander)

Discussion ensued.

Resolved

That the committee chair, in consultation with the deputy chair, write to the Member for Everton to seek an explanation for the inconsistency between arguments in his submission to the committee and those contained within his correspondence to Mr Speaker, noting that the committee may deem it necessary to proceed to a hearing as the next step in its investigation.

Moved: Mr McArdle Seconded: Ms McMahon

(Ms Boyd abstained from the vote)

EXTRACT OF MINUTES –

MATTER OF PRIVILEGE REFERRED BY THE SPEAKER ON 12 FEBRUARY 2019 RELATING TO AN ALLEGED CONTEMPT BY A MEMBER



Ethics Committee

Meeting No. 29

Thursday, 24 October 2019, 1:08pm

Committee Room 1, Parliamentary Annexe

Present

Mr Joe Kelly MP, Chair
Mr Tim Nicholls MP, Deputy Chair
Ms Nikki Boyd MP
Mr John-Paul Langbroek MP (substitute for Mr Ray Stevens MP under SO 202)
Mr Mark McArdle MP
Ms Leanne Linard MP

Apologies

Mr Ray Stevens MP

In attendance

Ms Bernice Watson, Committee Secretary
Ms Rebecca Meehan, Assistant Committee Secretary

Inquiry no. 9 – Mander matter

Discussion ensued.

Resolved

The committee notes the previous resolution on 22 August 2019 to investigate the matter, and resolves to write to the Member for Everton seeking additional information, such correspondence to be settled by the Chair and Deputy Chair.

Moved: Mr Kelly Seconded: Mr Nicholls

EXTRACT OF MINUTES –

**MATTER OF PRIVILEGE REFERRED BY THE SPEAKER ON
12 FEBRUARY 2019 RELATING TO AN ALLEGED CONTEMPT
BY A MEMBER**



Ethics Committee

Meeting No. 32

Thursday, 28 November 2019, 1.14pm

Committee Room 1, Parliamentary Annexe

Present

Mr Joe Kelly MP, Chair
Mr Tim Nicholls MP, Deputy Chair
Ms Nikki Boyd MP
Ms Leanne Linard MP
Mr Mark McArdle MP
Mr Ray Stevens MP

In attendance

Ms Bernice Watson, Committee Secretary
Ms Rebecca Meehan, Assistant Committee Secretary

Inquiry No. 9 – Mander matter

Discussion ensued.

EXTRACT OF MINUTES –

**MATTER OF PRIVILEGE REFERRED BY THE SPEAKER ON
12 FEBRUARY 2019 RELATING TO AN ALLEGED CONTEMPT
BY A MEMBER**



Ethics Committee

Meeting No. 36
Thursday, 6 February 2020, 1.06pm
Committee Room 1, Parliamentary Annexe

Present

Mr Joe Kelly MP, Chair
Mr Tim Nicholls MP, Deputy Chair
Ms Nikki Boyd MP
Ms Leanne Linard MP
Mr Mark McArdle MP
Mr Ray Stevens MP

In attendance

Ms Bernice Watson, Committee Secretary
Ms Rebecca Meehan, Assistant Committee Secretary

Inquiry No. 9 – Mander matter

Discussion ensued.

The committee resolved to write to the Member for Everton and the Clerk of the Parliament in the terms agreed, and for the letters to be finalised by the Chair and Deputy Chair after being drafted by the Secretariat.

Moved: Mr Kelly

Seconded: Mr Nicholls

EXTRACT OF MINUTES –

**MATTER OF PRIVILEGE REFERRED BY THE SPEAKER ON
12 FEBRUARY 2019 RELATING TO AN ALLEGED CONTEMPT
BY A MEMBER**



Ethics Committee

Meeting No. 37
Thursday, 20 February 2020, 1.07pm
Committee Room 1, Parliamentary Annexe

Present	Mr Joe Kelly MP, Chair Ms Nikki Boyd MP Mr John-Paul Langbroek MP (substitute for Mr Tim Nicholls MP under SO 202) Ms Leanne Linard MP Mr Mark McArdle MP Mr Ray Stevens MP
Apology	Mr Tim Nicholls MP
In attendance	Ms Bernice Watson, Committee Secretary Ms Rebecca Meehan, Assistant Committee Secretary

Inquiry No. 9 – Mander matter

The committee noted correspondence from the Clerk.

Discussion ensued.

The committee noted it is awaiting a submission from the Member.

EXTRACT OF MINUTES –

**MATTER OF PRIVILEGE REFERRED BY THE SPEAKER ON
12 FEBRUARY 2019 RELATING TO AN ALLEGED CONTEMPT
BY A MEMBER**



Ethics Committee

Meeting No. 42

Thursday, 21 May 2020, 1.04pm

Committee Room 3, Parliamentary Annexe and Teleconference

Present

Mr Joe Kelly MP, Chair
Mr Tim Nicholls, Deputy Chair
Ms Leanne Linard MP
Mr Mark McArdle MP
Mr Ray Stevens MP
Mr Chris Whiting MP

In attendance

Ms Bernice Watson, Committee Secretary
Ms Rebecca Meehan, Assistant Committee Secretary (teleconference)

Inquiry No. 9 – Mander matter

Discussion ensued.

Resolved

That a finding of contempt be made against the Member for Everton for breach of Standing Order 271.

Moved: Mr Kelly Seconded: Mr Nicholls

Resolved

That no finding of contempt be made against the Member for Everton for breach of Standing Order 266(22).

Moved: Mr Kelly Seconded: Mr Nicholls

The committee instructed the secretariat to finalise the discussion draft of the final report in the agreed terms.

EXTRACT OF MINUTES –

**MATTER OF PRIVILEGE REFERRED BY THE SPEAKER ON
12 FEBRUARY 2019 RELATING TO AN ALLEGED CONTEMPT
BY A MEMBER**



Ethics Committee

Meeting No. 44
Thursday, 18 June 2020, 1.04pm
Committee Room 1, Parliamentary Annexe

Present

Mr Joe Kelly MP, Chair
Mr Tim Nicholls, Deputy Chair
Ms Leanne Linard MP
Mr Mark McArdle MP
Mr Ray Stevens MP
Mr Chris Whiting MP

In attendance

Ms Bernice Watson, Committee Secretary
Ms Rebecca Meehan, Assistant Committee Secretary
Mr Neil Laurie, Clerk of the Parliament

Inquiry No. 9 – Mander matter

Discussion ensued.

Resolved

That the committee adopts the Chair's draft report, as amended, and authorises its tabling.

Moved: Mr Kelly Seconded: Mr Nicholls

Extracts certified correct on 16 July 2020

A handwritten signature in black ink that reads "Joe Kelly".

Joe Kelly MP
Chair