



**QUEENSLAND PARLIAMENT**

Ethics Committee

**REPORT NO. 218, 57TH PARLIAMENT**

**Matter of privilege referred by the Acting Speaker on  
24 August 2023 relating to an allegation of deliberately  
misleading of the House by the Member for Nanango**

**October 2023**

## Ethics Committee

<b>Chair</b>	Ms Jennifer Howard MP, Member for Ipswich
<b>Deputy Chair</b>	Mr Andrew Powell MP, Member for Glass House
<b>Members</b>	Mr Linus Power MP, Member for Logan
	Mr Daniel Purdie MP, Member for Ninderry
	Ms Kim Richards MP, Member for Redlands
	Mr Ray Stevens MP, Member for Mermaid Beach

## Functions and procedures

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 committee of the 57<sup>th</sup> Parliament was appointed by resolution of the Legislative Assembly on 26 November 2020.

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. The committee considers and reports on matters of privilege and possible contempts of parliament referred to it internally by the Speaker, the Registrar, a committee, or the House. This is an important element of the Parliament's exclusive cognisance over its own affairs, which enables it to fulfil its functions.

The committee has established procedures and practices for dealing with referrals 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 the instructions regarding witnesses contained in Schedule 3 of the Standing Orders.

The committee applies the civil standard of proof, on the balance of probabilities, in making a finding of contempt. This is a lower standard than the 'beyond reasonable doubt' standard required for criminal matters. However, proof of a very high order is required to make a finding of contempt, consistent with the test applied in relation to misconduct charges at common law.

## Committee Secretariat

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## BACKGROUND

1. This report concerns an allegation that the Member for Nanango, Mrs Deb Frecklington MP, deliberately misled the House on 15 March 2023, during debate on the Strengthening Community Safety Bill.
2. On 13 April 2023, the Member for Bundaberg wrote to Mr Speaker arguing the following statements by the Member for Nanango are misleading:

*‘...in following the member for Bundaberg ... He did not even mention the victims and hardworking police officers ...*

*...*

*Look at them all over there! The member for Bundaberg did not even talk about the victims. He did not even talk about the hardworking police officers.*

*...*

*We have been calling for bringing back breach of bail as an offence for years and years and years. I could read pages and pages and pages from history with all of these statements, including from the police minister, the youth justice minister, the Acting Leader of the House right now and the member for Bundaberg. I have got quotes right here’.<sup>1</sup>*

3. On 25 May 2023, the Acting Speaker wrote to the Member for Nanango seeking a response to the allegations. The Member for Nanango provided a submission on 1 June 2023.
4. On 24 August 2023, after considering the information before him, the Acting Speaker referred the matter to the committee, stating in part:

*I acknowledge that contributions to debate are often made off the cuff. However, consideration of this defence must be balanced with a Member’s obligation to ensure that statements are accurately attributed to Members to avoid any misleading of the House.*

*Irrespective of the Member for Nanango’s views on whether the Member for Bundaberg adequately advocated for victims of crime, the Member for Bundaberg clearly made ‘mention’ of both victims of crime and police officers during his contribution. On balance, I consider that there is sufficient material before me to warrant the further attention of the House via the Ethics Committee.<sup>2</sup>*

## CONTEMPT OF PARLIAMENT

5. Section 37 of the *Parliament of Queensland Act 2001* (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.
6. SO 266 states in part:

### **Examples of contempt**

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

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

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<sup>1</sup> Record of proceedings, 15 March 2023, pp 434-435,  
[https://documents.parliament.qld.gov.au/events/han/2023/2023\\_03\\_15\\_WEEKLY.pdf](https://documents.parliament.qld.gov.au/events/han/2023/2023_03_15_WEEKLY.pdf).

<sup>2</sup> Record of proceedings, 24 August 2023, pp 2371-2372,  
[https://documents.parliament.qld.gov.au/events/han/2023/2023\\_08\\_24\\_WEEKLY.pdf](https://documents.parliament.qld.gov.au/events/han/2023/2023_08_24_WEEKLY.pdf).

7. 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:
- first, the statement must, in fact, have been misleading
  - second, it must be established that the member making the statement knew at the time the statement was made that it was incorrect, and
  - third, in making it, the member must have intended to mislead the House.

#### Element 1: The statement must have been misleading

8. The first limb of the first element is whether the person's statement contained factually or apparently incorrect material. The second limb of this element is whether the statement was misleading.
9. In his submission to the Speaker, the Member for Bundaberg claims the following statements by the Member for Nanango are misleading and untrue:
- A. *...in following the member for Bundaberg ... He did not even mention the victims and hardworking police officers ...*
  - B. *Look at them all over there! The member for Bundaberg did not even talk about the victims. He did not even talk about the hardworking police officers. ...*
  - C. *We have been calling for bringing back breach of bail as an offence for years and years and years. I could read pages and pages and pages from history with all of these statements, including from the police minister, the youth justice minister, the Acting Leader of the House right now and the member for Bundaberg. I have got quotes right here.*<sup>3</sup>

#### Statement C

10. As regards statement C, the Member for Bundaberg provided the Speaker a Parliamentary Library brief which reported that a search of the Member's contributions regarding youth crime confirmed that the Member for Bundaberg has never made reference in the House to breach of bail.
11. In her submission to the Speaker, the Member for Nanango advised that in the course of her remarks concerning breach of bail, she bundled together the statements of various members and inadvertently included the Member for Bundaberg in this, for which she apologises.
12. The committee acknowledged the Member for Nanango's apology in relation to statement C and did not give further consideration to this aspect of the complaint against her.

#### Statements A & B

13. The Member for Bundaberg argues statements A and B are misleading because he made the following references to police and victims of crime during his contribution to the debate:
- i. *...a couple of weeks ago in this House I mentioned a student in one of my classes who retaliated against **police** who came to do a bag check in the class. He retaliated and assaulted them. You cannot excuse that...*
  - ii. *...these young people are complicated and often hurt people who are themselves **victims of crime**...*
  - iii. *Yes, sadly the events that we saw over the New Year period **cost the lives of innocent people** who should never have had that happen to them. Their families should never have to live with those memories.*<sup>4</sup> [Emphasis added]
14. The Member for Bundaberg argues, therefore, that he 'mentioned' and 'talked' about victims of crime, the families of victims of crime, and police in his contribution; and that the Member for Nanango's contributions implies his statements did not occur at all.

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<sup>3</sup> Record of Proceedings, 15 March 2023, pp 434-435,  
[https://documents.parliament.qld.gov.au/events/han/2023/2023\\_03\\_15\\_WEEKLY.pdf](https://documents.parliament.qld.gov.au/events/han/2023/2023_03_15_WEEKLY.pdf).

<sup>4</sup> Record of Proceedings, 15 March 2023, pp 433-434,  
[https://documents.parliament.qld.gov.au/events/han/2023/2023\\_03\\_15\\_WEEKLY.pdf](https://documents.parliament.qld.gov.au/events/han/2023/2023_03_15_WEEKLY.pdf).

15. In response to the Member for Bundaberg's examples at paragraph 13, the Member for Nanango submitted to the Speaker that:
  - simply adding the word 'victim' to a sentence does not diminish her claim that the Member has not made positive references in support of victims
  - the reference to 'victims' in example (ii) is in reference to youth offenders who are 'themselves victims of crime'; and that contemporary language surrounding the word 'victim' carries with it an understanding that it is the needs of victims, rather than the rights of offenders, that need to be considered.
16. The Member for Nanango's submission does not address her claim with respect to police officers.
17. The committee acknowledges the Member for Nanango's argument that, in her view, the Member for Bundaberg's statements do not advocate for victims of crime by merely referencing the word 'victim'. However contrary to the Member for Nanango's statement, the Member for Bundaberg did 'mention' both police and victims of crime during his contribution.
18. On the information before the committee, the committee considers the Member for Nanango's statements A and B to be factually or apparently incorrect.
19. The second limb of element 1 is whether the statement was misleading.
20. The Member for Bundaberg argues that the Member for Nanango's statements are misleading because they assert that he made no mention of victims of crime or police during his contribution, when he did.
21. The Member for Nanango's submission to the Speaker does not address element 1, however the committee considered that if a factually incorrect statement is made in the House, then it follows that the statement may mislead a reasonable person into believing it was factually correct.
22. On the information before the committee, the committee considers the Member for Nanango's statements A and B were misleading, and element 1 is made out.

**Element 2: The Member making the statement must have known, at the time the statement was made, that it was incorrect**

23. David McGee states 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>5</sup>
24. The Member for Bundaberg argues that the Member was directly referring to his contribution, which immediately preceded her own; and that if the Member for Nanango was reflecting on his contribution, the member must have known that her statement was incorrect at the time.
25. The Member for Nanango's submission to the Speaker did not directly address element 2, however she argues that contemporary language surrounding the word 'victim' carries with it an understanding that it is the needs of victims, rather than the rights of the offenders, which need to be considered. The Member takes issue with the fact that the only direct reference the Member for Bundaberg makes to 'victims of crime', is with respect to youth offenders.
26. As noted above, the Member has not addressed her claim that the Member for Bundaberg's contribution made no reference to police.
27. While the Member for Nanango may not consider the Member for Bundaberg's statements to advocate for victims of crime, her claim in the House was that the Member did not 'mention' or 'talk' of victims of crime or police.
28. The committee accepts that the Member for Bundaberg has made mention of both victims and police.

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<sup>5</sup> McGee, D, *Parliamentary Privilege in New Zealand*, 3<sup>rd</sup> Edition, Dunmore Publishing Ltd, Wellington, 2005, p 653.

29. The Member for Nanango's presence in the House during the Member for Bundaberg's contribution, and the fact her speech reflects on his contribution suggests she should have known at the time that the Member for Bundaberg had mentioned both police and victims of crime during his contribution. However, this is not direct evidence of her knowledge at the time she made her statement.
30. There is insufficient evidence to establish that the Member for Nanango knew at the time she made her statement that it was incorrect, and therefore element 2 is not made out.
31. The committee did not seek direct evidence from the Member regarding her knowledge at the time as, on the balance of probabilities, the committee considered the allegations would not reach the threshold of the very high order of proof required to establish an intention to mislead, considered below.

### **Element 3: The Member must have intended to mislead the House**

32. 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>6</sup>*

33. McGee also states 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.<sup>7</sup>
34. The Member for Bundaberg argues that:
  - the Member for Nanango's intention was to suggest that during a debate about crime, the Member deliberately failed to mention victims of crimes and police officers; and
  - having been present for the entirety of the Member's contribution and subsequently reflecting on it in her statements, the Member for Nanango intended to mislead the House.
35. The Member for Nanango did not address element 3.
36. While it can be established that the Member for Nanango was present for the Member's speech, and reflected on his contribution in her own, her remarks were made off the cuff, during heated debate. The committee noted that off the cuff remarks rarely fall into the category of deliberately mislead.
37. There is no other suggestion, or evidence before the committee to establish an intention to mislead.
38. Given the seriousness of the offence and consequent high threshold for a finding of contempt of Parliament, the committee considers there is insufficient evidence to establish that the Member intended to mislead the House.
39. On the information available, the committee considers the Member for Nanango's statements were made off the cuff during heated debate on the Strengthening Community Safety Bill which generated a lot of passion both in and outside the House. There being little chance of establishing an intent to mislead, element 3 is unlikely to be made out.

<sup>6</sup> McGee, D, Parliamentary Privilege in New Zealand, 3<sup>rd</sup> Edition, Dunmore Publishing Ltd, Wellington, 2005, p 654.

<sup>7</sup> Ethics Committee Report No. 185, *Matter of privilege referred by the Speaker on 9 august 2017 relating to alleged deliberate misleading of the house*, p 7, <https://documents.parliament.qld.gov.au/tableoffice/tabledpapers/2019/5619T735.pdf>.

## CONCLUSION

40. On the matter of the Member for Nanango deliberately misleading the House, on the information before the committee, the matter is dismissed under SO 270(1)(a) as not warranting further attention by the committee.

## COMMITTEE COMMENT

41. Freedom of speech is one of the most important privileges afforded to Members of Parliament. The committee reminds all Members of their obligation, outlined in the Members Code of Ethical Standards:

*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.<sup>8</sup>*

42. As Queensland's unicameral lawmaking body, it is imperative that statements made in the House are factual, so they can be relied upon to inform decision-making. The privilege afforded to Members must be balanced with the responsibility of Members to refrain from acting recklessly by making unqualified statements.
43. The committee notes Members may sometimes make incorrect or misleading statements in the House without actually intending to mislead the House. However, it is incumbent on every Member to correct the official record in the House as soon as it becomes apparent that their statements were incorrect or could be misleading.
44. It is timely to remind all Members to exercise due diligence, and proactively correct the record as soon as they become aware a statement they have made is incorrect or could be considered misleading. Doing so will assist the House, and the committee, in reducing the referral of matters which may otherwise be dismissed in accordance with SO 270(1), as they do not warrant the further attention of the committee.

## RECOMMENDATION

45. 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.



Ms Jennifer Howard MP

**Chair**

October 2023

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<sup>8</sup> Legislative Assembly of Queensland, *Code of Ethical Standards together with The Guide to the Code of Ethical Standards and Rules Relating to the Conduct of Members*, p 15,  
<https://documents.parliament.qld.gov.au/assembly/procedures/CodeOfEthicalStandards.pdf>.

### **ETHICS COMMITTEE PROCEEDINGS**

Standing Order 211B(3) provides that when the Ethics Committee makes its final report to the House on a matter, the committee shall at the same time, table in the House:

- (a) The minutes of its proceedings relevant to the matter; and
- (b) Any submissions received or evidence taken in respect of the matter (including transcripts of hearings) unless the committee resolves that some or all of its proceedings remain confidential.

The relevant minutes and evidence in respect of this matter are attached to this report.



## EXTRACT OF MINUTES –

### MATTER OF PRIVILEGE REFERRED BY THE ACTING SPEAKER ON 24 AUGUST 2023 RELATING TO AN ALLEGATION OF DELIBERATELY MISLEADING OF THE HOUSE BY THE MEMBER FOR NANANGO



## Ethics Committee

Meeting No. 50

Wednesday, 13 September 2023, 1.13pm

Committee Room 3, Level 6, Parliamentary Annexe

#### Present

Ms Jennifer Howard MP, Chair  
Mr Andrew Powell MP, Deputy Chair  
Mr Dan Purdie MP  
Mr Linus Power MP  
Ms Kim Richards MP  
Mr Ray Stevens MP

#### In attendance

Ms Bernice Watson, Committee Secretary  
Dr Amanda Beem, Legal and Compliance Officer

#### **Inquiry 12 – Alleged deliberately misleading of the House referred by the Speaker on 24 August 2023 (Nanango)**

Discussion ensued.

#### Resolved

That the committee take no further action in respect of the allegation made against the Member for Nanango and requests the secretariat prepare a draft report to the House for consideration.

Moved: Mr Powell

## EXTRACT OF MINUTES –

### MATTER OF PRIVILEGE REFERRED BY THE ACTING SPEAKER ON 24 AUGUST 2023 RELATING TO AN ALLEGATION OF DELIBERATELY MISLEADING OF THE HOUSE BY THE MEMBER FOR NANANGO



## Ethics Committee

Meeting No. 51

Wednesday, 11 October 2023, 1.17pm

Committee Room 3, Level 6, Parliamentary Annexe

#### Present

Ms Jennifer Howard MP, Chair  
Mr Andrew Powell MP, Deputy Chair  
Mr Dan Purdie MP  
Mr Linus Power MP  
Ms Kim Richards MP  
Mr Ray Stevens MP

#### In attendance

Ms Bernice Watson, Committee Secretary  
Dr Amanda Beem, Legal and Compliance Officer

#### **Inquiry 12 – Alleged deliberately misleading of the House referred by the Speaker on 24 August 2023 (Nanango)**

Discussion ensued.

#### Resolved

That the committee adopts the Chair's draft report as a report of the committee and authorises it for tabling in the House.

Moved: Mr Stevens

**Extracts certified correct October 2023**

A handwritten signature in blue ink, appearing to read "J Howard".

**Jennifer Howard MP**  
**Chair**



Our ref: your ref: 230831-OUT-Ethics Committee

31 August 2023

Ms Jennifer Howard MP  
Member for Ipswich  
Chair  
Ethics Committee

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

Dear Jen

I refer to my ruling of 24 August 2023 (enclosed) in relation to allegations of misleading the house by the Member for Bundaberg, against the Member for Nanango.

In my ruling, I referred the allegations to the Ethics Committee for consideration and report in accordance with Standing Order 269.

In addition, for the information of the Committee, I attach the following documents that are relevant to the Committee's consideration of this matter:

- Correspondence from the Member for Bundaberg, dated 13 April 2023, raising the allegation of contempt;
- Letter from myself as Acting Speaker to the Member for Nanango regarding the allegation of contempt, dated 25 May 2023; and
- Correspondence from the Member for Nanango to the Speaker, dated 1 June 2023.

As per my ruling, I formally refer the Member for Nanango to the Ethics Committee for it to consider whether the Member has committed a Contempt of the House.

Yours sincerely

**Mr Joe Kelly MP**  
Acting Speaker of the Legislative Assembly

Enc.

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(MR ACTING SPEAKER)

## ACTING SPEAKER'S RULING – ALLEGED CONTEMPT OF PARLIAMENT

MR A/SPEAKER      Honourable members,

On 13 April 2023, the Member for Bundaberg wrote to the Speaker alleging that the Member for Nanango deliberately misled the House on 15 March 2023.

The matter relates to statements she made during her contribution to the debate on the Strengthening Community Safety Bill, specifically:

*‘...in following the member for Bundaberg ... He did not even mention the victims and hardworking police officers ...*

*...  
Look at them all over there! The member for Bundaberg did not even talk about the victims. He did not even talk about the hardworking police officers.*

*...  
We have been calling for bringing back breach of bail as an offence for years and years and years. I could read pages and pages and pages from history with all of these statements, including from the police minister, the youth justice minister, the Acting Leader of the House right now and the member for Bundaberg. I have got quotes right here.’*

The Member for Bundaberg argued that this is misleading because it misrepresents the contribution he made immediately preceding the Member for Nanango in which he mentioned police and victims of crime.

I sought further information from the Member for Nanango about the allegation made against her, in accordance with Standing Order 269(5).

The Member for Nanango submitted her view that a single reference to the word 'victim' does not advocate for victims of crime. The Member also apologised for her inadvertent reference to the Member for Bundaberg when listing other members who had made past contributions about breach of bail.

Standing Order 269(4) requires that in considering whether such a matter should be referred to the Ethics Committee, that I should take account of the degree of importance of the matter which has been raised and whether an adequate apology or explanation has been made in respect of the matter.

In considering the submissions before me, I acknowledge that contributions to debate are often made off the cuff. However, consideration of this defence must be balanced with a Member's obligation to ensure that statements are accurately attributed to Members to avoid any misleading of the House.

Irrespective of the Member for Nanango's views on whether the Member for Bundaberg adequately advocated for victims of crime, the Member for Bundaberg clearly made 'mention' of both victims of crime and police officers during his contribution. On balance, I consider that there is sufficient material before me to warrant the further attention of the House via the Ethics Committee.

Therefore, I **will** be referring the Matter to the Ethics Committee.

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 this matter in the House.

# Tom Smith MP

State Member for Bundaberg

13/04/2023

The Honourable Curtis Pitt MP  
Speaker of the Legislative Assembly  
Parliament House  
George Street  
BRISBANE QLD 4000

By Email: [Speaker@parliament.qld.gov.au](mailto:Speaker@parliament.qld.gov.au)

Dear Mr Speaker

I wish to draw to Mr Speaker's attention a matter of privilege arising out of a statement made during the debate of the Strengthening Community Safety Bill on 15 March 2023 by the Member for Nanango, Deb Frecklington.

Mr Speaker, I submit that in making the statements to which I refer, the Member for Nanango has deliberately misled the House and is in contempt of the Queensland Parliament, in particular Standing Order 266 of the *Standing Rules and Orders of the Legislative Assembly*.

There are three elements to be proven in order to establish that a Member of the Legislative Assembly has committed the contempt of deliberately misleading the House:

1. The statement must have been misleading;
2. The Member making the statement must have known, at the time the statement was made, that it was incorrect; and
3. In making the statement, the Member intended to mislead the House.

Section 37 of the *Parliament of Queensland Act 2001* sets out the meaning of contempt of the Assembly thus:

- (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.

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**Delivering For Bundaberg**





# Tom Smith MP

State Member for Bundaberg

Standing Order 266 of the *Standing Rules and Orders of the Legislative Assembly* sets out examples of what might constitute a contempt of the Queensland Parliament and, whilst not limiting the power of the House to the matters contained therein, includes a reference in subparagraph (2), to:

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

As outlined, there are three elements to be proven in order to establish that a Member has committed the contempt of deliberately misleading the House. I will address each of these in turn.

## 1 The statement must have been misleading

Mr Speaker, on 15 March 2023, the Member for Nanango, during their contribution to the debate of the Strengthening Community Safety Bill stated the following:

- a) *"In following the Member for Bundaberg... He did not even mention the victims and hardworking police officers"*
- b) *"Look at them all over there! The member for Bundaberg did not even talk about the victims. He did not even talk about the hardworking police officers."*
- c) *"We have been calling for bringing back breach of bail as an offence for years and years and years. I could read pages and pages and pages from history with all of these statements, including from the police minister, the youth justice minister, the Acting Leader of the House right now and the member for Bundaberg. I have got quotes right here."*

These statements are recorded on page 434 and 436 of the official Hansard record of proceedings for 15 March 2023.

Mr. Speaker, examples a) and b) are misleading as they misrepresent the contribution that I provided to the Strengthening Community Safety Bill on 15 March 2023, recorded on pages 433 and 434 of the official Hansard recordings for that date.

In my contribution, that immediately preceded the Member for Nanango's contribution, I stated the following:

- i) *"a couple of weeks ago in this House I mentioned a student in one of my classes who retaliated against police who came to do a bag check in the class. He retaliated and assaulted them. You cannot excuse that..."*
- ii) *"these young people are complicated and often hurt people who are themselves victims of crime"*

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## Delivering For Bundaberg





# Tom Smith MP

State Member for Bundaberg

- iii) *"Yes, sadly the events that we saw over the New Year period cost the lives of innocent people who should never have had that happen to them. Their families should never have to live with those memories."*

Mr Speaker, I believe that I have provided multiple examples where I both 'mentioned' and 'talked' about victims of crime, the families of victims of crime, and police in my contribution to the debate. The statements that the Member for Nanango has made in examples a) and b), that I have submitted from the Member's contribution, imply to the House that my statements did not occur at all. It is my consideration of such actions to be misleading.

Mr. Speaker, I also refer to example c) from the Member for Nanango's contribution. The Member stated, "I could read pages and pages and pages from history with all of these statements, including from the police minister, the youth justice minister, the Acting Leader of the House right now and the member for Bundaberg. I have got quotes right here."

Mr. Speaker, the example c) is in reference to policy considerations of 'breach of bail'. Following the Member's statement, I sought the services of the Parliamentary Library as to the statements by the Member for Nanango that the Member had "quotes" and "pages of history" of my mentioning 'breach of bail'.

Upon return, the Parliamentary Library provided me with a document that I have attached. The summary of the findings from the Library are as follows:

#### Queensland Record of Proceedings (Hansard) and Questions on Notice

*No relevant speeches or Questions on Notice were identified. Three speeches were identified regarding youth crime without any mention of 'breach of bail':*

#### Media

*No relevant media articles were identified.*




Mr. Speaker, I believe that on the evidence provided by the Parliamentary Library that the Member for Nanango has misled the House when stating that the Member had read historical documents of my ever speaking about Breach of Bail, and the further statement that the Member was in possession at the time of their contribution with quotes attributed to myself.

## **2 The member making the statement must have known, at the time the statement was made, that it was incorrect.**

Mr. Speaker, with regard to example a) and b) of the Member for Nanango's statements during the Strengthening Community Safety Bill, I put forward that the Member must have known that the statements made were incorrect.

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# Delivering For Bundaberg



# Tom Smith MP

State Member for Bundaberg

In the Member's statement, the Member directly refers to my contribution, that immediately preceded their contribution, and asserts that I did not speak about victims of crime, families of victims of crime, and police.

Mr. Speaker, in direct contrast to the Member for Nanango's statement, example i) directly refers to police twice and indeed uses the word 'police'. Example ii) directly speaks about victims of crime and again, uses the words 'victims of crime'. Example iii) makes direct statement to victims of crime and the families of victims of crime.

Mr. Speaker, if the Member was making a direct response that reflected on the statements of my contribution, the Member must therefore have known that their statement was incorrect at the time of the contribution.

As it relates to example c), the excerpt from the Member for Nanango's contribution that states 'pages of history' and direct quotes by myself discussing breach of bail, the Member has severely and knowingly mislead the House.

As proved earlier, the Parliamentary Library could find no record of my ever mentioning 'breach of bail', yet the Member for Nanango claimed to have the quotes "right here". Mr. Speaker, the Member for Nanango has knowingly made a false and misleading statement to the House at the time of the Member's statement as there are no quotes on record to be found of my ever using the phrase.

As there is no record of my ever discussing breach of bail within the House, Questions on Notice, or in the media, the Member for Nanango could simply not make such a claim without knowing that they had in fact never been privy to any form of recorded mentioning by myself of 'breach of bail' and subsequently that they were not knowingly misleading the House.

### **3 In making the statement, the Member intended to mislead the House**

Mr Speaker, having established that the statements made by the Member for Nanango were misleading, and that they knew them to be misleading, it must now be established that the Member for Nanango intended to mislead the House.

It is my proposition that the intention of the Member was to suggest that in a debate discussing matters of crime, I made a deliberate decision not to mention victims of crime, families of victims of crime, and police officers. Indeed, the Member suggested that I was opposed to the Bill even coming before the House. Mr. Speaker, it is clear to me that the Member for Nanango deliberately and knowingly misled the House because their intention was to suggest that I did not have consideration for victims of crime, their families, or the police. Having been in the Legislative Assembly for the entirety of my contribution and then subsequently reflecting on my contribution in their statements, the Member intended to mislead the House for their intended purpose.

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## Delivering For Bundaberg





# Tom Smith MP

State Member for Bundaberg

With recognition to example c), the intention of the Member's misleading of the House was to portray myself along with the characterisation that the Member was making in consideration to the Member for Morayfield, the Member for Nudgee, and the then Acting Leader of the House at the time of the contribution. Mr. Speaker, the Member for Nanango's argument was that those Members had allegedly changed their recorded opinion on 'breach of bail'. The desired outcome to suggest that members of the Government had allegedly changed their stance on Government policy was intended to portray members in a negative light. Thus, the Member for Nanango intended to portray myself in the same negative light that I had changed my previously recorded policy position.

Mr. Speaker, claiming to have recorded quotes at hand in regard to my position on 'breach of bail', only for the Parliamentary Library to prove that such a claim is false, is deliberately misleading. Mr. Speaker, to deliberately mislead the House about possessing direct quotes made by myself on the matter of 'breach of bail' for the purpose of suggesting that I had changed my stance on Government policy or personal principle towards a policy, I argue, is an act of intentionally misleading the House for a desired purpose by the Member for Nanango.

Mr. Speaker, I of course note that remarks made 'off the cuff' may not fall into consideration of misleading the House; however, when a Member directly attributes their statements to proposed evidence in their possession at the time, such statements can surely not be considered remarks that are used with considered intentions.

There is no record of my previous stance on breach of bail that can be found by the Parliamentary Library; therefore, there could not have been any "quotes right here" in the Member for Nanango's possession at the time. To make such a statement at the time knowingly not having any record of my stance on breach of bail is, I argue, an intentional misleading of the House.

Considering the arguments and the fact that the Member for Nanango has not taken any of the available opportunities to correct the record, I respectfully submit that this matter warrants the further attention of the House by referral to the Ethics Committee.

Please do not hesitate to contact me if you require any further information to assist in your deliberation of this matter.

Kind Regards

Tom Smith



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**Delivering For Bundaberg**





## Research Brief

### Research and Information Service

**For** Mr Tom Smith MP

**Request** Breach of bail speeches

**Date** 16 March 2023

Thank you for your request for the following information:

*I was hoping that the Library Service would be able to highlight any passages in my previous speeches where the phrase 'Breach of Bail' occurs please.*

### Information sources

The Queensland Parliamentary Library (QPL) searched the following sources for relevant speeches since 2020 using variations on the term 'breach of bail'.

- [Queensland Record of Proceedings \(Hansard\)](#) using:
  - [Advanced Search: Hansard](#)
  - [Advanced Search: Member Speeches](#)
- [Questions on Notice and Answers](#)
- QPL media article database
- general internet searches.

### Queensland Record of Proceedings (Hansard) and Questions on Notice

No relevant speeches or Questions on Notice were identified.

Three speeches were identified regarding youth crime without any mention of 'breach of bail':

- T Smith, ['Motion: Hervey Bay, Youth Crime'](#), Queensland, *Debates*, 17 August 2022, pp 2112-13

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- T Smith, [‘Motion: Youth Crime’](#), Queensland, *Debates*, 13 October 2022, p 2759
- T Smith, [‘Second reading speech: Strengthening Community Safety Bill’](#), Queensland, *Debates*, 15 March 2023, pp 433-4.

## Media

No relevant media articles were identified.

A News Mail article published prior to the 2020 state election was identified containing comments regarding bail for young offenders:

- G Offord, [‘How candidates would combat the issue of youth crime if elected at the Queensland State Election’](#), *News Mail*, 29 October 2020:

### **Tom Smith (Labor)**

*The number of young people charged with an offence in Bundaberg has fallen consistently under the Palaszczuk Labor Government, from 72 in 2014-15 to just 30 in 2019-20.*

*That comes down to a number of really successful programs run in our city that not only hold young people to account, but give them the opportunity to turn their lives around - programs like Transition 2 Success, which takes young people at risk of contact with the justice system and helps them re-engage with education and training.*

*We have seen positive outcomes **with bail support services [emphasis added]** and restorative justice conferencing.*

*Importantly, the Palaszczuk Government has come down on repeat youth offenders, **introducing laws to deny bail [emphasis added]** for those considered a danger to the community - laws the LNP voted against.*

*A re-elected Palaszczuk Government will deliver an additional 150 police to our region, while the LNP sacked 300 police personnel under Deb Frecklington and Campbell Newman.*

Please do not hesitate to contact us if we can be of any further assistance.

## Research and Information Service

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### QUEENSLAND PARLIAMENTARY SERVICE

#### Queensland Parliamentary Library & Research Service

Parliament House

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Your Ref:

Our Ref: 230525-OUT-Nanango

25 May 2023

Mrs Deb Frecklington  
Member for Nanango

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

Dear Deb

The Office of the Speaker received correspondence on 13 April 2023 from the Member for Bundaberg, raising a Matter of Privilege. The said matter concerns whether you have deliberately misled the House. A copy of this correspondence is attached.

Deliberately misleading the House is listed as an example of behaviour that the House may treat as a contempt (see *Standing Order 266 (2)*).

*Standing Order 269 (5)* provides that in considering whether such a matter should be referred to the Ethics Committee, the Speaker may request further information from the person the subject of the allegation. Accordingly, I am writing to you pursuant to that Standing Order.

*Standing Order 269 (4)* provides that in considering whether the matter should be referred to the Ethics Committee, the Speaker shall take account of the degree of importance of the matter which has been raised and whether an adequate apology or explanation has been made in respect of the matter.

I wish to stress that I have not yet formed a view as to whether this particular allegation should be referred to the Ethics Committee. However, as a matter of course, I remind all members who are the subject of such allegations of the long established convention that should a Member become aware they have inadvertently misled the House, they should, at the earliest opportunity, correct the record and apologise for their inadvertence.

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Should you wish to provide me with further information to assist me in making a determination as to whether the matter should be referred to the Ethics Committee under *Standing Order 269* please provide your response by COB 8 June 2023.

In the meantime, should your office have any queries relating to this matter, they may be directed to my Executive Officer, Coral-Leah Kemp, by email to [Speaker@parliament.qld.gov.au](mailto:Speaker@parliament.qld.gov.au) or on 07 3553 6700.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Joe Kelly', written in a cursive style.

**MR JOE KELLY MP**

Acting Speaker of the Legislative Assembly

Enc.



# Deb FRECKLINGTON MP

Member for Nanango

1 June 2023

Hon Curtis Pitt MP  
Speaker of the Legislative Assembly  
By email: [speaker@parliament.qld.gov.au](mailto:speaker@parliament.qld.gov.au)

Dear Mr Speaker,

I refer to the letter of 25 May 2023 from the Acting Speaker, Mr Joe Kelly MP, enclosing correspondence dated 13 April 2023 from Mr Tom Smith MP, Member for Bundaberg, concerning remarks made in the Legislative Assembly on 15 March 2023.

I appreciate the opportunity to respond to the member's allegation that I have deliberately misled the House.

I strongly dispute the allegation and am unable to discern, from the member's letter, any evidence which would give rise to his claim.

In relation to the member's complaint that I accused him of not mentioning victims, few listening to his speech would regard his cursory mentions of "victims" as providing exculpatory evidence against my accusation.

Simply adding the word "victim" to a sentence does not diminish my claim against the member. Indeed, in the three instances mentioned in the member's letter, the word "victims" appears once but does nothing to support the member's complaint.

The three instances are:

- In the first example of a student assaulting police there is no reference to a victim or victims. Saying that certain behaviour cannot be excused cannot be interpreted as a positive reference in support of victims. This is the same example as the member used in a speech in the House on 13 October 2022 (*Hansard*, page 2759) and adds nothing to the member's case.
- In the second example the member referred to "people who are themselves victims of crime." This is no more than a throw away description of a class of people and in no way goes to undermine my claim that the member ignored the needs of victims of crime.
- In the third example the member stated, "families should never have to live with those memories". Again, the member has ignored the tenor of my complaint that victims are not mentioned and that their needs are forgotten. There is no mention of "victims".

Whether the member likes it or not, contemporary language surrounding the word "victim" carries with it an understanding that it is the needs of victims, rather than the rights of offenders, need to be considered. By resorting to obscure and uncertain references the member has tried to excuse himself and hide behind what could be described as "weasel words."

For the benefit of the member, I should point out that definition of "weasel word" is "a word used in order to evade or retreat from a direct or forthright statement or position". (See <https://www.merriam-webster.com/dictionary/weasel%20word>)

The member also refers to the issue of breach of bail.



My comments were designed to reflect Labor's longstanding objection to introducing an offence of breach of bail and the ultimate collapse of its opposition with the passing of the *Strengthening Community Safety Bill 2023*.

In the course of my remarks, I bundled together the statements of various members. I inadvertently included the member for Bundaberg in this and for this I apologise.

However, in deference to the aphorism, "Actions speak louder than words", I should point out that the member's actions indicate his long-term opposition to a breach of bail offence.

In debate on the *Youth Justice and Other Legislation Amendment Bill 2021* the relevant Opposition shadow minister, the member for Burdekin, Mr Dale Last, MP, gave notice that he would move amendments in the committee stage to introduce such an offence and tabled the proposed amendments. (See *Hansard*, 20 April 2021, page 989)

Two days later Mr Last sought leave to move the amendments. (see *Hansard*, 22 April 2021, page 1173)

This motion was defeated 51 votes to 34 with the member for Bundaberg counted amongst the noes.

In the course of human history, it matters little whether the member spoke against the breach of bail motion. His actions, which are recorded for all to see, reveal his opposition to the proposal, a position which becomes even more ironic when he voted in favour of the exact same proposal in 2023.

I believe the member has embarked on a course of action in contravention of advice you issued at the hearings of the Economics and Governance Committee on 16 July 2021 (*Hansard*, p 7):

*... I do not believe that frivolous complaints should be rewarded nor should any further attention be made to those which I believe probably are borderline. ... In terms of how many have been sent to the Ethics Committee, again I make no apologies for those being very limited. I do not believe that, by and large, there are significant breaches of our standing orders. Most of it is by way of the politics being played out in the democracy.*

I submit that the member's allegations fall entirely within this category.

As such, I respectfully ask you to dismiss the member's complaint.

If I can be of any further assistance in determining this matter, please do not hesitate to contact me.

Yours sincerely,



**Deb Frecklington**  
**Member for Nanango**  
**Shadow Minister for Water and the Construction of Dams**  
**Shadow Minister for Regional Development and Manufacturing**