



ETHICS COMMITTEE

Report No. 196

Report on a Right of Reply No. 41

Introduction and Background

1. The Legislative Assembly provides a right of reply to persons and corporations who are the subject of adverse comment in Parliament. The Ethics Committee (the committee) has responsibility for advising the Assembly regarding submissions for a right of reply.
2. The right of reply relates to statements made by members under parliamentary privilege. Persons or corporations who are named, or referred to in such a way as to be readily identified and who consider their reputation has been adversely affected, may request a right of reply.

Procedure

3. Chapter 46 of the *Standing Rules and Orders of the Legislative Assembly*, effective from 31 August 2004 (the Standing Orders), sets out the operation of the right of reply for persons and corporations and the procedure for the committee to follow when considering submissions.
4. Standing Order 282(5) provides that the committee is not to consider or judge the truth of any statements made in the House or the submission when considering a submission for a right of reply.
5. Under Standing Order 283, the committee may recommend—
 - that no further action be taken by the committee or the House in relation to the submission, or
 - that a response by the person who made the submission, in terms specified in the committee's report and agreed to by the person or corporation and the committee, be incorporated in the Record of Proceedings or published in some other manner.

Referral

6. Ms Vanda Wiczorkowski wrote to the Speaker on 23 August 2019 requesting a citizen's right of reply in response to statements made during Estimates Hearings by the Minister for Communities and Minister for Disability Services and Seniors (Hon Coralee O'Rourke MP) on 25 July 2019.
7. On 19 September 2019, the Speaker referred Ms Wiczorkowski's request for a citizen's right of reply to the committee for consideration.

Committee's Inquiry

8. The Ethics Committee of the 56th Parliament met in private session to consider the submissions from Ms Wieczorkowski and how to proceed with the matter, noting—
 - the Standing Orders, and
 - the practice and established procedures of Ethics Committees in respect of similar submissions in the past.
9. The committee corresponded with Ms Wieczorkowski and negotiated a response in the context of the Standing Orders. On 2 December 2019, Ms Wieczorkowski responded by agreeing to the proposed response.
10. In accordance with Standing Order 282(5), the Ethics Committee of the 56th Parliament did not consider or judge the truth of any statements made in the words of the Minister or the truth of the statements made by Ms Wieczorkowski in response.
11. The Ethics Committee of the 56th Parliament resolved to recommend to the Legislative Assembly that the agreed response be incorporated into the Record of Proceedings.

Recommendation 1:

The committee recommends that the response in the terms set out in this report, be incorporated in the Record of Proceedings.



Joe Kelly MP
Chair

February 2020

Membership — 56th Parliament

Mr Joe Kelly MP, Chair
Member for Greenslopes

Mr Tim Nicholls MP, Deputy Chair
Member for Clayfield

Ms Nikki Boyd MP
Member for Pine Rivers

Ms Leanne Linard MP
Member for Nudgee

Mr Mark McArdle MP
Member for Caloundra

Mr Ray Stevens MP
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RESPONSE BY MS VANDA WIECZORKOWSKI, TO STATEMENTS MADE BY THE MEMBER FOR MUNDINGBURRA
HON CORALEE O'ROURKE MP, ON 25 JULY 2019

On 25 July 2019 in Estimates Hearings, Minister O'Rourke made comments relating to my time as Director of Forensic Disability. I was the Director of Forensic Disability from October 2015 until June 2019. These comments have had a detrimental impact on my reputation and future career prospects.

I underwent a recruitment process for the role of director and was employed as a Senior Officer.

I reject any imputations that I was not suitably qualified for the role of director. My experience in forensic practice in Australia and the United Kingdom spans some 22 years. I have held numerous senior positions in that time and brought significant experience to the role of Director of Forensic Disability.

During my time as Director of Forensic Disability I have introduced processes to ensure compliance with the purpose of the *Forensic Disability Act 2011* ('the Act'). These processes have greatly enhanced the quality of care provided to clients at the Forensic Disability Service, significantly increased public safety and will ensure ongoing compliance with the Act generally.

During my tenure as the Director of Forensic Disability my staff and I also worked tirelessly to ensure that clients of the Forensic Disability Service transition from the service. It was the work undertaken by my office and staff from the forensic Disability Service that led to the successful transition of six clients.

Legislative Assembly of Queensland

STANDING RULES AND ORDERS OF THE LEGISLATIVE ASSEMBLY: EFFECTIVE FROM 31 AUGUST 2004

EXTRACT: CHAPTER 46: CITIZEN'S RIGHT OF REPLY

279. Reference to a person includes a corporation

- (1) In this chapter a reference to a person includes a corporation.
- (2) A corporation making a submission under this chapter is required to make it under their common seal (if it has a common seal).

280. Affected person may make a submission

- (1) A person who has been referred to in the Legislative Assembly or a committee by name, or in such a way as to be readily identified may make a submission to the Speaker:
 - (a) claiming that the person has been adversely affected in reputation or in respect of dealings or associations with others, or injured in occupation, trade, office or financial credit, or that the person's privacy has been unreasonably invaded, by reason of that reference to the person or corporation; and
 - (b) requesting that the person be able to incorporate an appropriate response in Hansard or the relevant committee report.
- (2) The Speaker may refer the submission to the ethics committee if the Speaker is satisfied:
 - (a) that the subject of the submission is not so obviously trivial or the submission so frivolous, vexatious or offensive in character as to make it inappropriate that it be considered by the ethics committee; and
 - (b) that it is practicable for the ethics committee to consider the submission under this chapter.
- (3) A person shall ensure a submission is received by the Speaker within the term of the Parliament in which the person has been adversely referred.

281. Submissions

- (1) A submission under this chapter shall be succinct and strictly relevant to the questions in issue and shall not contain anything offensive in character.
- (2) A submission under this chapter shall not contain any matter the publication of which would have the effect of:
 - (a) unreasonably adversely affecting or injuring a person or corporation, or unreasonably invading a person's privacy, in the manner referred to in SO 280(1); or
 - (b) unreasonably adding to or aggravating any such adverse effect, injury or invasion of privacy suffered by a person.

282. Action by the ethics committee

- (1) The ethics committee may decide not to consider a submission referred to it under this chapter if the committee considers that the subject of the submission is not sufficiently serious or the submission is frivolous, vexatious or offensive in character, and such a decision shall be reported to the House.
- (2) If the ethics committee decides to consider a submission under this chapter, the ethics committee may confer with the person who made the submission and any member who referred in the House to that person or corporation or where the submission relates to another committee's proceeding, the relevant committee.
- (3) In considering the submission under this chapter, the ethics committee shall deliberate in a private meeting.
- (4) The ethics committee shall not publish a submission referred to it under this chapter or its proceedings in relation to such a submission, but may present minutes of its proceedings and all or part of such submission to the House.
- (5) In considering a submission under this chapter and reporting to the House the ethics committee shall not consider or judge the truth of any statements made in the House or the submission.
- (6) If a person making a submission does not respond to a communication from the committee within three months, the committee may consider the matter to be closed.
- (7) Public servants seeking a right of reply must do so as private citizens.
- (8) Persons making their submission through a representative must personally sign the response.

283. Recommendation and report by the ethics committee

In its report to the House on a submission under this chapter, the ethics committee may make either of the following recommendations and no other recommendations:

- (a) that no further action be taken by the ethics committee or the House in relation to the submission; or
- (b) that a response by the person who made the submission, in terms specified in the report and agreed to by the person or corporation and the ethics committee, be incorporated in Hansard.