



Speech by

# Annastacia Palaszczuk

MEMBER FOR INALA

Hansard Thursday, 6 September 2007

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## MEMBERS' ETHICS AND PARLIAMENTARY PRIVILEGES COMMITTEE

### Report

**Ms PALASZCZUK** (Inala—ALP) (10.25 am): I move—

That the House note report No. 82 of the Members' Ethics and Parliamentary Privileges Committee.

The report concerns an allegation that by a letter to a member a legal firm attempted to improperly interfere with the free performance by the member of his duties as a member. It deals not only with the specific allegation but the wider issues of privilege associated with legal correspondence to members concerning their activities in the House.

The committee takes allegations of this nature very seriously. Although there was no finding of a breach of privilege or contempt in this case, there are circumstances in which correspondence from a legal firm could result in a finding of a breach of privilege or contempt. In this case the committee accepts the legal firm's assurance that neither the firm nor their client intended to improperly interfere with the free exercise by the member for Moggill of his duties as a member. The committee notes the firm's unreserved apology to the member for Moggill and the parliament but would emphasise that in itself an apology or retraction would not preclude the committee from making a finding of a breach of privilege or contempt in the future.

Each case before the committee will be judged on the facts before it. Nonetheless, the committee agrees with the Speaker that those in the legal profession may not realise how inherently intimidating an action a legal letter in itself is, especially if the tone is not moderated or rights recognised. Those in the legal profession may not be aware that an attempted interference with a parliamentary proceeding or a member's rights may constitute contempt of parliament. Honourable members may not be immediately aware of issues of privilege associated with legal correspondence related to their actions in this House. Both issues are addressed in this report.

There appears to be a limited understanding, indeed ignorance, by the legal community about the principles of law relating to the powers, rights and immunities of the parliament, its committees and members. This may be due to the limited number of cases involving members of parliament or parliamentary proceedings. It could also be due to an absence of a component covering parliamentary privilege as part of legal practice education. As a person who completed the legal practice course just last September, I can assure members that issues surrounding parliamentary privilege are simply not covered. The committee therefore will be writing to the Queensland Law Society, the Bar Association of Queensland and to those law schools offering legal practice and bar practice courses in Queensland about training legal practitioners and law students in the principles of law relating to parliamentary privilege. This training should cover statute law, especially section 9 of the Constitution of Queensland, sections 8 and 9 of the Parliament of Queensland Act and case law relevant to the operation of parliamentary privilege.

As well as raising awareness among the legal profession, honourable members also need to be aware of how to manage correspondence from legal firms relating to their activities in the House. The

committee recommends that this information be provided as part of the new members' induction program. I commend the report to the House.