



Speech by
Mike Horan

MEMBER FOR TOOWOOMBA SOUTH

Hansard Thursday, 6 September 2007

**MEMBERS' ETHICS AND PARLIAMENTARY PRIVILEGES COMMITTEE:
REPORT**

Mr HORAN (Toowoomba South—NPA) (10.28 am): I rise to second the motion. This report raises important issues of privilege associated with correspondence from legal firms addressed to members regarding their activities in the House. The chair of the committee mentioned the need to educate legal practitioners and law students about the principles of law relating to parliamentary privilege. I fully support this and I believe it needs to be ongoing. One of those fundamental principles of parliamentary privilege is freedom of speech. In the Westminster system, indeed in any parliamentary system, the right of elected members of parliament to speak without fear or favour is one of the pillars of democracy.

Although there was no finding of contempt in this case, to attempt to intimidate a member in his or her parliamentary conduct by threats has long been held to be contempt in the Westminster system. Here in Queensland our standing orders list as an example of contempt sending a threatening letter to a member on account of their conduct in the House. I go back to the words of the Speaker who, in referring the matter to the committee, said—

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.

There is anecdotal evidence that a number of members of this House have received correspondence from legal firms on account of what they have said in this House. Legal firms, acting on behalf of their clients, often want the member to identify those who may have provided information to them, and the letters I am told can have a threatening tone. This could impact on the ability of elected members to represent their constituents and others. Letters from legal firms can intimidate those wanting to raise issues with members for fear of legal action.

In turn, members may not raise concerns in the House or may back off and not pursue matters to the fullest to protect those who do not enjoy the full protection of parliamentary privilege. All members of the Legislative Assembly need to be aware of the scope of parliamentary privilege applying to their performance of their duties as a member, including the appropriate action to take if they receive correspondence from legal firms. Members should be provided with this information as part of the new members' induction program.

In conclusion, with rights come responsibilities. Members need to respect the privilege of this House by exercising care and raising issues in this House in a responsible way. With those comments, I commend the report to the House.