



MEMBERS' ETHICS AND PARLIAMENTARY PRIVILEGES COMMITTEE

REPORT ON A MATTER OF PRIVILEGE – MATTER CONCERNING THE DISORDERLY CONDUCT BY MEMBERS OF PARLIAMENT WITHIN THE PARLIAMENTARY PRECINCT

REPORT NO. 41

1. INTRODUCTION AND BACKGROUND

On Tuesday 30 May 2000 at approximately 2.30 pm, the Honourable the Speaker brought to the attention of the House an incident that occurred within the Parliamentary precincts earlier in the day. The incident concerned alleged disorderly conduct by members of Parliament—Mr Shaun Nelson MLA, Member for Tablelands and Mrs Dorothy Pratt MLA, Member for Barambah.

On the motion of the Leader of the House, the Honourable Terry Mackenroth MP, the House resolved:

That the unacceptable actions today of the members for Tablelands and Barambah be referred to the Members' Ethics and Parliamentary Privileges Committee for consideration and report back to the Parliament by Thursday morning, 1 June.

Mr Nelson MLA voluntarily stood down from the Members' Ethics and Parliamentary Privileges Committee ("the committee") during any consideration of this matter. Later in the day, Mr Nelson was discharged from the committee and Dr John Kingston MLA, Member for Maryborough

was appointed to the committee for consideration of this matter.

The committee met for the first time in respect of this matter at 5.00 pm on Tuesday 30 May 2000. The committee had by this time received statements from the two members involved in this matter and statements from a number of Parliamentary Service officers who had witnessed the incident. The committee also viewed television film footage taken of the incident.

2. INCONTROVERTIBLE FACTS

The committee considered the evidence available to it and concluded that, given the admissions made by the members for Tablelands and Barambah in their statements, it need not take any further evidence in respect of the matter.

The committee accepted the following incontrovertible facts.

- On 30 May 2000 there was a public assembly (regarding the deregulation of the milk industry) outside the precincts of Parliament House.
- Mr Shaun Nelson MLA, Member for Tablelands and Mrs Dorothy Pratt MLA,

Member for Barambah carried a milk can onto the parliamentary precincts and emptied its contents outside the front entrance of Parliament House under the Porte Cochere.

3. PARLIAMENTARY LAW AND PRACTICE

There is no doubt that it is a contempt of Parliament for members or strangers to involve themselves in disorderly conduct on the parliamentary precinct.¹ The actions of the members for Tablelands and Barambah, as described, constitute disorderly and disrespectful conduct within the Parliamentary precinct.

4. RELEVANT OBSERVATIONS

It is important to note that had a member of the public committed the actions taken by the members for Tablelands and Barambah they would most probably have been arrested by police and perhaps charged with an offence. **It is vital that this House take strong action against its own members in circumstances where members of the public would have also been severely dealt with.**

In his submission to the committee, the member for Tablelands in mitigation of his actions advocated that he had offered his services to empty the milk can in an endeavour to minimise the damage likely

¹ May, at 122, cited in Browning AR, *House of Representatives Practice*, 2nd ed, Canberra 1989, at 703. The 'parliamentary precinct' is defined in s 4 of the *Parliamentary Service Act 1988* (Qld) as "all land and improvements within the land reserved for House of Parliament in the county of Stanley, parish of North Brisbane, city of Brisbane described as lot 414 on plan SL 8740, lot 437 on plan SL 8601 and lot 704 on plan SL 12303 registered in the department in which the *Land Act 1994* is administered, but does not include the Legislative Assembly chamber, or the galleries of the House, whilst the Legislative Assembly is in session.

to be caused and any resulting confrontation between protestors and police.

The member for Barambah also submitted to the committee that she thought it best to assist the member for Tablelands in order to make the point sought to be achieved in the least damaging way to Parliament House or its surrounds.

The committee is sceptical of the reasons for their action put forward by the members for Tablelands and Barambah in mitigation. The committee has viewed film footage taken of the incident which gives the appearance of the incident being staged for the benefit of cameras.

In addition, there is no evidence before the committee to suggest that the assembly that was taking place was in any way riotous or disorderly. In fact, film footage indicated a peaceful assembly by members of the dairying community. So unthreatening was the assembly, that the Parliamentary precinct gates were not closed. It appears that the members of the dairying community attending were peacefully assembled to express their views, as is their right as citizens of the State.

The members for Tablelands and Barambah could not with any certainty anticipate the consequences of their own actions. The members for Tablelands and Barambah have pleaded that their actions were intended to calm alleged rising tensions. However, the committee notes that the action of the members for Tablelands and Barambah also had the potential to incite passions and cause, rather than prevent, riotous behaviour.

The committee rejects the justification for their actions put forward by the members for Tablelands and Barambah in their submissions. We find their justifications self serving, and in the case of Mrs Pratt arrogant and high handed, especially the indication in her submission that in no way would she apologise for her actions.

The committee cannot under any circumstances condone the actions of the members for Tablelands and Barambah.

The committee's strong view is that the appropriate action for members of Parliament in such circumstances would have been to dissuade participants from disorderly conduct, rather than participating in or leading that disorderly conduct.

It is the role of a member of Parliament to represent their constituents by using the power of their oratory in the House, not to participate in disorderly acts within the Parliamentary precinct. The members for Tablelands and Barambah should or could have spoken in the House and represented the views of their constituents with words—the Dairy Industry Bill is currently before the House for debate. This is the role which is unique to a member of Parliament—the right to represent their constituents in the House.

The community expects members of Parliament, as representatives of the community, to set high standards. While the emptying of a milk can leaves no lasting mark or damage in itself, its symbolism is abhorrent. It represents an absolute disrespect for Parliament House, “the people's house”, and the institution of Parliament generally. The committee of the 48th Parliament in its draft code of conduct recommended six fundamental principles for the ethical conduct of members. The first fundamental principle was as follows:

Integrity of Parliament

The public's confidence in the institution of Parliament is essential. Members are to strive at all times to conduct themselves in a manner which will tend to maintain and strengthen the public's trust and confidence in the integrity of Parliament and avoid any action which may diminish its standing, authority or dignity.

There is a great deal of concern within the community about damage to and defacement of property. Parliament House is frequented by

school children on a regular basis. Parliament House has a unique place in the history of this State and is one of our most significant and historic public buildings. What message does the defilement of Parliament House by members of the House send to the young people of our State?

The committee is particularly disappointed with the actions of the member for Tablelands, a member of the Members' Ethics and Parliamentary Privileges Committee. The member for Tablelands has been involved with this committee in the important process of drafting a code of ethical standards for members. The member cannot plead ignorance as to the offence against the Parliament that he has participated in. The conduct of the member for Tablelands raises serious doubts about his capacity to serve on this committee.

The committee is also disappointed with the actions of the member for Barambah. The member for Barambah is also not ignorant of the need to uphold the dignity of this Parliament, having been the victim of a contempt of Parliament by strangers serving process within the Parliamentary precinct.

5. FINDING

The committee finds that Mr Shaun Nelson MLA, Member for Tablelands and Mrs Dorothy Pratt MLA, Member for Barambah committed a contempt of the Parliament by engaging in disorderly and disrespectful conduct in the precincts of the Parliament while it was in session and behaving in a manner not befitting members of Parliament.

6. RECOMMENDATION

The committee unanimously recommends that the House resolve:

- (a) That Mr Shaun Nelson MLA, Member for Tablelands and Mrs Dorothy Pratt MLA, Member for Barambah committed a**

contempt of the Parliament by engaging in disorderly and disrespectful conduct in the precincts of the Parliament while it was in session and behaving in a manner not befitting members of Parliament.

(b) That both members be suspended from the services and the precincts of the House for 28 days.

(c) That both members not be permitted to take their seat in the House until they undertake to the Speaker that they are prepared to unreservedly apologise to the House for their actions and they actually apologise in the House at the first opportunity.

(d) That the House discharge Mr Shaun Nelson MLA, Member for Tablelands from membership of the Members' Ethics and Parliamentary Privileges Committee.

John Mickel MLA
Chairman

31 May 2000

MEMBERSHIP – 49TH PARLIAMENT

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Mrs Joan Sheldon MLA, Deputy Chairman
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The Members' Ethics and Parliamentary Privileges Committee has the following areas of responsibility:

- The ethical conduct of Members (of the Legislative Assembly) including:
 - examining the arrangements for the keeping of a register of interests of Members and a register of interests of persons related to a Member. Interests that Members are required to detail include property and financial interests as well as memberships of parties, bodies and associations and other interests which could foreseeably raise a conflict between a Member's private interests and their duty as a Member.
 - recommending to the Legislative Assembly a proposed code of conduct for Members. The committee is also to be involved in considering complaints of breaches of the Code and making recommendations to the Legislative Assembly.
 - Parliamentary privilege, including considering allegations of contempt of Parliament.
 - Advising the Legislative Assembly as to individual requests from citizens for a right of reply.