



## MEMBERS' ETHICS AND PARLIAMENTARY PRIVILEGES COMMITTEE

### REPORT ON A MATTER OF PRIVILEGE – MATTER ARISING FROM MEPPC REPORT NO. 52

#### REPORT NO. 53

##### 1. BACKGROUND

On 23 July 2002, the Members' Ethics and Parliamentary Privileges Committee tabled Report No. 52, titled *Report on a matter of privilege—Matter referred to the committee on 9 April 2002*. In its report, the committee determined that a finding of contempt should not be made against the member in this matter, and recommended that the House take no further action in regard to the matter of the alleged contempt.

The committee also made a number of observations and suggestions in regard to the matter and noted that the imputation made by Mr Seeney, even if not deliberately or knowingly misleading, was made by Mr Seeney and did in fact mislead the House.

The committee stated:

*The Member for Callide has known since at least 8 March 2002 that the Premier's brother was not involved in the matter. We suggest that the Member for Callide consider his duty, the statements made, and what appropriate response he should take upon himself to ensure the accuracy of the parliamentary record, and the reputation of the House.*<sup>1</sup>

<sup>1</sup> Members' Ethics and Parliamentary Privileges Committee, Report No. 52, *Report on a matter of*

##### 2. SUBSEQUENT COMMENTS ATTRIBUTED TO MR SEENEY

Following the tabling of the report, two comments attributed to Mr Seeney on 23 and 24 July 2002 regarding the tabling of the report and the deliberations and finding of the MEPPC are of significant concern to this committee.

On 23 July 2002, a 4QR news segment reported that Mr Seeney said that it was unusual for the report to be released 'today' [i.e. on 23 July 2002] and not when Parliament sits.

On 24 July 2002, in an article in *The Courier-Mail* titled *Member ignores order*, Mr Seeney is quoted as stating that the [committee's] critical report was:

*the best that I could expect from a committee dominated by government members who had to respond to a political stunt by the premier.*<sup>2</sup>

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*privilege—Matter referred to the committee on 9 April 2002*, at 6.

<sup>2</sup> Chris Jones, 'Member ignores order', *The Courier Mail*, 24 July 2002, at 4.

### 3. REFLECTIONS ON THE HOUSE/COMMITTEE

The MEPPC of the 48<sup>th</sup> Parliament has previously commented on remarks made about the deliberations of the committee on privileges references. That committee in Report No. 3, commented as follows:

*During the week of 12 November 1996 two matters of privilege were referred to this Committee for its consideration. Both matters of privilege concerned allegations against Ministers of the Crown.*

*During that week there was considerable media attention about these references to the Committee. Reporting of references to this Committee is to be expected and is in the public interest.*

*However, on at least two occasions comments were made by reporters which are of significant concern to the Committee. One media commentator made a statement which suggested that a reference to this Committee was a fait accompli and that because of the numbers of Government Members the references would be decided in favour of the Ministers.*

*Statements of this nature clearly undermine the authority and standing of this Committee. The Committee considers that ... the comments made by the media commentator were defamatory to both Government and non Government members of this Committee. The comments suggested that Government Members would advocate that a Minister had not committed a contempt simply because of their Government allegiances. Similarly, the comments suggested that Opposition members of the Committee would advocate that a Minister had committed a contempt simply because the person before the Committee was a member of the Government.*

*In summary, the statements suggested that the members of this Committee would not pay heed to the evidence presented to it but would only act in accordance with their political allegiances. This Committee wishes to place firmly on record that its actions and determinations are above politics. The members of this Committee find it insulting that such comments were made and gives warning to the authors of such comments in the future.*

*The Committee believes that such comments bring the Committee and the Parliament into disrepute and defame its members. The Committee places on record that in extreme circumstances it may find that such comments constitute a contempt of Parliament and recommend punitive action to the House.*

*Media commentary of Committee proceedings is welcomed and is clearly in the public interest but such comment should be fair and accurate and not flippant, reckless or contemptuous.<sup>3</sup>*

These issues have been canvassed at length in Erskine May (22<sup>nd</sup> edition). May noted that:

*Reflections upon Members, the particular individuals not being named or otherwise indicated, are equivalent to reflections on the House.<sup>4</sup>*

*... Imputations that a Member nominated to a select committee would not be able to act impartially in that service, and similar reflections on Members serving on private*

<sup>3</sup> Members' Ethics and Parliamentary Privileges Committee, Report No. 3, *Report on a matter of privilege—The alleged misleading of the House by the Deputy Premier, Treasurer and Minister for the Arts on 12 November 1996*, at 21-22.

<sup>4</sup> Sir Donald Limon and WR Mackay, *Erskine May's Treatise on The Law, Privileges, Proceedings and Usage of Parliament*, (May's Parliamentary Practice), 22<sup>nd</sup> ed, Butterworths, London, 1997, at 117.

*bill committees have been considered contempts.*<sup>5</sup>

#### **4. MEPPC PROCEDURES**

The two comments by Mr Seeney are not only offensive to members of the MEPPC, but also undermine the authority and reputation of the House.

The MEPPC is a bipartisan committee of the Parliament. It has a longstanding reputation for making decisions in an impartial way, regardless of the political party in office. Its decisions are based always on the evidence before the committee and after due process has been followed.

The processes of the committee are set down in procedures adopted by the Legislative Assembly on 8 August 2001. These procedures ensure that all privileges references are dealt with by the committee in a consistent manner and that procedural fairness is afforded to all parties involved in a matter.

##### **4.1 Tabling out of session**

This committee (and its predecessor committees) has always taken the view that privileges references should be given priority over the committee's other statutory responsibilities and should be finalised as soon as practicable. This ensures that those alleged to have committed a breach of privilege can be assured of receiving due process. However, the complexities of the cases referred to the committee, and the sittings patterns (i.e. the opportunity for the committee to meet and deliberate on these matters) means that privileges references are sometimes not finalised as expeditiously as the committee would wish. It is for these reasons that the committee tables its reports out of session as provided by the Standing Orders if the House is not sitting when a matter is finalised.

In fact, it is not at all 'unusual' (as Mr Seeney allegedly stated) for the committee to table its reports out of session. Out of a total of 23 privileges references considered by the MEPPC, the reports on 11 of those matters have been tabled out of session.

The Member for Callide's comment is factually incorrect, and appears to insinuate some partisan, ulterior motive on the part of the committee in its tabling procedure.

##### **4.2 Committee bipartisanship**

The MEPPC has statutory responsibility concerning the privileges of the House, and the ethical conduct of members.

The committee can only operate to uphold and enhance the privileges of the House and its ethical standards if due respect is attributed to its proceedings and reports. Members of this committee, from all sides of the House, strive to ensure the bipartisanship of the committee's proceedings and reports. The committee strives through all its processes to enhance this bipartisan image and put the committee beyond politics.

If Mr Seeney's reported comments are an accurate reflection of his actual statements, Mr Seeney has seriously impugned the reputation of this committee and if left unattended jeopardises and impedes the wider work of the committee.

#### **5. RECOMMENDATION**

On 8 August 2001 the House adopted a procedure for raising and considering complaints of breach of privilege or contempt. Unfortunately, those procedures do not cater for a situation such as this, where this committee is in effect the complainant of a breach of privilege. The complaint, in this instance, is that a member has made improper reflections against the committee.

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<sup>5</sup> Note 4 at 123.

It is important that this committee not be involved in its own matter. In this instance we believe the appropriate procedure is for the House to provide Mr Seeney an opportunity to explain his actions (and attributed statements) to the House. The House can then determine what action, if any, should be taken against Mr Seeney should the House agree to protect this committee's reputation and Mr Seeney's explanation is inadequate.

The House may also wish to take the opportunity to elucidate the importance of the role of this committee in upholding and enhancing the House's privileges and standards.

Julie Attwood MP  
Chair

30 July 2002

#### **MEMBERSHIP—50<sup>th</sup> PARLIAMENT**

Mrs Julie Attwood MP, Chair  
Member for Mount Ommaney

Mrs Joan Sheldon MP, Deputy Chair  
Member for Caloundra

Mrs Peta-Kaye Croft MP  
Member for Broadwater

Mr Gary Fenlon MP  
Member for Greenslopes

Mr Bill Flynn MP  
Member for Lockyer

Ms Anita Phillips MP  
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