



# MEMBERS' ETHICS AND PARLIAMENTARY PRIVILEGES COMMITTEE

## ANNUAL REPORT 2001-02

### REPORT No. 55

#### 1. THE COMMITTEE'S AREAS OF RESPONSIBILITY

Section 90 of the *Parliament of Queensland Act 2001* (Qld)<sup>1</sup> (the act) provides that the committee's areas of responsibility are:

- the ethical conduct of members; and
- parliamentary powers, rights and immunities.

Pursuant to s.91 of the act, the committee has responsibility for examining the arrangements relating to the Register of Members' Interests and the Register of Related Persons' Interests, and for considering complaints referred to the committee about the failure to register particular interests.

The committee has responsibility pursuant to s.92 of the act, for publishing and reviewing the code of ethical conduct for members (other than members in their capacity as ministers) including procedures for complaints about a member not complying with the code. The committee also has responsibility for considering complaints against particular members for failing to comply with the code and for reporting to the Assembly about complaints made and recommending action.

The committee's responsibilities also include the reform of legislation and standing rules and orders about the ethical conduct of members, including the registration or declaration of interests, and publishing explanatory information about the obligations of members about their ethical conduct.

<sup>1</sup> The *Parliament of Queensland Act 2001* commenced on 6 June 2002. Prior to the commencement of the *Parliament of Queensland Act*, the committee was established under the now repealed *Parliamentary Committees Act 1995* (Qld).

Under procedures adopted by the Legislative Assembly on 8 August 2001, the committee investigates and reports on matters of privilege or possible contempts of Parliament referred to it by the House or the Speaker.

The citizen's right of reply resolution adopted by the Legislative Assembly on 18 October 1995, reintroduced on 11 October 1996, provides that the committee also has responsibility for advising the House concerning any requests for a right of reply by citizens. The resolution provides that persons or corporations outside the House who are subject of adverse comment made in Parliament which affects their reputations are able to seek a right of reply. This allows them to put 'their side of the story' on the parliamentary record.

#### 2. SUMMARY OF COMMITTEE ACTIVITIES

The following table summarises the committee's activities for the financial year.

Description	Total
Committee meetings held	18
Other (inspections, attendance at conferences, etc.)	5
Privilege matters referred by the House	1
Privilege matters referred by the Speaker	1
Privileges matters reported on	1
Privileges matters outstanding as at 30 June 2002	1
Right of reply matters referred by the Speaker	2
Right of reply matters reported on	2
Committee reports tabled <sup>2</sup>	7
Ministerial responses to committee reports	1

<sup>2</sup> Includes Code of Ethical Conduct: Legislative Assembly of Queensland and Issues Paper No. 4.

### 3. INQUIRIES AND ISSUES CONSIDERED DURING THE YEAR

#### 3.1 Ethical standards

During the year, the committee continued with its inquiry into a code of ethical standards for members. On 13 September 2001, the committee tabled a booklet titled, *Code of Ethical Standards: Legislative Assembly Queensland*.

#### 3.2 Register of Members' Interests

The committee reviewed the obligation on ministers to declare shares and other interests held on behalf of the state in government owned corporations under the *Government Owned Corporations Act 1993*, and interests held by other office holders by virtue of their public office. On 7 March 2002, the committee tabled Report No. 50, *Report on the declaration of members' interests* recommending that the resolution be amended.

#### 3.3 Parliamentary powers, rights and immunities

The committee continued with its wide-ranging inquiry into parliamentary privilege in Queensland, including privilege attaching to committee reports.

During the year, the committee commenced an inquiry into the protection of constituents' communications with members, members' representations to government, and information provided to members. To assist the committee in its inquiry the committee tabled an issues paper on 30 April 2002 titled, *Communications to members, members representations to Government and information provided to members* and called for submissions.

The Speaker and the House each referred one matter of privilege to the committee during the year. The committee reported to the House on both matters—

- ◆ Report No. 48, *Report on a matter of privilege—Unauthorised disclosure of committee proceedings*
- ◆ Report No. 52, *Report on a matter of privilege—Matter referred to the committee on 9 April 2002*.

#### 3.4 Citizen's right of reply

The committee dealt with two submissions by citizens for a right of reply, which were referred to the committee by the Speaker, and reported to the Legislative Assembly on both matters—

- ◆ Report No. 49, *Report on a Citizen's Right of Reply No. 12*

- ◆ Report No. 51, *Report on a Citizen's Right of Reply No. 13*

### 4. MEETINGS

During 2001-02, the committee held 18 meetings. An attendance schedule is included in this report.

On 1 August 2001, the committee met with the Integrity Commissioner, Mr Alan Demack AO to discuss issues related to the ethical conduct of members.

On 15 May 2002, the committee met with the Queensland Electoral Commissioner, Mr Bob Longland and the Deputy Commissioner, Mrs Tracey Aurisch to discuss Recommendation 8(b) of MEPPC Report No. 44—Mechanisms by which the Code of Ethical Standards for members of the Queensland Legislative Assembly can be brought to the attention of all candidates nominating for election to the Queensland Parliament.

### 5. RESPONSES TO COMMITTEE REPORTS

#### 5.1 Register of Members' Interests

In Report No. 50, *Report on the declaration of members' interests*, tabled on 7 March 2002, the committee recommended that the members' interests resolution be amended to specifically exclude from the declaration requirements of the register of the interests of members—

- shareholdings and other interests held in GOCs on behalf of the state by ministers; and
- interests held by ministers and other office holders under statute or by virtue of their public office.

In its response tabled on 6 June 2002, the government endorsed the committee's recommendation. The Legislative Assembly amended the resolution in the terms recommended by the committee, on 19 June 2002.

#### 5.2 Matter of privilege

In its Report No. 42, *Report on a matter of privilege—Unauthorised release of correspondence between a committee and ministers*, tabled on 7 June 2000, the MEPPC of the 49<sup>th</sup> Parliament recommended that the Legislative Assembly affirm appropriate procedures to be followed in regard to an unauthorised disclosure of a committee's proceedings. On 16 April 2002, the Assembly noted Report No. 42 and the recommendation of the MEPPC, and affirmed the procedure to be followed by parliamentary committees upon an unauthorised disclosure of a committee's proceedings.

### 5.3 Citizen's right of reply

In Report No. 46, *Report on a Citizen's Right of Reply Number 11* tabled on 31 May 2001, Report No. 49, *Report on a Citizen's Right of Reply Number 12* tabled on 24 January 2002 and Report No. 51, *Report on a Citizen's Right of Reply Number 13* tabled on 11 April 2002, the committee recommended that a response by the citizens concerned in the form agreed to by the citizens, and (in regard to Report No. 46) the committee of the 49<sup>th</sup> Parliament and (in regard to Reports 49 and 51) the committee of the 50<sup>th</sup> Parliament, be incorporated in *Hansard*. The responses were subsequently incorporated in *Hansard* by motion agreed to by the Assembly on 2 August 2001, 20 February 2002 and 16 April 2002, respectively.

### 5.4 Responses to other committee recommendations

The *Parliament of Queensland Act* included measures recommended by the MEPPC of the 49<sup>th</sup> Parliament in Report No. 26 (relating to parliamentary privilege) and Report No. 44 (relating to the ethical standards of members).

Arising from recommendations of the committee of the 49<sup>th</sup> Parliament in Report No. 44, the Assembly referred to the Standing Orders Committee consideration of all standing rules and orders dealing with the conduct of members being included in one chapter or part of the standing orders, together with the procedures for raising and considering matters of privilege and allegations of contempt, the sub judice convention and the members' interests resolution.

## 6. OUTSTANDING RESPONSES

There were no outstanding ministerial responses to MEPPC reports as at 30 June 2002. The committee recommended in Report No. 48, *Report on a matter of privilege—Unauthorised disclosure of committee proceedings* tabled on 7 November 2001, that the Standing Orders Committee consider redrafting Standing Order 197 in more precise terms to include reference to the proceedings of committees. An extensive review of the Standing Orders is currently being undertaken by the Standing Orders Committee.

## 7. TRAVEL

From 27-31 May 2002, the committee travelled to Melbourne, Canberra and Sydney and met with parliamentarians and officers from the Commonwealth, Victorian and New South Wales Parliaments. The *Audit of*

*discharge of responsibilities 1 July 2001 to 30 June 2002*, tabled in conjunction with this report, contains details of the persons with whom the committee met. Issues discussed included parliamentary privilege, communications to members, members' representations to Government and information provided to members.

## 8. BUDGET AND EXPENDITURE

Committee expenditure for 2001-02 was as follows:

	\$
Salary—staff <sup>3</sup>	34,959.06
Payroll tax, superannuation, WorkCover, long service leave levy	6,433.37
Travel expenses <sup>4</sup>	15,242.39
Business Advertising/Miscellaneous Stores/stationery/consumables and freight	2,088.66
Telephone expenses	2,167.08
Printing of reports and binding	4,144.50
Meeting expenses and entertainment	1,477.41
Total	66,512.47

This expenditure was \$15,468.28 less than that budgeted.

## 9. WHISTLEBLOWERS PROTECTION ACT 1994

Section 30 of the *Whistleblowers Protection Act 1994* requires committees of the Legislative Assembly to report to the Assembly on public interest disclosures made to them.

No disclosures in accordance with the *Whistleblowers Protection Act* were made to the committee during the reporting period.

Julie Attwood MP  
Chair

September 2002

<sup>3</sup> A proportion of the Senior Research Officer's salary, which is also shared with the Scrutiny of Legislation Committee. It does not include the salaries of the committee's Research Director or Executive Assistant, which are paid by the committee office secretariat budget.

<sup>4</sup> Includes travel by members to and from Brisbane for meetings.

**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  
Member for Thuringowa

Mr Lawrence Springborg MP  
Member for Southern Downs

**SECRETARIAT**

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**MEMBERS' ETHICS AND PARLIAMENTARY PRIVILEGES COMMITTEE  
MEETING ATTENDANCE RECORD – 50<sup>TH</sup> PARLIAMENT**

MEETING DATE	JULIE ATTWOOD	PETA-KAYE CROFT	GARY FENLON	BILL FLYNN	ANITA PHILLIPS	JOAN SHELDON	LAWRENCE SPRINGBORG
1 AUGUST 2001	✓	✓	✓	✓	✓	✓	✓
8 AUGUST 2001	✓	✓	✓	✓		✓	
4 SEPTEMBER 2001	✓	✓	✓		✓		
13 SEPTEMBER 2001	✓	✓	✓	✓	✓	✓	✓
17 OCTOBER 2001	✓	✓	✓	✓	✓		✓
31 OCTOBER 2001	✓	✓	✓	✓	✓	✓	✓
8 NOVEMBER 2001	✓	✓	✓	✓	✓	✓	✓
28 NOVEMBER 2001		✓	✓	✓	✓	✓	
4 DECEMBER 2001 (1)	✓	✓	✓	✓	✓	✓	✓
4 DECEMBER 2001 (2)	✓	✓	✓	✓	✓	✓	✓
12 DECEMBER 2001	✓		✓		✓	✓	✓
20 FEBRUARY 2002	✓	✓	✓	✓	✓	✓	✓
6 MARCH 2002	✓	✓	✓	✓	✓	✓	✓
10 APRIL 2002	✓	✓	✓	✓	✓	✓	✓
17 APRIL 2002	✓		✓	✓	✓	✓	✓
8 MAY 2002	✓	✓	✓	✓	✓		✓
15 MAY 2002	✓	✓	✓	✓	✓	✓	✓
19 JUNE 2002	✓	✓	✓	✓	✓	✓	✓