



## MEMBERS' ETHICS AND PARLIAMENTARY PRIVILEGES COMMITTEE Report No. 83

*2006-07 Annual Report*

### ***Introduction and background***

1. The Members' Ethics and Parliamentary Privileges Committee (MEPPC) is a statutory committee of the Queensland Parliament established under the *Parliament of Queensland Act 2001* (POQA). Section 108 of the POQA requires the chairperson of each parliamentary committee to table in the Legislative Assembly a report about that committee's activities during the financial year. Section 108 provides—
  - (1) Within 4 months and 14 days after the end of each financial year, the chairperson of each committee **that has met and conducted business during the year** must table in the Assembly a report about the committee's activities during the year. [Emphasis added.]
2. The MEPPC of the 51<sup>st</sup> Parliament (the previous committee) ceased to exist upon the dissolution of the 51<sup>st</sup> Parliament on 15 August 2006, prior to tabling its 2005-06 annual report.
3. The current MEPPC (the committee) was appointed by resolution of the Legislative Assembly on 11 October 2006. The committee (in the interests of openness and accountability) tabled Report No. 79 on 30 November 2006, providing a summary of the previous committee's activities for the period 1 July 2005 to 15 August 2006.<sup>1</sup>
4. This report therefore provides a summary of the current committee's activities for the period 16 August 2006 to 30 June 2007.

### ***MEPPC's responsibilities***

5. Section 90 of the POQA provides that the MEPPC has the following main areas of responsibility—
  - the ethical conduct of members; and
  - parliamentary powers, rights and immunities.

### **Ethical conduct—registration of interests**

6. Pursuant to s 91 of the POQA, the MEPPC's area of responsibility about the ethical conduct of members includes—
  - examining the arrangements, under resolutions or the standing rules and orders of the Assembly, for compiling, keeping and allowing inspection of a register of the interests of members, and a register of the interests of persons related to members: s 91(a);

---

<sup>1</sup> Report No. 79 *Annual Report 2005-06*.

- considering proposals made by members and other persons about the form and content of the registers and documents relevant to the registers, including statements of interests to be made by members: s 91(b);
- considering complaints referred to the committee about the failure to register particular interests: s 91(c);
- considering the classes of person who should be treated as related to a member: s 91(d);
- publishing explanatory information about the requirements to register interests: s 91(e);
- any other responsibility about the registration of interests the Assembly may order the committee to have: s 91(f); and
- considering any other issue about the registration of interests: s 91(g).

### **Ethical conduct—code of conduct**

7. The MEPPC's area of responsibility about the ethical conduct of members, pursuant to s 92 of the POQA, includes—
- publishing and reviewing a code of ethical conduct for members<sup>2</sup> (other than members in their capacity as ministers), including procedures for complaints about a member not complying with the code: s 92(1)(a);
  - the reform of legislation and standing rules and orders about the ethical conduct of members, including the registration or declaration of interests: s 92(1)(b);
  - considering complaints against particular members for failing to comply with the code of ethical conduct,<sup>3</sup> reporting on complaints to the Assembly and recommending action by the Assembly: s 92(1)(c);
  - publishing explanatory information about the obligations of members about their ethical conduct: s 92(1)(d); and
  - any other responsibility about the ethical conduct of members the Assembly may order the committee to have: s 92(1)(e).

### **Parliamentary powers, rights and immunities**

8. Section 93 of the POQA provides that the MEPPC's area of responsibility about parliamentary powers, rights and immunities includes the powers, rights and immunities of the Assembly and its committees and members.
9. The MEPPC investigates and reports on matters of privilege and possible contempts of parliament referred to it by the Speaker or the House, and inquires into and reviews other significant issues regarding parliamentary privilege which the committee resolves to deal with.

### **Non-members' right of reply**

10. Pursuant to the *Standing Rules and Orders of the Legislative Assembly: Effective 31 August 2004* (Standing Orders),<sup>4</sup> the MEPPC has responsibility for advising the Assembly concerning any requests for a right of reply by non-members (commonly referred to as the 'citizen's right of reply'). Under the right of reply procedure, persons or corporations (non-members) who are the subject of adverse comment made in parliament which affects their reputations are able to make a submission to have a response to those comments incorporated in *Hansard*.

---

<sup>2</sup> That is, the *Code of Ethical Standards: Legislative Assembly of Queensland* adopted by the Legislative Assembly.

<sup>3</sup> Note 2.

<sup>4</sup> Standing Orders 279 to 283.

## **Annual report of committee**

11. An annual report of a committee, tabled in accordance with the POQA, must include—
- a summary of issues considered by the committee, including a description of the more significant issues arising from the considerations: s 108(2)(b);
  - a brief description of responses by ministers to recommendations of the committee: s 108(2)(d);
  - a statement of the committee's revenue and spending for the year: s 108(2)(c); and
  - a list of meetings of the committee and the names of members attending or absent from each meeting: s 108(2)(a).

## **Audit of Discharge of Responsibilities**

12. The established practice of previous MEPPCs has been to table an *Audit of Discharge of Responsibilities* in conjunction with their annual reports. The Audits contain details of further activities—outside the formal reporting requirements of the POQA—which the committees undertook during the reporting year to discharge their responsibilities.
13. In keeping with this practice, the committee is tabling, in conjunction with this report, an *Audit of Discharge of Responsibilities* relating to the activities of the committee for the period 16 August 2006 to 30 June 2007.

## **Summary of issues considered by the committee**

### **Ethical conduct—registration of interests**

14. The Register of Members' Interests is established under s 263 of the Standing Orders. Schedule 2—Registers of Interests, contains the rules for the register. Standing Orders relating to the register and the conduct of members form part of the *Code of Ethical Standards: Legislative Assembly of Queensland* (the Code) and are published by the MEPPC as Appendix 1 of the *Code of Ethical Standards* booklet.
15. On 1 December 2006, the Registrar of Members' Interests<sup>5</sup> (the Registrar) wrote to the MEPPC seeking advice in relation to access to details from the registers of interests relating to previous parliaments. The Registrar pointed to the lack of guidance in the Standing Orders and advised the committee of the administrative practice with respect to this matter.
16. In connection with this matter, the committee tabled the following report—
- Report No. 80, *Registration of members' interests—Matter referred under Schedule 2 of the Standing Rules and Orders of the Legislative Assembly* (tabled on 8 February 2007).
17. The MEPPC made two recommendations to amend the Standing Orders: firstly to include a procedure for keeping details of members' and related persons' interests following the dissolution of a parliament or where a member ceases to be a member during the course of a parliament; and secondly to provide for access to details removed from the registers. The recommended amendments were in keeping with both the original intent of the Standing Orders as they relate to the keeping and inspection of the registers, the administrative practice for keeping details removed from the registers, and precedent for inspection of details removed from the registers.
18. On 24 May 2007, the Legislative Assembly amended Schedule 2, Part 3, Sections 9 (Keeping of Registers) and 13 (Inspection of Registers) of the Standing Orders, as recommended by the committee.

---

<sup>5</sup> Section 4 of Schedule 2 of the Standing Orders provides that there is to be a Registrar of Members' Interests and that the Clerk of the Parliament is to be the Registrar.

## **Ethical conduct—code of conduct**

19. The code booklet is complemented by Information Notices for members of the Legislative Assembly, which are published by the committee, circulated to all members and tabled in the Assembly. The Information Notices provide guidance to members about the practical effect of Standing Orders relating to members' conduct.
20. The MEPPC did not table any documents relating to *ethical conduct—code of conduct* during the reporting period.

## **Parliamentary powers, rights and immunities**

21. The Speaker referred three matters to the MEPPC for consideration.<sup>6</sup>
22. The committee tabled the following report relating to a matter referred to it concerning an allegation of contempt—
  - Report No. 81—*Matter of Privilege Referred by the Speaker on 28 November 2007 Relating to the Alleged Deliberate Misleading of the House by a Minister* (tabled on 15 March 2007)

## **Non-members' right of reply**

23. The MEPPC did not receive any requests for a right of reply by non-members during the reporting period.

## **Ministerial responses to committee recommendations**

24. Where a report of a committee (other than the Scrutiny of Legislation Committee) recommends that the government or a minister should take particular action, or not take particular action, about an issue, the minister responsible is required to provide the Legislative Assembly with a response: s 107, POQA. A response tabled in accordance with s 107 must set out any recommendations to be adopted, and the way and time within which they will be carried out, and any recommendations not to be adopted and the reasons for not adopting them.
25. The POQA requires the minister to table the response within three months after the report is tabled. If the minister cannot comply with this requirement, they are required to table an interim response within three months and a final response within six months. Responses to recommendations made by the MEPPC are discussed below.
26. One MEPPC report (Report No. 80) made recommendations requiring a response under s 107 of the POQA. Two reports (Reports Nos. 79 and 81) did not make recommendations requiring a response under the Act. Two ministerial responses were received in this reporting period in relation to reports tabled by the predecessor committee (Reports Nos. 77 and 78).

## **Absence and Leave (Report No. 77)**

27. In Report No. 77, the MEPPC made four recommendations relating to the provisions covering the absence and leave of members of parliament. This included proposed amendments to the Standing Orders and the Code of Ethical Standards.<sup>7</sup>
28. In its response to Report No. 77, tabled 29 November 2006, the government partially supported three

---

<sup>6</sup> The committee resolved to defer consideration of the Matter of Privilege Referred by the Speaker on 13 November 2006 pending completion of investigations by other authorities. The Matter of Privilege Referred by the Speaker on 18 April 2007 was reported on in the 2007-08 reporting period.

<sup>7</sup> Report No. 77: *Review of the Provisions Covering the Absence and Leave of Members of Parliament Referred by the Legislative Assembly on 28 February 2006* (tabled 14 June 2006).

recommendations. The House adopted two new Standing Orders (263A: Notification of absence of member for more than 12 consecutive sitting days, and 263B: Leave of absence of member for more than 21 consecutive sitting days).

29. On 22 February 2007, the committee wrote to all members of the Legislative Assembly drawing the new notification requirements to the members' attention.

### **Matter of Privilege (Report No. 78)**

30. The MEPPC made three recommendations in Report No. 78 tabled on 11 August 2006 relating to matters of privilege arising from the Crime and Misconduct Commission's Report into the Honourable Gordon Nuttall MP. One of these recommendations was a matter for the House. In its response, tabled 9 November 2006, the government supported one and noted another of the two other recommendations.<sup>8</sup>

### **Register of Members' Interests (Report No. 80)**

31. In Report No. 80 tabled on 8 February 2007, the committee made two recommendations relating to keeping and inspection of the register of interests.<sup>9</sup> In its response, tabled 8 May 2007, the government supported one recommendation and partially supported another.
32. The House adopted amendments to Schedule 2, Part 3, Sections 9 and 13 of the Standing Orders on 24 May 2007.

### **Summary of activities**

33. The following table summarises the MEPPC's activities for the period 16 August 2006 to 30 June 2007. The *Summary of activities* conforms to the annual reporting requirements of s 108 of the POQA.

<b>Description</b>	<b>Total</b>
Committee meetings	10
Privileges matters referred by the Speaker	3
Privileges matters referred by the Speaker, reported on	1 <sup>10</sup>
Pecuniary interests matters referred by the Registrar	1
Pecuniary interests matters referred by the Registrar, reported on	1
Committee reports and documents tabled	3 <sup>11</sup>
Committee reports tabled, requiring a ministerial response	1 <sup>12</sup>
Ministerial responses to committee reports	3 <sup>13</sup>

<sup>8</sup> Report No. 78: *Matter of Privilege Referred by the Speaker on 16 February 2006 Relating to Matters of Privilege Arising from the Crime and Misconduct Commission's Report into the Honourable Gordon Nuttall MP* (tabled 11 August 2006).

<sup>9</sup> Report No. 80: *Matter Referred under Schedule 2 of the Standing Rules and Orders of the Legislative Assembly* (tabled 8 February 2007).

<sup>10</sup> Matter of Privilege Referred by the Speaker on 18 April 2007 (Report No. 82), tabled 5 September 2007. Of the two other matters referred, one is on hold, the other was reported on in the 2007-08 reporting period.

<sup>11</sup> Includes Annual Report 2005-06 (Report No. 79), tabled on 30 November 2006 together with the 2005-06 Audit of Discharge of Responsibilities.

<sup>12</sup> See paragraph 26.

<sup>13</sup> Includes responses to predecessor committee Report No. 77, tabled 14 June 2006 (response tabled 29 November 2007); and response to Report No. 78, tabled on 11 August 2006 (response tabled 9 November 2006).

### Committee revenue and expenditure

34. The committee had no revenue during 2006-07. The MEPPC is funded from the appropriation of the Legislative Assembly; expenditure for the period 1 July 2006 to 30 June 2007 is set out below.

Item	\$
Staff salaries and related expenses	45,613.65
Salary related taxes, etc and superannuation contributions	15,235.14
Meeting expenses	371.27
Telecommunication costs	1,133.57
Stationery, consumables, and miscellaneous expenses	233.13
Printing of reports and publications	702.50
<b>Total</b>	<b>63,289.26</b>

### Meetings

35. During 2006-07, the MEPPC held 10 meetings. An attendance schedule is set out below.

#### MEETING ATTENDANCE RECORD — 16 AUGUST 2006 to 30 JUNE 2007

MEETING DATE	ANNASTACIA PALASZCZUK <sup>14</sup>	MIKE HORAN	PHIL GRAY	JO-ANN MILLER	LINDA LAVARCH <sup>15</sup>	RACHEL NOLAN <sup>16</sup>	DOROTHY PRATT	LAWRENCE SPRINGBORG
21 NOVEMBER 2006	✓	✓	✓	✓		✓	✓	✓
29 NOVEMBER 2006	✓	✓	✓	✓		✓	✓	✓
11 DECEMBER 2006	✓	✓	✓	✓		✓		
7 FEBRUARY 2007	✓	✓	✓	✓	✓		✓	✓
21 FEBRUARY 2007	✓	✓	✓	✓	✓		✓	✓
7 MARCH 2007	✓	✓	✓	✓	✓		✓	✓
14 MARCH 2007	✓	✓	✓	✓			✓	✓
18 APRIL 2007	✓		✓	✓	✓		✓	✓
23 MAY 2007	✓	*	✓	✓	✓		✓	✓
6 JUNE 2007	✓	✓	✓	✓	✓		✓	✓

\* On 23 May at the time of the meeting, Mr Mike Horan MP was speaking in a parliamentary debate.

<sup>14</sup> Annastacia Palaszczuk MP replaced Stirling Hinchliffe MP on 1 November 2006.

<sup>15</sup> Linda Lavarch MP replaced Rachel Nolan MP on 6 February 2007.

<sup>16</sup> Rachel Nolan MP replaced The Honourable Dean Wells MP on 1 November 2006 and was discharged from the committee on 6 February 2007.

## **Whistleblowers Protection Act 1994**

36. Under s 30 of the *Whistleblowers Protection Act 1994*, parliamentary committees are required to report to the Legislative Assembly about any public interest disclosures made under that Act.
37. There were no public interest disclosures made to the MEPPC in accordance with the *Whistleblowers Protection Act* during the reporting period.

Annastacia Palaszczuk MP  
**Chair**

October 2007

### **Membership—52<sup>nd</sup> Parliament**

Ms Annastacia Palaszczuk MP, Chair (from 1 November 2006)  
*Member for Inala*

Mr Mike Horan MP, Deputy Chair  
*Member for Toowoomba South*

Mr Phil Gray MP  
*Member for Gaven*

Mrs Linda Lavarch MP (from 6 February 2007)  
*Member for Kurwongbah*

Mrs Jo-Ann Miller MP  
*Member for Bundamba*

Mrs Dorothy Pratt MP  
*Member for Nanango*

Mr Lawrence Springborg MP  
*Member for Southern Downs*

### **Secretariat**

Ms Siwan Davies, *Research Director*

Ms Meg Hoban, *Senior Research Officer* (to September 2007)

Ms Kellie Moule, *Senior Research Officer* (from September 2007)

Ms Jo Mathers, *Research Officer* (to August 2007)

Ms Narelle Robinson, *Executive Assistant*

### **Contact**

Telephone: 07 3406 7258

Facsimile: 07 3406 7691

E-mail: [meppc@parliament.qld.gov.au](mailto:meppc@parliament.qld.gov.au)

Internet: [www.parliament.qld.gov.au/committees](http://www.parliament.qld.gov.au/committees)