



MEMBERS' ETHICS AND PARLIAMENTARY PRIVILEGES COMMITTEE

Report No.85

Report on a Citizen's Right of Reply No. 18

Introduction and background

1. The Legislative Assembly provides a right of reply to persons and corporations who are the subject of adverse comment in Parliament. The Members' Ethics and Parliamentary Privileges Committee (MEPPC) has responsibility for advising the Assembly regarding submissions for a right of reply.
2. The right of reply relates to statements made by members under parliamentary privilege. Persons or corporations who are named, or referred to in such a way as to be readily identified, whose reputation has been adversely affected, may request a right of reply.

Procedure

3. Chapter 42 of the Standing Orders Rules and Orders of the Legislative Assembly, effective from 31 August 2004, sets out the operation of the right of reply and the procedure for the MEPPC to follow when considering submissions. Standing Order 282 provides that the committee is not to consider or judge the truth of any statements made in the House or the submission when considering a submission for a right of reply.
4. Under Standing Order 283, the committee may recommend—
 - that no further action be taken by the committee or the House in relation to the submission; or
 - that a response by the person who made the submission, in terms specified in the committee's report and agreed to by the person or corporation and the committee, be incorporated in Hansard.

Corporation and person referred to in the parliamentary proceedings: Queensland Community Housing Coalition and Mr Walter Ogle.

5. On 10 July 2007, Estimates Committee A held a public hearing. At that hearing, the Minister for Public Works, Housing and Information and Communication Technology, the Honourable Robert Swarten MP, made a statement regarding the Queensland Community Housing Coalition (QCHC) and Mr Walter Ogle, QCHC Government Liaison Advisor. Mr Mike Myers, Executive Director of the QCHC wrote to the Speaker, Honourable Mike Reynolds AM MP, on 24 September 2007 seeking a right of reply to that statement.
6. After satisfying himself that the matter was sufficiently serious and not frivolous, vexatious or offensive in character, and that it was practicable for the MEPPC to consider the matter, the Speaker referred the matter to the MEPPC for its consideration, in accordance with Standing Order 280.

The committee's inquiry

7. The MEPPC met in private session to consider the submission from QCHC and how to proceed with the matter, noting—
 - the Standing Orders of the Legislative Assembly; and
 - the practice and established procedures of the MEPPC in respect of similar submissions in the past.
8. The committee noted the precedent that predecessor committees had considered all submissions for a right of reply. Given the intent, purpose and nature of the citizen's right of reply, the committee agreed to consider the submission.
9. The committee wrote to the QCHC on 15 November 2007 inviting them to submit an appropriate response. By letter dated 26 November 2007, Mr Mike Myers, QCHC Executive Director, and Mr Walter Ogle, QCHC Government Liaison Advisor, proposed a response to the statements made about QCHC and Mr Walter Ogle. The committee agreed to publish the response contained in this report.
10. At a meeting on 13 February 2008, the committee resolved to recommend to the Legislative Assembly that the agreed response be published by the Assembly.

The committee recommends that the response provided by QCHC and Mr Walter Ogle, in the terms set out in this report and agreed to by the QCHC, Mr Walter Ogle and the committee, be published by the Legislative Assembly.

Annastacia Palaszczuk MP

Chair

February 2008

Membership—52nd Parliament

Ms Anastacia Palaszczuk MP,¹ 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 MP² (from 6 February 2007)
Member for Kurwongbah

Mrs Jo-Ann Miller MP
Member for Bundamba

Mrs Dorothy Pratt MP
Member for Nanango

Mr Jeff Seeney MP³ (from 12 February 2008)
Member for Callide

Secretariat

Ms Lyndel Bates, *Acting Research Director*
Ms Narelle Robinson, *Executive Assistant*

Contact

Telephone: 07 3406 7258
Facsimile: 07 3406 7691
E-mail: meppc@parliament.qld.gov.au
Internet: www.parliament.qld.gov.au/committees

¹ Mr Stirling Hincliffe MP, Chair, *Member for Stafford*, to 1 November 2006.

² Hon Dean Wells MP, *Member for Murrumba*, to 1 November 2006; Ms Rachel Nolan MP, *Member for Ipswich*, to 6 February 2007.

³ Mr Lawrence Springborg MP, *Member for Southern Downs*, to 12 February 2008.

**RESPONSE BY THE QUEENSLAND COMMUNITY HOUSING COALITION AND MR WALTER OGLE
TO STATEMENTS MADE BY THE MINISTER FOR PUBLIC WORKS, HOUSING AND INFORMATION
AND COMMUNICATION TECHNOLOGY ON 10 JULY 2007⁴**

At the Estimates Committee hearing on 10th July 2007, the Minister for Public Works, Housing and Information and Communication Technology stated that Queensland Community Housing Coalition (QCHC) had 'embraced' his peaks reform and that Mr Ogle, who is QCHC's Government Liaison Advisor, also had 'embraced' his reforms.

The Minister's statement regarding QCHC and Mr Walter Ogle has caused concern, confusion and discontent amongst the community-housing sector.

QCHC and its members have never supported the Government's intention to de-fund our organisation. We have made numerous public statements to that affect as well as providing a number of submissions and correspondence to Government that confirm our position. Many of these submissions and statements were certainly widely available prior to the Minister's comments on the 10th July 2007.

QCHC continues to enjoy widespread community support and remains the legitimate voice representing community-housing providers in Queensland. Our members and the communities that they serve deserve to have their voices heard through the peak organisation of their choice.

QCHC's position is very clear and consistent. We do not support the Government's decision to de-fund our role as a peak, however, the organisation would welcome a respectful and co-operative arrangement with the State Government where we work together in the interests of meeting social and affordable housing needs of Queensland.

⁴ Statement agreed to by Mr Mike Myers and Mr Walter Ogle of the Queensland Community Housing Coalition and the Members' Ethics and Parliamentary Privileges Committee in accordance with the *Standing Rules and Orders of the Legislative Assembly: Effective from 31 August 2004*.

LEGISLATIVE ASSEMBLY OF QUEENSLAND

STANDING RULES AND ORDERS OF THE LEGISLATIVE ASSEMBLY: EFFECTIVE FROM 31 AUGUST 2004

EXTRACT: CHAPTER 42: CITIZEN'S RIGHT OF REPLY

279. Reference to a person includes a corporation

- (1) In this chapter a reference to a person includes a corporation.
- (2) A corporation making a submission under this chapter is required to make it under their common seal (if it has a common seal).

280. Affected person may make a submission

- (1) A person who has been referred to in the Legislative Assembly or a committee by name, or in such a way as to be readily identified may make a submission to the Speaker:
 - (a) claiming that the person has been adversely affected in reputation or in respect of dealings or associations with others, or injured in occupation, trade, office or financial credit, or that the person's privacy has been unreasonably invaded, by reason of that reference to the person or corporation; and
 - (b) requesting that the person be able to incorporate an appropriate response in Hansard or the relevant committee report.
- (2) The Speaker may refer the submission to the ethics committee if the Speaker is satisfied:
 - (a) that the subject of the submission is not so obviously trivial or the submission so frivolous, vexatious or offensive in character as to make it inappropriate that it be considered by the ethics committee; and
 - (b) that it is practicable for the ethics committee to consider the submission under this chapter.
- (3) A person shall ensure a submission is received by the Speaker within the term of the Parliament in which the person has been adversely referred.

281. Submissions

- (1) A submission under this chapter shall be succinct and strictly relevant to the questions in issue and shall not contain anything offensive in character.
- (2) A submission under this chapter shall not contain any matter the publication of which would have the effect of:
 - (a) unreasonably adversely affecting or injuring a person or corporation, or unreasonably invading a person's privacy, in the manner referred to in SO 280(1); or
 - (b) unreasonably adding to or aggravating any such adverse effect, injury or invasion of privacy suffered by a person.

282. Action by the ethics committee

- (1) The ethics committee may decide not to consider a submission referred to it under this chapter if the committee considers that the subject of the submission is not sufficiently serious or the submission is frivolous, vexatious or offensive in character, and such a decision shall be reported to the House.
- (2) If the ethics committee decides to consider a submission under this chapter, the ethics committee may confer with the person who made the submission and any member who referred in the House to that person or corporation or where the submission relates to another committee's proceeding, the relevant committee.
- (3) In considering the submission under this chapter, the ethics committee shall deliberate in a private meeting.
- (4) The ethics committee shall not publish a submission referred to it under this chapter or its proceedings in relation to such a submission, but may present minutes of its proceedings and all or part of such submission to the House.
- (5) In considering a submission under this chapter and reporting to the House the ethics committee shall not consider or judge the truth of any statements made in the House or the submission.

- (6) If a person making a submission does not respond to a communication from the committee within three months, the committee may consider the matter to be closed.
- (7) Public servants seeking a right of reply must do so as private citizens.
- (8) Persons making their submission through a representative must personally sign the response.

283. Recommendation and report by the ethics committee

In its report to the House on a submission under this chapter, the ethics committee may make either of the following recommendations and no other recommendations:

- (a) that no further action be taken by the ethics committee or the House in relation to the submission; or
- (b) that a response by the person who made the submission, in terms specified in the report and agreed to by the person or corporation and the ethics committee, be incorporated in Hansard.