



MEMBERS' ETHICS AND PARLIAMENTARY PRIVILEGES COMMITTEE Report No. 91

2007-08 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.
2. The current MEPPC (the committee) was appointed by resolution of the Legislative Assembly on 11 October 2006. This report is a summary of the current committee's activities for the period 1 July 2007 to 30 June 2008.

MEPPC's responsibilities

3. 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

4. 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);
 - 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

5. 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 members¹ (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,² 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

6. 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.
7. 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

8. Pursuant to the *Standing Rules and Orders of the Legislative Assembly: Effective 31 August 2004* (Standing Orders),³ the MEPPC has responsibility for advising the Assembly concerning any requests for a right of reply by non-members (commonly referred to as the 'right of reply'). Under the right of reply procedure, persons or corporations (non-members) who are the subject of adverse comment made in parliament that affects their reputations are able to make a submission to have a response to those comments incorporated in *Hansard* or otherwise published by the Queensland Legislative Assembly.

Annual report of committee

9. 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).

¹ *Code of Ethical Standards: Legislative Assembly of Queensland: September 2004: as amended 30 June 2006*, Brisbane, Queensland Legislative Assembly.

² Note 1.

³ Standing Orders 279 to 283.

Audit of Discharge of Responsibilities

10. 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.
11. 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 1 July 2007 to 30 June 2008.

Summary of issues considered by the committee

Ethical conduct—registration of interests

12. 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.
13. On 1 December 2006, the Registrar of Members' Interests⁴ (the Registrar) wrote to the MEPPC seeking urgent advice in relation to access to details from the registers of interests relating to previous parliaments and raised other (non-urgent) matters concerning the registers for the committee's consideration.
14. In Report No. 80 (tabled 8 February 2007) the committee dealt with the urgent matters, recommending amendments to the Standing Orders which were subsequently amended by the Legislative Assembly on 24 May 2007.⁵
15. The committee resolved to consider the other matters during a mid-term review of the arrangements for compiling, keeping and allowing inspection of the registers. The committee prepared *Position Paper 1: Registration of Interests* and issued this paper in October 2007 to all Members of the Queensland Legislative Assembly.
16. In connection with the matter the committee tabled Report No. 86, *Mid-Term Review: Registration of Interests* on 26 February 2008.
17. The MEPPC made four recommendations to amend the Standing Orders and a further two recommendations to be considered by the Registrar.

Ethical conduct—code of conduct

18. The *Code of Ethical Standards* 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.
19. The MEPPC did not table any documents relating to ethical conduct—code of conduct during the reporting period.

⁴ 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.

⁵ Members' Ethics and Parliamentary Privileges Committee, *Matter Referred under Schedule 2 of the Standing Rules and Orders of the Legislative Assembly* (Report No. 80), Queensland Legislative Assembly, Brisbane, 2007.

Parliamentary powers, rights and immunities

20. During 2007-2008, the Speaker referred four matters to the MEPPC for consideration. The Deputy Speaker referred one matter concerning alleged reflections on the Speaker in the same period.
21. The committee tabled the following five reports⁶, four concerning matters of privilege and one concerning procedures for considering requests to refer complaints to the committee—
 - Report No. 82—*Matter of Privilege Referred by the Speaker on 18 April 2007 Relating to an Alleged Intimidation of a Member by a legal firm* (tabled on 5 September 2007)
 - Report No. 84—*Matter Referred by the Speaker on 11 October 2007 Relating to the Procedures for Considering Requests to Refer Complaints to the Committee* (tabled 15 November 2007)
 - Report No. 87—*Matter of Privilege Referred by the Speaker on 11 October 2007 Relating to the Alleged Deliberate Misleading of Estimates Committee E* (tabled 26 February 2008)
 - Report No. 89—*Matter of Privilege Referred by the Speaker on 1 May 2008 Relating to an Alleged Deliberate Misleading of the House by the Treasurer* (tabled 29 May 2008)
 - Report No. 90—*Matter of Privilege Referred by the Deputy Speaker on 28 February 2008 Relating to Alleged Reflections on the Speaker* (tabled 5 June 2008)

Non-members' right of reply

22. The MEPPC received and granted two requests for a right of reply by non-members during the reporting period.
23. The committee tabled the following reports relating to a right of reply by non-members—
 - Report on a Right of Reply No. 18 (tabled 26 February 2008)
 - Report on a Right of Reply No. 19 (tabled 15 May 2008)

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. 86) made recommendations requiring a response under s 107 of the POQA.

⁶ The Matter of Privilege Referred by the Speaker on 18 April 2007 was reported on in the 2007-08 (current) reporting period. The Matter of Privilege Referred by the Speaker on 15 May 2008 was not reported on in the 2007-08 reporting period.

Mid-Term Review: Registration of Interests (Report No. 86)

27. In Report No. 86 tabled on 26 February 2008, the committee made six recommendations relating to the compiling, keeping and inspection of the register of interests.⁷ In its response, tabled 26 May 2008, the government supported four recommendations.

Summary of activities

28. The following table summarises the MEPPC's activities for the period 1 July 2007 to 30 June 2008.

Description	Total
Committee meetings	15
Privilege matters referred by the Speaker	5 ⁸
Privilege matters referred by the Speaker, reported on	5 ⁹
Pecuniary interests matters referred by the Registrar	0
Pecuniary interests matters referred by the Registrar, reported on	1 ¹⁰
Committee reports and documents tabled	9 ¹¹
Committee reports tabled, requiring a ministerial response	1
Ministerial responses to committee reports	1

Committee revenue and expenditure

29. The committee had no revenue during 2007-08. The MEPPC is funded from the appropriation of the Legislative Assembly. The expenditure for the period 1 July 2007 to 30 June 2008 is set out below.

Item	\$
Staff salaries and related expenses	39,274.92
Salary related taxes, etc and superannuation contributions	11,199.33
Meeting expenses	808.64
Telecommunication costs	1,125.30
Stationery, consumables, and miscellaneous expenses	132.13
Printing of reports and publications	3,855.88
Total	56,396.20

⁷ Report No. 80: *Matter Referred under Schedule 2 of the Standing Rules and Orders of the Legislative Assembly* (tabled 8 February 2007).

⁸ The Speaker delegated consideration of a matter concerning alleged reflections on the Speaker to the Deputy Speaker.

⁹ Includes the Matter of Privilege Referred by the Speaker on 18 April 2007 (Report No. 82), tabled 5 September 2007. Does not include one matter referred on 15 May 2008 which was not reported on in the 2007/08 reporting period.

¹⁰ The Registrar referred a matter to the committee on 1 December 2006; the committee has tabled two reports in relation to this referral, one in the previous reporting period and the second on 26 February 2008 (the current reporting period).

¹¹ Includes Annual Report 2006-07 (Report No. 83), tabled on 30 October 2007 together with the 2006-07 Audit of Discharge of Responsibilities.

Meetings

30. During 2007-08, the MEPPC held 15 meetings. An attendance schedule is set out below.

MEETING ATTENDANCE RECORD — 1 July 2007 to 30 JUNE 2008

MEETING DATE	ANNASTACIA PALASZCZUK	MIKE HORAN	PHIL GRAY	JO-ANN MILLER	LINDA LAVARCH ¹²	DOROTHY PRATT	LAWRENCE SPRINGBORG ¹³	STEPHEN WETTENHALL ¹⁴	JEFF SEENEY ¹⁵	CHRIS FOLEY ¹⁶	KAREN STRUTHERS ¹⁷
2007											
8 AUGUST 2007	✓	✓	✓	✓	✓	✓	✓				
23 AUGUST 2007	✓	✓	✓	✓	✓		✓				
5 SEPTEMBER 2007	✓	✓	✓	✓	✓	✓	✓				
10 OCTOBER 2007	✓	✓	✓	✓	•	✓	✓				
17 OCTOBER 2007	✓	✓	✓	✓	✓	✓	✓				
31 OCTOBER 2007	✓	✓	✓	✓	✓	✓	✓				
14 NOVEMBER 2007	✓	✓	✓	✓	✓	✓	✓	✓			
2008											
13 FEBRUARY 2008	✓	✓	✓	✓	✓	✓		✓	✓		
12 MARCH 2008	✓	✓	✓	✓	✓	✓					
16 APRIL 2008	✓	✓	✓			✓			✓	✓	✓
30 APRIL 2008	✓	✓	✓		✓	✓			✓	✓	✓
1 MAY 2008	✓	✓	✓		✓	•			✓	✓	✓
14 MAY 2008	✓	✓	✓		✓	✓			✓	✓	✓
29 MAY 2008	✓	✓	✓		✓	•			✓	✓	✓
4 JUNE 2008	✓	✓	✓		✓	✓					✓

- On 10 October 2007 at the time of the meeting, Mrs Linda Lavarch MP was speaking in parliamentary debate.
- On 1 May and 29 May Dorothy Pratt not required to attend.

¹² From 6 February 2007.

¹³ Until 8 February 2008.

¹⁴ From 30 October 2007.

¹⁵ From 8 February 2008.

¹⁶ From 9 April 2008.

¹⁷ From 16 April 2008.

Whistleblowers Protection Act 1994

31. 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.
32. 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

August 2008

Membership—52nd Parliament

Ms Anastacia 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 (to April 2008)
Member for Bundamba

Mrs Dorothy Pratt MP
Member for Nanango

Mr Jeff Seeney MP
Member for Callide (from February 2008)

Mr Lawrence Springborg MP
Member for Southern Downs (to February 2008)

Ms Karen Struthers MP
Member for Algester (from April 2008)

Secretariat

Ms Siwan Davies, *Research Director* (to January 2008)

Ms Lyndel Bates, *Acting Research Director* (from February 2008)

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*

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