



MEMBERS' ETHICS AND PARLIAMENTARY PRIVILEGES COMMITTEE

Report No. 101

2008-09 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 committee of the 52nd Parliament ceased upon the dissolution of the Parliament on 23 February 2009, prior to the Queensland general election. The current MEPPC (the committee) was appointed by resolution of the Legislative Assembly on 23 April 2009. This report is a summary of the current committee's activities of the committees of the 52nd Parliament and the 53rd Parliament from 1 July 2008 to 30 June 2009.

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.

1 Code of Ethical Standards: Legislative Assembly of Queensland: September 2004: as amended 30 June 2006, 9 February 2009, 11 May 2009, Brisbane, Queensland Legislative Assembly.

2 Note 1.

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).

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 2008 to 30 June 2009.

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. During 2008-2009, the Registrar was required to refer two matters to the MEPPC in accordance with schedule 2, section (14)(3) of the Standing Orders. The committee tabled the following two reports in relation to the referred matters—
 - *Report No. 93—Matter of Privilege Referred by the Registrar on 21 July 2008 Relating to the Alleged Failure by the Premier to Register a Benefit Received in the Register of Members' Interests* (tabled 25 November 2008).

³ Standing Orders 279 to 283

- *Report No. 96—Matter of Privilege Referred by the Registrar on 10 February 2009 Relating to the Alleged Failure by the then Leader of the Opposition to Register a Benefit Received in the Register of Members' Interests* (tabled 17 June 2009).

Ethical conduct—code of conduct

14. 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.
15. The MEPPC did not table any documents relating to ethical conduct—code of conduct during the reporting period.

Parliamentary powers, rights and immunities

16. During 2008-2009, the Speaker referred three matters to the MEPPC for consideration. The committee tabled the following four matters of privilege to the committee—
 - *Report No. 92—Matter of Privilege Referred by the Speaker on 15 May 2009 Relating to an Alleged Deliberate Misleading of the House by a Member* (tabled on 12 September 2008).
 - *Report No. 94—Matter Referred by the Speaker on 9 October 2008 Relating to an Alleged Deliberate Misleading of the House by a Member* (tabled 12 December 2008).
 - *Report No. 95—Matter of Privilege Referred by the Speaker on 9 October 2008 Relating to the Alleged Deliberate Misleading of Estimates Committee C* (tabled 12 December 2008).
 - *Report No. 97—Matter of Privilege Referred by the Speaker on 11 February 2009 Relating to an Alleged Deliberate Misleading of the House* (tabled 19 June 2009).

Non-members' right of reply

17. The MEPPC received one right of reply request on 17 June 2009. The committee had not finalised the matter by the end of the reporting period (30 June 2009).

Ministerial responses to committee recommendations

18. 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.
19. 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.
20. No MEPPC reports made recommendations requiring a response under s 107 of the POQA during the reporting period.

Summary of activities

21. The following table summarises the MEPPC's activities for the period 1 July 2008 to 30 June 2009.

Description	Total
Committee meetings	11
Privilege matters referred by the Speaker	3
Privilege matters referred by the Speaker, reported on	4 ⁴
Pecuniary interests matters referred by the Registrar	2
Pecuniary interests matters referred by the Registrar, reported on	2
Committee reports and documents tabled	7 ⁵
Committee reports tabled, requiring a ministerial response	0
Ministerial responses to committee reports	n/a

Committee revenue and expenditure

22. The committee had no revenue during 2008-09. The MEPPC is funded from the appropriation of the Legislative Assembly. The expenditure for the period 1 July 2008 to 30 June 2009 is set out below.

Item	\$
Staff salaries and related expenses	50,797.87
Allowances	11.00
Salary related taxes, etc and superannuation contributions	17,834.95
Professional development	2,898.97
Business travel allowances	84.85
Meeting expenses	735.64
Telecommunication costs	1,408.82
Stationery, consumables, and miscellaneous expenses	65.41
Printing of reports and publications	1082.00
Total	74,919.51

4 Includes the Matter of Privilege Referred by the Speaker on 15 May 2008 (Report No. 92), tabled 12 September 2008.

5 Includes Annual Report 2007-08 (Report No. 91), tabled on 12 September 2008 together with the 2007-08 Audit of Discharge of Responsibilities.

Meetings

23. During 2008-09, the MEPPC held 11 meetings. An attendance schedule is set out below.

MEETING ATTENDANCE RECORD

Committee of the 52nd Parliament (1 July 2008 to 23 February 2009)

MEETING DATE	LINDA LAVARCH	MIKE HORAN	PHIL GRAY	ANNASTACIA PALASZCZUK	DOLLY PRATT	JEFF SEENEY	KAREN STRUTHERS	STUART COPELAND ⁶	PETER LAWLOR ⁷	KATE JONES ⁸	CAROLYN MALE ⁹
2008											
28 AUGUST 2008	✓	✓	✓	✓	✓		✓	✓	✓		
10 SEPTEMBER 2008	✓	✓	✓	✓	✓	✓	✓				
8 OCTOBER 2008	✓	✓	✓	✓	✓	✓	✓				
12 NOVEMBER 2008	✓	✓	✓	✓		✓	✓				
26 NOVEMBER 2008	✓	•	✓	✓	✓	•	✓				
3 DECEMBER 2008	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓
2009											
11 FEBRUARY 2009	✓	✓	✓	✓	✓	✓	✓				

- On 26 November 2008 at the time of the meeting, Mr Horan MP and Mr Seeneey MP were speaking in parliamentary debate.

6 From 5 August 2008

7 From 5 August 2008 and 25 November 2008

8 From 25 November 2008

9 From 25 November 2008

MEETING ATTENDANCE RECORD

Committee of the 53rd Parliament (21 April 2009 to 30 June 2009)

MEETING DATE	KERRY SHINE	TIM NICHOLLS	MARGARET KEECH	CAROLYN MALE	CURTIS PITT	MARK ROBINSON	TED SORENSEN
2009							
20 MAY 2009	✓	✓	✓	✓	✓	✓	✓
3 JUNE 2009	✓	✓	✓	✓	✓	✓	✓
17 JUNE 2009	✓	✓	✓	✓	✓	✓	✓
19 JUNE 2009	✓	✓	✓	✓	✓	✓	✓

Whistleblowers Protection Act 1994

24. 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.
25. There were no public interest disclosures made to the MEPPC in accordance with the Whistleblowers Protection Act during the reporting period.

Mr Kerry Shine MP
Chair
October 2009

Membership — 52nd Parliament¹⁰

Mrs Linda Lavarch MP, Chair (from 11 November 2008) (from 6 February 2007), *Member for Kurwongbah*

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

Mr Phil Gray MP, *Member for Gaven*

Ms Anastacia Palaszczuk MP,¹¹ *Member for Inala*

Mrs Dorothy Pratt MP, *Member for Nanango*

Mr Jeff Seeney MP (from 12 February 2008), *Member for Callide*

Ms Karen Struthers MP (from 16 April 2008), *Member for Algeester*

Membership — 53rd Parliament

Mr Kerry Shine MP, Chair, *Member for Toowoomba North*

Mr Tim Nicholls MP, Deputy Chair, *Member for Clayfield*

Hon Margaret Keech MP, *Member for Albert*

Ms Carolyn Male MP, *Member for Pine Rivers*

Mr Curtis Pitt MP, *Member for Mulgrave*

Dr Mark Robinson MP, *Member for Cleveland*

Mr Ted Sorensen MP, *Member for Hervey Bay*

Secretariat

Mr Michael Ries, *Research Director*

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¹⁰ Mr Stirling Hinchliffe MP, Chair, Member for Stafford, to 1 November 2006. Mrs Jo-Ann Miller MP, Member for Bundamba, to 16 April 2008. Ms Rachel Nolan MP, Member for Ipswich, to 6 February 2007. Mr Lawrence Springborg MP, Member for Southern Downs, to 12 February 2008. Hon Dean Wells MP, Member for Murrumba, to 1 November 2006.

¹¹ Ms Anastacia Palaszczuk MP, Chair, Member for Inala, to 11 November 2008