



INTEGRITY, ETHICS AND PARLIAMENTARY PRIVILEGES COMMITTEE

Report No. 111

2009-10 Annual Report

Introduction and background

1. The Integrity, Ethics and Parliamentary Privileges Committee (IEPPC) 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 IEPPC (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 from 1 July 2009 to 30 June 2010.

IEPPC's responsibilities

3. On 25 November 2009, the Legislative Assembly passed the Integrity Bill 2009. The Bill received Assent on 3 December 2009 and by proclamation dated 9 December 2009 the Act commenced on 1 January 2010. The Act, amongst other things, changed the name of the Members' Ethics and Parliamentary Privileges Committee to the Integrity, Ethics and Parliamentary Privileges Committee.
4. Section 90 of the POQA provides that the IEPPC has the following main areas of responsibility:
 - the integrity of public institutions;
 - ethical conduct of members; and
 - parliamentary powers, rights and immunities.

Integrity of public institutions

5. In accordance with s 90A of the POQA, the IEPPC's area of responsibility about the integrity of public institutions involves only the matters for which the committee has responsibility under the *Integrity Act 2009*.
6. In addition to the jurisdiction conferred by the POQA, the *Integrity Act 2009* provides that the committee is required to:
 - monitor and review the Integrity Commissioner's performance of the functions conferred by the Integrity Act 2009;
 - report to the Legislative Assembly on any matter concerning the Integrity Commissioner, the Integrity Commissioner's functions or the performance of the Integrity Commissioner's functions that the committee considers should be drawn to the Assembly's attention;
 - examine each annual report tabled in the Legislative Assembly under the Integrity Act 2009 and, if appropriate, comment on any aspect of the report and to make recommendations; and
 - report to the Legislative Assembly any changes to the functions and procedures of the Integrity Commissioner the committee considers desirable for the more effective operation of the *Integrity Act 2009*.¹

Ethical conduct—registration of interests

7. Pursuant to s 91 of the POQA, the IEPPC'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).

¹ *Integrity Act 2009*, s 89.

Ethical conduct—code of conduct

8. The IEPPC'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 members² (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,³ 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

9. Section 93 of the POQA provides that the IEPPC's area of responsibility about parliamentary powers, rights and immunities includes the powers, rights and immunities of the Assembly and its committees and members.
10. The IEPPC 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

11. Pursuant to the Standing Rules and Orders of the Legislative Assembly: Effective 31 August 2004 (Standing Orders)⁴, the IEPPC 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

12. 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);

2 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.

3 Note 1.

4 Standing Orders 279 to 283.

- 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).

Summary of issues considered by the committee

Integrity of public institutions

13. The committee received jurisdiction to oversight the functions of the Integrity Commissioner in January 2010. Accordingly, the committee met with the Integrity Commissioner on 11 June 2010. The meeting provided an opportunity for the committee to receive performance information focusing on the 2009-2010 financial year.
14. The committee prepared the following report in relation to its oversight function:
 - *Meeting with the Integrity Commissioner June 2010.*⁵

Ethical conduct—registration of interests

15. 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 IEPPC as Appendix 1 of the *Code of Ethical Standards* booklet.
16. During 2009-2010, the Registrar was required to refer one matter to the IEPPC in accordance with schedule 2, section (14)(3) of the Standing Orders. In addition, the committee finalised a matter referred by the Speaker in 2006. The committee tabled the following two reports in relation to the referred matters:
 - *Report No. 104—Matter of Privilege Referred by the Registrar on 25 February 2010 Relating to an Alleged Failure by a Member to Register an Interest in the Register of Members' Interests* (tabled 25 March 2010).
 - *Report No. 105—Matter of Privilege Referred by the Speaker on 13 November 2006 Relating to an Alleged Failure to Register an Interest in the Register of Members' Interests* (tabled 10 June 2010).

Ethical conduct—code of conduct

17. 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.
18. The IEPPC did not table any documents relating to ethical conduct—code of conduct during the reporting period.

Parliamentary powers, rights and immunities

19. During 2009-2010, the Speaker referred six matters to the IEPPC for consideration. The committee tabled the following five reports on matters of privilege:⁶

⁵ Note: Report tabled 5 August 2010.

- *Report No. 100—Matter of Privilege Referred by the Speaker on 19 August 2009 Relating to an Alleged Deliberate Misleading of the House by a Member* (tabled on 8 October 2009).
- *Report No. 102—Matter Referred by the Speaker on 4 August 2009 Relating to an Alleged Lack of Parliamentary Authorisation of Unforeseen Expenditure Incurred in 2007-2008* (tabled 12 November 2009).
- *Report No. 103—Matter of Privilege Referred by the Speaker on 25 November 2009 Relating to an Alleged Unauthorised release of Committee Documents* (tabled 25 March 2010).
- *Report No. 106—Matter referred by the Speaker on 17 September 2009 Regarding the Tabling of Documents by Members* (tabled 10 June 2010).
- *Report No. 107—Matter of Privilege referred by the Speaker on 25 March 2010 Relating to an Alleged Deliberate Misleading of the House by a Member* (tabled 10 June 2010).

Non-members' right of reply

20. The IEPPC received one right of reply request on 17 June 2009. The committee finalised the matter, granting the reply, tabled on 3 September 2009.

Ministerial responses to committee recommendations

21. Where a report of a committee (other than the Scrutiny of Legislation Committee) recommends 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.
22. 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.
23. No IEPPC reports made recommendations requiring a response under s 107 of the POQA during the reporting period.

Summary of activities

24. The following table summarises the IEPPC's activities for the period 1 July 2009 to 30 June 2010.

⁶ One matter referred on 10 June 2010 is yet to be reported on.

Description	Total
Committee meetings	15
Privilege matters referred by the Speaker	7
Privilege matters referred by the Speaker, reported on	6 ⁷
Pecuniary interests matters referred by the Registrar	1
Pecuniary interests matters referred by the Registrar, reported on	1
Committee reports and documents tabled	10 ⁸
Committee reports tabled, requiring a ministerial response	0
Ministerial responses to committee reports	n/a

Committee revenue and expenditure

25. The committee had no revenue during 2009-10. The IEPPC is funded from the appropriation of the Legislative Assembly. The expenditure for the period 1 July 2009 to 30 June 2010 is set out below.

Item	\$
Staff salaries and related expenses	92,131.22
Business travel allowances	17,405.20
Legal advice	4,000.00
Telecommunication costs	1,183.67
Meeting expenses, stationery, consumables, and miscellaneous expenses	1,687.07
Printing of reports and publications	2,116.16
Total	118,523.32

Meetings

26. During 2009-10, the IEPPC held 15 meetings. An attendance schedule is set out below.

7 Does not include one matter referred that is due to be tabled in the next financial year; Includes Matter of Privilege referred by the Speaker on 16 November 2006 Relating to an Alleged Failure to Register a Benefit in the Register of Members' Interests.

8 Includes Annual Report 2008-09 (Report No. 101), tabled on 8 October 2009; and Report on Study Investigation by the Committee – July 2009 (Report No. 98).

MEETING ATTENDANCE RECORD
Committee of the 53rd Parliament

MEETING DATE	KERRY SHINE	TIM NICHOLLS	GLEN ELMES	MARGARET KEECH	CAROLYN MALE	CURTIS PITT	MARK ROBINSON	TED SORENSEN
2009-2010								
5 August 2009	✓	✓		✓	✓	✓	✓	✓
19 August 2009	✓	✓		✓	✓	✓	✓	✓
2 September 2009	✓	✓		✓	✓	✓	✓	✓
16 September 2009	✓	✓		✓	✓	✓	✓	✓
7 October 2009	✓	✓		✓	✓	✓	✓	✓
28 October 2009	✓	✓		✓	✓	✓	✓	✓
11 November 2009	✓	✓		✓	✓	✓	✓	✓
25 November 2009	✓	✓		✓	✓	✓	✓	✓
10 February 2010	✓	✓	✓	✓	✓	✓	✓	
24 February 2010	✓	✓	✓	✓	✓	✓	✓	
10 March 2010	✓	✓	✓	✓	✓	✓	✓	
24 March 2010	✓	✓	✓	✓	✓	✓	✓	
14 April 2010	✓	✓	✓	✓	✓	✓	✓	
19 May 2010	✓	✓	✓	✓	✓	✓	✓	
9 June 2010	✓	✓	✓	✓	✓	✓	✓	

Whistleblowers Protection Act 1994

27. 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.
28. There were no public interest disclosures made to the IEPPC in accordance with the Whistleblowers Protection Act during the reporting period.

Mr Kerry Shine MP

Chair

September 2010

Membership — 53rd Parliament

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

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

Mr Glen Elmes MP, *Member for Noosa*⁹

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*¹⁰

Secretariat

Mr Michael Ries, *Research Director*

Ms Kellie Moule, *Principal Research Officer*

Ms Andrea Musch, *Executive Secretary*

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⁹ From 9 February 2010.

¹⁰ Until 9 February 2010.