



INTEGRITY, ETHICS AND PARLIAMENTARY PRIVILEGES COMMITTEE AND ETHICS COMMITTEE

Report No. 117

2010-11 Annual Report

Introduction and background

1. The Integrity, Ethics and Parliamentary Privileges Committee (IEPPC) was a statutory committee of the Queensland Parliament established under the *Parliament of Queensland Act 2001* (POQA). The IEPPC was appointed by resolution of the Legislative Assembly on 23 April 2009.
2. The IEPPC was replaced by the Ethics Committee on 16 June 2011, following amendments to the POQA. At its first meeting the Ethics Committee resolved to continue the matters that were before the previous committee.
3. 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.
4. This report is a summary of the IEPPC and Ethics Committee's activities from 1 July 2010 to 30 June 2011.¹

IEPPC's responsibilities

5. The previous section 90 of the POQA provided that the IEPPC had 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

6. In accordance with s 90A of the POQA, the IEPPC's area of responsibility about the integrity of public institutions involved only the matters for which the committee had responsibility under the *Integrity Act 2009*.
7. In addition to the jurisdiction conferred by the POQA, the *Integrity Act 2009* provided that the committee was required to:
 - monitor and review the Integrity Commissioner's performance of the functions conferred by the *Integrity Act 2009*;

¹ As the jurisdiction of the Ethics committee did not start until 16 June 2011, this report will primarily refer to the terminology and jurisdiction of the IEPPC.

- 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*.²

Ethical conduct—registration of interests

8. Pursuant to former s 91 of the POQA, the IEPPC's area of responsibility about the ethical conduct of members included:
- 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

9. The IEPPC's area of responsibility about the ethical conduct of members, pursuant to s 92 of the POQA, included:
- publishing and reviewing a code of ethical conduct for members³ (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,⁴ 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

10. Former section 93 of the POQA provided that the IEPPC's area of responsibility about parliamentary powers, rights and immunities included the powers, rights and immunities of the Assembly and its committees and members.
11. The IEPPC investigated and reported on matters of privilege and possible contempts of parliament referred to it by the Speaker or the House, and inquired into and reviewed other significant issues regarding parliamentary privilege which the committee resolved to deal with.

² Integrity Act 2009, (former) s 89.

³ 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.

⁴ Note 3.

Non-members' right of reply

12. Pursuant to the Standing Rules and Orders of the Legislative Assembly: Effective 31 August 2004 (Standing Orders)⁵, the IEPPC had 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.

Ethics Committee's responsibilities

13. The committee's areas of responsibility as set out in s.104B of the POQA are as follows:
- dealing with complaints about the ethical conduct of particular members; and
 - dealing with alleged breaches of parliamentary privilege by members of the Assembly and other persons.

Further to this, s.104C of the POQA provides:

The committee's area of responsibility about dealing with complaints about the ethical conduct of particular members is to—

- consider complaints referred to the committee about particular members failing to register particular interests;
 - consider complaints against particular members for failing to comply with the code of ethical conduct for members, report on complaints to the Assembly and recommend action by the Assembly; and
 - a complaint about a member not complying with the code of ethical conduct for members may be considered only by the Assembly or the committee.
14. At the time of transition from the IEPPC to Ethics Committee on 16 June 2011, the IEPPC's former responsibilities were transferred as follows:
- oversight of the functions of the Office of the Integrity Commissioner (this responsibility has been transferred to the Finance and Administration Committee).

The following former areas of responsibility of the IEPPC have been transferred to the Committee of the Legislative Assembly:

- examining the arrangements, under resolutions or the standing rules and orders of the Assembly, for compiling, keeping and allowing inspection of the register of interests;
- considering proposals made by members and other persons about the form and content of the registers and documents relevant to the registers;
- publishing explanatory information about the requirements to register interests and obligations of members about their ethical conduct;
- considering broader issues about the registration of interests and code of ethical standards;
- publishing and reviewing a code of ethical conduct for members; and
- reform of legislation and standing rules and orders about the ethical conduct of members, including the registration or declaration of interests.

Annual report of committee

15. 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).

⁵ Standing Orders 279 to 283.

Summary of issues considered by the committee

Integrity of public institutions

16. The committee received jurisdiction to oversight the functions of the Integrity Commissioner in January 2010. This jurisdiction ceased on 16 June 2011. Accordingly, the committee met with the Integrity Commissioner on 11 June 2010 and the annual meeting scheduled for mid-June 2011 was cancelled due to the cessation of the committee's jurisdiction. The matter was transferred to the Finance and Administration committee which now has responsibility for oversight of the functions of the Integrity Commissioner.
17. The committee prepared the following report in relation to its oversight function:
 - *Meeting with the Integrity Commissioner June 2010* (tabled 5 August 2010).

Ethical conduct—registration of interests

18. 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.
19. During 2010-2011, the Registrar was required to refer one matter to the IEPPC in accordance with schedule 2, section (14)(3) of the Standing Orders. The committee finalised this matter and tabled the following report in relation to the referred matter:
 - *Report No. 114—Matter of Privilege Referred by the Registrar on 18 November 2010 Relating to the Alleged Failure by a Member to Register an Interest in the Register of Members' Interests* (tabled 7 April 2011).
20. The committee also tabled the following report in relation to a review of the Register of Interests:
 - *Report No. 109—Mid-Term Review: Registration of Interests* (tabled 2 September 2010).

Ethical conduct—code of conduct

21. 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.
22. On 28 October 2010, the IEPPC tabled the following document in relation to a review of the Code of Ethical Standards:
 - *Report No. 112—Review of Code of Ethical Standards* (tabled 28 October 2010).

Parliamentary powers, rights and immunities

23. During 2010-2011, the Speaker referred two matters to the IEPPC for consideration. The committee tabled the following three reports on matters of privilege:⁶
 - *Report No. 110—Matter of Privilege Referred by the Speaker on 11 June 2010 Relating to the Discharge of a Member from a Parliamentary Committee* (tabled on 14 September 2010).
 - *Report No. 113—Matter of privilege referred by the Speaker on 23 November 2010 Relating to an Alleged Deliberate Misleading of the House by a Member* (tabled 10 March 2011).
 - *Report No. 115—Matter of Privilege Referred by the Speaker on 17 February 2011 Relating to an Alleged Deliberate Misleading of Estimates Committee F by a Minister* (tabled 7 April 2011).

Non-members' right of reply

24. The IEPPC received one right of reply request on 16 December 2010. The Ethics Committee finalised the matter, granting the reply, tabled on 17 June 2011.

⁶ One matter referred on 10 June 2010 was finalised in the current reporting period.

Ministerial responses to committee recommendations

25. 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.
26. 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.
27. Two IEPPC reports made recommendations requiring a response under s 107 of the POQA during the reporting period. The following three Ministerial responses were tabled:⁷ (including an interim and final response for one matter):
- Government Response – *Report 109, Mid-Term Review: Registration of Interests* (tabled 29 November 2010).
 - Interim Government Response – *Report 112, Review of Code of Ethical Standards* (tabled 27 January 2011).
 - Government Response – *Report 112, Review of Code of Ethical Standards* (tabled 14 April 2011).

Summary of activities

28. The following table summarises the IEPPC and Ethics committee activities for the period 1 July 2010 to 30 June 2011.

Description	Total
Committee meetings	12
Privilege matters referred by the Speaker	2
Privilege matters referred by the Speaker, reported on	3 ⁸
Pecuniary interests matters referred by the Registrar	1
Pecuniary interests matters referred by the Registrar, reported on	1
Non-members' right of reply	1
Committee reports and documents tabled	9 ⁹
Committee reports tabled, requiring a ministerial response	2
Ministerial responses to committee reports	3 ¹⁰

7 Includes an interim and final response for one matter.

8 Includes one matter referred on 10 June 2010 that was finalised in the current reporting period.

9 Includes Annual Report 2009-10 (Report No. 111), tabled on 7 October 2010; Report on Meeting with the Integrity Commissioner (Report No. 108), tabled 5 August 2011; Mid-Term Review: Register of Interests (Report No. 109), tabled 2 September 2011; Review of Code of Ethical Standards (Report No. 112), tabled 28 October 2010.

10 Note 7.

Committee revenue and expenditure

29. The committee had no revenue during 2010-11. The IEPPC and Ethics committees are funded from the appropriation of the Legislative Assembly. The expenditure for the period 1 July 2010 to 30 June 2011 is set out below.

Item	\$
Staff salaries and related expenses	84,246.72
Business travel allowances	947.05
Legal advice	4,000.00
Telecommunication costs	1,260.87
Meeting expenses, stationery, consumables, and miscellaneous expenses	1,193.95
Printing of reports and publications	4,644.00
Total	96,292.59

Meetings

30. During 2010-11, the IEPPC and Ethics committee collectively held 12 meetings during the reporting period. An attendance schedule is set out below.

MEETING ATTENDANCE RECORD Committee of the 53rd Parliament

MEETING DATE	KERRY SHINE	TIM NICHOLLS	GLEN ELMES	MARGARET KEECH	CAROLYN MALE	CURTIS PITT	MARK ROBINSON	DI FARMER	SIMON FINN	PETER LAWLOR
4 August 2010	✓	✓	✓	✓	✓	✓	✓			
18 August 2010	✓	✓	✓	✓	✓	✓	✓			
1 September 2010	✓	✓	✓	✓	✓	✓	✓			
15 September 2010	✓	✓	✓	✓	✓	✓	✓			
6 October 2010	✓	✓	✓	✓	✓	✓	✓			
27 October 2010	✓	✓	✓	✓	✓	✓	✓			
24 November 2010	✓	✓	✓	✓	✓	✓	✓			
16 February 2011	✓	✓	✓	✓	✓		✓		✓	
9 March 2011	✓	✓	✓	✓	✓		✓			✓
23 March 2011	✓	✓	✓		✓		✓	✓		✓
6 April 2011	✓	✓	✓	✓	✓		✓	✓		✓

Note: The Ethics committee established by resolution of the House on 16 June 2011, met once on 16 June 2011, during the reporting period. All appointed members attended: Evan Moorhead, Alex Douglas, Grace Grace, Andrew Powell, Mark Ryan and Peter Wellington.

Whistleblowers Protection Act 1994 and Public Interest Disclosure Act 2010

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 from 1 July – 31 December 2010.
32. There were no public interest disclosures made to the IEPPC in accordance with the Whistleblowers Protection Act during the reporting period.
33. The *Public Interest Disclosure Act 2010* commenced on 1 January 2011 and replaced the *Whistleblowers Protection Act 1994*. Section 60 of the Act requires public sector entities to report public interest disclosures to the oversight agency (Public Service Commission). The Public Service Commission then publishes these statistics in a report. Accordingly, the committee is not required to publish public interest disclosure statistics (from 1 January 2011) in the annual report.
34. For completeness, there were no public interest disclosures made to the IEPPC or Ethics committee in accordance with the *Public Interest Disclosure Act 2010*.

Mr Evan Moorhead MP

Chair

October 2011

Membership 53rd Parliament — IEPPC

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*¹¹

Ms Dianne Farmer MP, *Member for Bulimba*¹²

Mr Simon Finn MP, *Member for Yeerongpilly*¹³

Hon Margaret Keech MP, *Member for Albert*

Mr Peter Lawlor MP, *Member for Southport*¹⁴

Ms Carolyn Male MP, *Member for Pine Rivers*

Mr Curtis Pitt MP, *Member for Mulgrave*¹⁵

Dr Mark Robinson MP, *Member for Cleveland*

Membership 53rd Parliament — Ethics Committee¹⁶

Mr Evan Moorhead MP, Chair, *Member for Waterford*

Dr Alex Douglas MP, Deputy Chair, *Member for Gaven*

Ms Grace Grace MP, *Member for Brisbane Central*

Mr Vaughan Johnson MP, *Member for Gregory*

Mr Mark Ryan MP, *Member for Morayfield*

Mr Peter Wellington MP, *Member for Nicklin*

Secretariat

Mr Michael Ries, *Research Director*

Ms Kellie Moule, *Principal Research Officer*

Ms Andrea Musch, *Executive Secretary*

Contact

Telephone: 07 3406 7586

Facsimile: 07 3406 7691

E-mail: ethics@parliament.qld.gov.au

Internet: <http://www.parliament.qld.gov.au/work-of-committees/committees/ETHICS>

¹¹ From 9 February 2010.

¹² From 18 May 2011 for consideration of a particular matter in accordance with SO 272.

¹³ From 16 February to 8 March 2011.

¹⁴ From 8 March 2011.

¹⁵ Until 16 February 2011.

¹⁶ From 16 June 2011.