



ETHICS COMMITTEE

Report No. 122

Report on a Right of Reply No. 22

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 Ethics Committee (the committee) 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 and who consider their reputation has been adversely affected, may request a right of reply.

Procedure

3. Chapter 46 of the *Standing Rules and Orders of the Legislative Assembly*, effective from 31 August 2004 (the standing orders), sets out the operation of the right of reply and the procedure for the Ethics committee to follow when considering submissions. Standing Order 282(5) 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 the Record of Proceedings or published in some other manner.

Person Referred to in the Parliamentary Proceedings: Professor Frank Monsour

5. On 15 February 2012, the then Premier, Hon Anna Bligh made a ministerial statement in relation to Professor Frank Monsour and his role as a director of the company Majella Global Technologies. In the ministerial statement Hon Bligh referred to Professor Monsour and his involvement in the company. Professor Monsour states that his reputation has been adversely affected by the statements and seeks to have an appropriate response incorporated in the parliamentary record.
6. Under Standing Order 280(3) a submission for a citizen's right of reply must be received by the Speaker within the term of the Parliament in which the person has been adversely referred.
7. The 53rd Parliament dissolved on 19 February 2012. Professor Monsour's submission was received by the then Speaker Mickel on 18 February 2012.
8. After satisfying himself that the matter was not frivolous, vexatious or offensive in character, and that it was practicable for the committee to consider the matter, on 20 February 2012, the Speaker referred the matter to the committee for its consideration, in accordance with Standing Order 280.

The Committee's Inquiry

9. Section 105 of the *Parliament of Queensland Act 2001* provides that issues dealt with by previously constituted committees may be continued by a newly constituted committee.
10. This matter was received by the Ethics Committee secretariat on 23 February 2012. At that stage, due to the dissolution of the Legislative Assembly the Ethics Committee of the 53rd Parliament ceased to exist. While the matter had not technically been dealt with by that committee, in order to uphold the spirit of section 105, the current committee resolved to continue to deal with the matter.
11. The committee met in private session to consider the submission from Professor Monsour and how to proceed with the matter, noting—
 - the standing orders of the Queensland Legislative Assembly; and
 - the practice and established procedures of Ethics Committees in respect of similar submissions in the past.
12. The committee wrote to Professor Monsour on 31 May 2012 with a response in the context of the standing orders. Professor Monsour responded by letter received 4 June 2012 agreeing to the response.
13. In accordance with Standing Order 282(5) the committee did not consider or judge the truth of any statements made in the House by the then Premier or the truth of the statements made by Professor Monsour in his response.
14. The committee resolved to recommend to the Legislative Assembly that the agreed response be incorporated into the Record of Proceedings.

Recommendation:

The committee recommends that the response in the terms set out in this report, be incorporated in the Record of Proceedings.

Dr Alex Douglas MP

Chair

June 2012

Membership — 54th Parliament

Dr Alex Douglas MP, Chair
Member for Gaven

Mrs Jo-Ann Miller MP, Deputy Chair
Member for Bundamba

Mr Ian Berry MP
Member for Ipswich

Mr Ian Kaye MP
Member for Greenslopes

Ms Jackie Trad MP
Member for South Brisbane

Mr Peter Wellington MP
Member for Nicklin

Secretariat

Mr Michael Ries, *Research Director*

Ms Erin Pasley, *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>

**RESPONSE BY PROFESSOR FRANK MONSOUR TO A STATEMENT MADE BY THE THEN
PREMIER HON ANNA BLIGH ON 15 FEBRUARY 2012**

On 15 February 2012, Ms Bligh made the following statements in the Queensland Parliament:

1. *...I was shocked to read reports this morning that this company [Majella Global Technologies Asia Pacific] is now the subject of an FBI review for possible theft of US military secrets...*
2. *The company, Majella Global Technologies Asia Pacific, is part of the Newman-Monsour family group of companies.*
3. *Follow the paper trail and you will find the Newman-Monsour family plotting to profit from the flood.*

In relation to statement 1, I can categorically state that we have not been contacted by the FBI and I am not aware of any FBI investigation into any member of my family, or any of my family business interests.

In relation to statement 2, I can confirm that Campbell Newman has no involvement in any of our family's business interests.

In relation to statement 3, I reject any suggestion that my family has sought to gain financially from the political process, or through a relationship with a political party.

Legislative Assembly of Queensland

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

EXTRACT: CHAPTER 46: 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.