



ETHICS COMMITTEE

Report No. 128

Report on a Right of Reply No. 24

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.

Persons Referred to in the Parliamentary Proceedings: Ms Fiona McNamara

5. On 11 September 2012, the Member for Kallangur, Mr Trevor Ruthenberg MP made statements regarding Ms Fiona McNamara and her role in the Queensland Teachers' Union.
6. On 5 November 2012, Ms McNamara wrote to the Speaker asserting that the statements made have adversely affected her reputation and sought to have an appropriate response incorporated in the parliamentary record.
7. After satisfying herself that the matter was not frivolous, vexatious or offensive in character, and that it was practicable for the committee to consider the matter, on 8 November 2012, the Speaker referred the matter to the committee for its consideration, in accordance with Standing Order 280.

The Committee's Inquiry

8. The committee met in private session to consider the submission from Ms McNamara 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.
9. The committee wrote to Ms McNamara on 15 November 2012 with a response in accordance with Standing Orders. Ms McNamara responded by letter received 14 December 2012 agreeing to the response.
10. 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 Member for Kallangur or the truth of the statements made by Ms McNamara in response.
11. 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.



Mr Peter Dowling MP
Chair

February 2013

Membership — 54th Parliament

Mr Peter Dowling MP, Chair
Member for Redlands

Dr Alex Douglas MP, Chair¹
Member for Gaven

Mr Ian Walker MP, Acting Chair²
Member for Mansfield

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

Mr Ian Berry MP³
Member for Ipswich

Mr Ian Kaye MP
Member for Greenslopes

Mr Michael Pucci MP⁴
Member for Logan

Ms Jackie Trad MP
Member for South Brisbane

Mr Peter Wellington MP
Member for Nicklin

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¹ On 27 November 2012, the Member for Gaven was discharged from the committee and the Member for Redlands was appointed to the Committee as Chair.

² In accordance with Standing Order 202(1) the Member for Mansfield was appointed the replacement committee member for the Member for Gaven and Acting Chair from 13-24 November 2012.

³ Until 12 February 2012.

⁴ From 12 February 2012.

**RESPONSE BY Ms FIONA McNAMARA TO STATEMENTS MADE BY THE MEMBER FOR KALLANGUR
(MR TREVOR RUTHENBERG MP) ON 11 SEPTEMBER 2012**

On 11 September 2012, the Member for Kallangur made the following statements in the Queensland Parliament:

1. *It is not only untrue but it is quite disingenuous, misleading and untruthful of the union, and in particular this union official, to tell its members that I refused to meet with teachers and QTU members.*
2. *... as this particular union official has runs on the board when it comes to disregarding the truth.*
3. *This display of dishonesty and disregard for the truth is simply more of the same from her.*
4. *This union official's word cannot be trusted as her word has no integrity.*
5. *This union official lacks integrity and she has shown that her word cannot be trusted. She took advantage of the good faith placed by her by the union members, who trusted her but who were deceived by her.*
6. *The QTU needs to offer a public apology to the teachers in north Brisbane for deceiving their membership.*
7. *Further, the QTU needs to discipline this union official for her blatant disregard for the truth, just like a teacher would discipline a child who caused serious mischief.*
8. *I warn the people living in that electorate to think very carefully before they consider this candidate. This person has shown over a period of time and in several different settings, first during the state election and now as a QTU official, that truth is a casualty in her naked political ambition and that she cannot be trusted to act with any sort of integrity.*

The allegations of my dishonesty are untrue and the representations about specific events are misleading and untrue.

I have at all times given my time towards the best interests of Teachers' Union members and I deny any impropriety.

The meeting outside Mr Ruthenberg's office was in pursuance of Mr Ruthenberg's suggestion that, although he would not meet, he would be happy to receive questions in writing.

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.