



## ETHICS COMMITTEE

### Report No. 138

### 2012-13 Annual Report

#### ***Introduction***

1. The Ethics Committee (the committee) is a statutory committee of the Queensland Parliament established under the *Parliament of Queensland Act 2001* (POQA).
2. The committee of the 54<sup>th</sup> Parliament was appointed by resolution of the Legislative Assembly on 17 May 2012.
3. Section 108(1) 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.
4. This report contains a summary of the activities undertaken by the Ethics Committees of the 54<sup>th</sup> Parliament during the reporting period, 1 July 2012 to 30 June 2013.

#### ***Annual report of parliamentary committee***

5. An annual report of a parliamentary 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).

#### ***Ethics Committee's responsibilities***

6. The committee's areas of responsibility are set out in s.104B of the POQA 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.
7. Section 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; and
  - 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.
8. 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.
  9. Pursuant to the Standing Rules and Orders of the Legislative Assembly (Standing Orders)<sup>1</sup>, the committee also has responsibility for considering submissions referred to it by the Speaker concerning a request for a right of reply by non-members (commonly referred to as the 'right of reply').
  10. The committee is to advise the Assembly concerning any requests for a right of reply by non-members.

### **Summary of issues considered by the committee**

#### Alleged breaches of parliamentary privilege

11. During the reporting period the committee investigated and reported on the following matters of privilege and possible contempts of parliament referred to it by the Speaker:
  - Report – No. 123, *Matter of privilege referred by the Speaker on 7 June 2012 regarding the failure to pay a fine for contempt of Parliament* (tabled 11 November 2012);
  - Report – No. 125, *Matter of privilege referred by the Speaker on 31 July 2012 relating to an alleged deliberate misleading of the House by a Minister* (tabled 14 September 2012);
  - Report – No. 129, *Matter of privilege referred by the Speaker on 27 November 2012 relating to an alleged deliberate misleading of the House by a member* (tabled 1 May 2013);
  - Report – No. 130, *Matter of privilege referred by the Speaker on 29 November 2012 relating to an alleged deliberate misleading of the House by a member* (tabled 1 May 2013);
  - Report – No. 131, *Matter of privilege referred by the Speaker on 27 November 2012 relating to an alleged deliberate misleading of the House by the Leader of the Opposition* (tabled 2 May 2013);
  - Report – No. 132, *Matter of privilege referred by the Speaker on 29 November 2012 relating to an alleged contempt of the removal of documents from members' desks in the Chamber* (tabled 18 April 2013); and
  - Report – No. 133, *Matter of privilege referred by the Speaker on 28 November 2012 relating to an alleged reflection on the Chair* (tabled 2 May 2013);
12. On 25 October 2012, the Speaker referred a matter of privilege relating to an alleged deliberate misleading of an Estimates Committee by a Chief Executive Officer.
13. On 31 October 2012, the Speaker referred a matter of privilege relating to an alleged intimidation of a member by a legal firm.
14. On 31 October 2012, the Speaker referred a matter of privilege relating to an alleged deliberate misleading of the House by a Minister or, in the alternative, a Chief Executive Officer of a committee.

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<sup>1</sup> Standing Orders 279 to 283.

### Complaints relating to the Code of Ethical Standards

15. The *Code of Ethical Standards: Legislative Assembly of Queensland*<sup>2</sup> (the Code) as published by the former Integrity, Ethics and Parliamentary Privileges Committee, provides Members with information on managing conflicts of interest and resolving ethical dilemmas and an overview of the current obligations which Members are required to observe.
16. The Committee of the Legislative Assembly (CLA) has responsibility for publishing the Code and information notices to provide guidance to members about the practical effect of Standing Orders relating to members' conduct.
17. The committee did not deal with any complaints relating to the Code of Ethical Standards during the reporting period.

### Complaints relating to the registration of interests

18. The Register of Members' Interests and Register of Related Persons' Interests are established under Standing Order 263. Schedule 2 of the Standing Orders contains the rules for the registers. Standing Orders relating to the register and the conduct of members also form part of the Code of Ethical Standards.
19. The committee received two complaints relating to the registration of interests during the reporting period.
20. On 15 October 2012, a matter of privilege was referred by the Registrar relating to an alleged failure to register an interest in the Register of Members' Interests.
21. The committee reported on this matter on 29 November 2012 (Report No. 127).
22. On 19 March 2013, a matter of privilege was referred by the Registrar relating to an alleged failure to register an interest in the Register of Members' Interests.

### Requests for non-members' right of reply

23. 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 the Record of Proceedings or otherwise published by the Legislative Assembly.
24. The committee received a referral from the Speaker for a right of reply on 31 October 2012 and the committee granted the reply on 29 November 2012 – Report No. 126, *Citizens Right of Reply No. 23*.
25. The committee received a second referral from the Speaker for a right of reply on 8 November 2012 and the committee granted the reply on 14 February 2013 – Report No. 128, *Citizens Right of Reply No. 24*.

### Ministerial responses to committee recommendations

26. Section 107 of the POQA provides that where a committee recommends the government or a minister should take particular action, or not take particular action, about an issue; or a report of the CLA or Ethics Committee recommends a motion be moved by the Assembly to implement a recommendation of the committee, the minister responsible is required to provide the Legislative Assembly with a response.
27. In the case of a report of the CLA or Ethics Committee recommending a motion be moved by the Assembly to implement a recommendation of the committee, the Premier or the Premier's nominee is to provide a response.

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2 The Code of Ethical Standards was last amended and published by the former Integrity, Ethics and Parliamentary Privileges Committee on 11 May 2009. The former IEPPC tabled a *Review of the Code of Ethical Standards* tabled 28 October 2010.

28. 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.
29. 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.
30. The committee did not table a report containing recommendations requiring a ministerial response under s. 107 of the POQA during the reporting period.

### **Summary of activities**

31. The following table summarises the committee's activities for the period 1 July 2012 to 30 June 2013.

<b>Description</b>	<b>Total</b>
Committee meetings	24
Privilege matters referred by the Speaker	10
Privilege matters referred by the Speaker, reported on	7
Pecuniary interests matters referred by the Registrar	2
Pecuniary interests matters referred by the Registrar, reported on	1
Non-members' right of reply	2
Committee reports and documents tabled	11
Committee reports tabled, requiring a ministerial response	0
Ministerial responses to committee reports	0

### **Committee Travel**

32. On 12 and 13 June 2013, three members of the committee undertook a study investigation to Wellington, New Zealand – Report No. 135, *Report on a study investigation by the committee – June 2013* (tabled 22 August 2013).

### **Committee revenue and expenditure**

33. The committee had no revenue during 2012-13. The committee is funded from the appropriation of the Legislative Assembly. The expenditure for the period 1 July 2012 to 30 June 2013 is set out below.

<b>Item</b>	<b>\$</b>
Staff salaries and related expenses	115,208
Committee Travel for MPs and Staff	4,340
Legal advice	7,000
Meeting expenses, stationery, consumables, and miscellaneous expenses	2,116
Telecommunication costs	901
Printing and Production	665
<b>Total</b>	<b>130,230</b>

## Meetings

34. During 2012-13, the committee held 24 meetings during the reporting period. An attendance schedule is set out below.

Ethics Committee Attendance 2012							
		Douglas	Berry	Kaye	Miller	Trad	Wellington
1	12-Jul-12	✓	✓	✓	✓	✓	✓
2	02-Aug-12	✓	✓	✓	✓	✓	✓
3	23-Aug-12	✓	✓	✓	✓	☒	✓
4	13-Sep-12	✓	✓	✓	✓	✓	✓
5	01-Nov-12	✓	✓	✓	✓	✓	✓
6	15-Nov-12	☒	✓	✓	✓	✓	✓
7	29-Nov-12	✓	✓	✓	✓	✓	✓

### Notes

23.08.12 Mr Pitt attended as replacement for Ms Trad.

15.11.12 Mr Walker attended as replacement Chair for Mr Douglas.

Ethics Committee Attendance 2013									
		Dowling	Kaye	Pucci	Miller	Trad	Wellington	Mulherin	Cunningham
8	14 Feb 2013 12:07pm	✓	✓	✓	☒	☒	✓	✓	
9	14 Feb 2013 12:45pm	✓	✓	✓	☒	☒	✓	✓	
10	14 Feb 2013 1:00pm	✓	✓	✓	☒	☒	☒	✓	✓
11	10-Apr-13	✓	✓	✓	✓	☒	✓	✓	
12	18 Apr 2013 12:50pm	✓	✓	✓	☒	☒	☒		✓
13	18 Apr 2013 4:24pm	✓	✓	✓	☒	✓	✓	✓	
14	30 Apr 2013 1:14pm	✓	✓	✓	☒	✓	✓	✓	
15	30 Apr 2013 2:20pm	✓	✓	✓	☒	✓	✓		
16	02 May 2013 12:09pm	✓	✓	✓	☒	✓	✓	✓	
17	02 May 2013 12:15pm	✓	✓	✓	✓	✓	✓		
18	04-Jun-13	✓	✓	✓	☒	✓	✓	✓	
19	05-Jun-13	✓	✓	✓	☒	✓	✓	✓	
20	06-Jun-13	✓	✓	✓	☒	✓	✓	✓	
21	07-Jun-13	✓	✓	✓	☒	✓	☒	✓	
22	13-Jun-13	✓	✓	✓	☒	✓	✓	✓	
23	19-Jun-13	✓	☒	✓	☒	✓	✓	☒	
24	24-Jun-13	✓	✓	✓	☒	✓	✓	✓	

### Notes

12.12.12 Mr Mulherin was appointed as replacement for Mrs Miller for particular matters and replaced her during her period of suspension of three months commencing 21 May 2013.

12.12.12 Mrs Cunningham was appointed as replacement for Mr Wellington for a particular matter

14.02.13, 12:07pm Mr Pitt attended as replacement for Ms Trad

14.02.13, 12:45pm Mr Pitt attended as replacement for Ms Trad

10.04.13 Mr Mulherin attended as replacement for Ms Trad

14.02.13, 1:00pm Mr Pitt attended as replacement for Ms Trad

06.06.13 Mr Boothman attended as replacement for Mr Kaye for part of this meeting

### **Membership — 54th Parliament**

Mr Michael Crandon MP, Chair<sup>3</sup>  
*Member for Redlands*

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

Mr Ian Kaye MP  
*Member for Greenslopes*

Mr Michael Pucci MP  
*Member for Logan*

Ms Jackie Trad MP  
*Member for South Brisbane*

Mr Peter Wellington MP  
*Member for Nicklin*

### **Secretariat**

Mr Michael Ries, *Research Director*

Mrs Sharon Hunter, *Principal Research Officer*<sup>4</sup>

Ms Andrea Musch, *Executive Secretary*

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**Mr Michael Crandon MP**  
**Chair**

November 2013

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<sup>3</sup> On 7 August 2013, Mr Crandon replaced Mr Peter Dowling MP as Chair.

<sup>4</sup> On 15 July 2013, Mrs Hunter replaced Ms Erin Pasley as Principal Research Officer.