



## **ETHICS COMMITTEE**

### **Report No. 143**

## **Report on a Right of Reply No. 25**

### ***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 Caroline Bennett***

5. On 8 August 2013, the Minister for Agriculture, Fisheries and Forestry, Hon Dr John McVeigh MP, Member for Toowoomba South (the Minister) made a statement regarding the president of the P&C of Toowoomba State School.
6. Although the Minister did not refer to Ms Bennett by name, the committee considers that Ms Bennett could be readily identified by reference to her position as president of the P&C of that school.
7. Ms Bennett wrote to the Speaker, on 3 October 2013, asserting that the Minister's statement was not true and had adversely affected her reputation. Ms Bennett sought to have an appropriate response incorporated in the parliamentary record.
8. 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 21 October 2013, the Speaker referred the matter to the committee for its consideration, in accordance with Standing Order 280.

### ***The Committee's Inquiry***

9. The committee met in private session to consider the submission from Ms Bennett and how to proceed with the matter, noting—
  - the Standing Orders; and
  - the practice and established procedures of Ethics Committees in respect of similar submissions in the past.
10. The committee corresponded with Ms Bennett and negotiated a response in the context of the Standing Orders. Ms Bennett responded on 25 February 2014 agreeing to the response.
11. 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 Minister or the truth of the statements made by Ms Bennett in response.
12. 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 Michael Crandon MP**  
Chair

March 2014

### **Membership — 54th Parliament**

Mr Michael Crandon MP, Chair  
*Member for Coomera*

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**

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**RESPONSE BY Ms CAROLINE BENNETT TO STATEMENTS MADE BY THE MINISTER FOR AGRICULTURE, FISHERIES AND FORESTRY (HON DR JOHN McVEIGH MP) ON 8 AUGUST 2013**

On 8 August 2013, the Minister for Agriculture, Fisheries and Forestry, Hon Dr John McVeigh MP, Member for Toowoomba South made the following statement in the Queensland Parliament:

*... throughout the month of May I have met with the Toowoomba South State School. I note that, unfortunately, the president of the P&C of Toowoomba South State School was unwilling to allow me to meet with the P&C. Nonetheless I respect her right to do that. Therefore, I have met with various agencies around the city in that regard.*

As the President of the P&C of Toowoomba South State School I refute that I was unwilling to allow the Minister to meet with the P&C.

The Minister's comments are untrue and have adversely affected my standing and reputation.

## 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.