

ETHICS COMMITTEE

Report No. 149

Matter of privilege referred by the Registrar on 16 June 2014 relating to an alleged failure to register an interest in the Register of Members' Interests

Introduction and background

1. The Ethics Committee (the committee) is a statutory committee of the Queensland Parliament established under section 102 of the *Parliament of Queensland Act 2001* (the POQA). The current committee was appointed by resolution of the Legislative Assembly on 17 May 2012.
2. The committee's area of responsibility includes 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.¹
3. The matter in this report concerns an allegation by the Deputy Leader of the Opposition, Hon Tim Mulherin MP that the Member for Barron River, Mr Michael Trout MP knowingly failed to register the following interests, in accordance with the requirements of the Members' Register of Interests:
 - directorship of Atherton Tableland Promotion Bureau Limited, trading as Tropical Tablelands Tourism;
 - directorship of Kaurareg Land and Sea Management Corporation Limited;
 - shareholdings in N.Q. Investments Pty Limited;
 - shareholdings in FNQ Farm Stay and Outdoor Education Pty Limited; and
 - investment properties owned by N.Q. Investments Pty Limited (a company in which the Member for Barron River allegedly owns shares).
4. By letters to the Registrar (the Clerk of the Parliament) dated 6 and 11 June 2014, the Deputy Leader of the Opposition requested that the Registrar refer the matter to the committee.
5. Accordingly, the Registrar referred the matter to the committee by letter dated 16 June 2014 in accordance with section 14(3) of Schedule 2 of the Standing Orders.

¹ Section 104B, *Parliament of Queensland Act 2001*.

The referral and committee process

6. Under section 104C of the POQA, the committee is to consider complaints referred to the committee about the failure to register particular interests.
7. Section 14(3) of Schedule 2 of the Standing Rules and Orders of the Legislative Assembly (Standing Orders) states that the Registrar must refer an allegation made by a member to the committee. Consequently, the Registrar referred the matter to the committee on 16 June 2014.
8. Schedule 2 of the Standing Orders sets out the procedure to be followed where a member makes an allegation against another member that the other member has failed to comply with the registration requirements. This process includes giving the member against whom the allegation has been made the opportunity to be heard and to make written submissions.
9. The committee invited both parties to provide a submission to the committee. The committee received a submission from the Member for Barron River on 21 August 2014.

Previous references regarding the Register of Interests

10. The Ethics Committee (and its predecessors) has considered seven references concerning an alleged failure to register an interest in the Members' Register of Interests.
11. The first matter related to an alleged failure of the then Premier (Bligh) to register a benefit in the Register of Interests. The committee found that it could be argued that the Premier was required to register accommodation in the Register of Members' Interests within a month of the house-sitting arrangement. The committee noted that this subsequently occurred. The committee went on to find that the Premier had no knowledge at the time of the house-sitting arrangement that it was an interest that could be required to be registered. The Premier was therefore not guilty of contempt for knowingly failing to register the benefit in the Register of Members' Interests in the time required.²
12. The second matter related to an alleged failure of the then Leader of the Opposition (Springborg) to register a benefit in the Register of Interests. The committee found that as the sponsored travel (helicopter flights) was received in an official capacity, the benefit was not required to be disclosed.³
13. The third matter related to an alleged failure by a member (Emerson) to register their roles as Director and Secretary of a company and the company's activities that is, providing the Registrar with an incomplete statement of interests. The committee found that the member was required to declare their positions in the company and the nature of activities. However, the committee was of the unanimous view that it was an inadvertent omission and therefore the member was not guilty of a contempt.⁴ In this matter, within 24 hours of the allegation being aired the member rectified the omission on his register and promptly notified the committee of his action and apologised for the omission.
14. The fourth and fifth matters related to the former Member for Sandgate (Nuttall). In Report No. 105, the committee unanimously found Mr Nuttall was required to disclose 36 payments he received at the very least under s. 7(2)(m) or s. 7(2)(p) of the Standing Orders. Accordingly, the committee found that Mr Nuttall committed contempt of parliament for failing to disclose each of the payments received from Messers Talbot and Shand, in the Register of Interests on 36 separate occasions, within the time period prescribed in s. 5(2) of Schedule 2.

² MEPPC, *Matter of Privilege Referred by the Registrar on 21 July 2008 Relating to the Alleged Failure by the Premier to Register a Benefit Received in the Register of Members' Interests*, Report No. 93, Goprint, Brisbane, 2008 at 6.

³ MEPPC, *Matter of Privilege Referred by the Registrar on 10 February 2009 Relating to the Alleged Failure by the then Leader of the Opposition to Register a Benefit Received in the Register of Members' Interests*, Report No. 96, Goprint, Brisbane, 2009 at 4.

⁴ MEPPC, *Matter of Privilege Referred by the Registrar on 25 February 2010 Relating to an Alleged Failure by a Member to Register an Interest in the Register of Members' Interests*, Report No. 104, Goprint, Brisbane, 2010 at 5.

15. The committee recommended the imposition of the maximum fine for each contempt to reflect the gravity of each offence and to send a strong message to members and the public about the level of accountability expected of Members of Parliament. Accordingly, the committee recommended that the House impose a fine of \$2,000 for each of the 36 separate occasions of contempt for non-disclosure of the payments received from Messers Talbot and Shand.⁵
16. In Report No. 114, the committee unanimously found Mr Nuttall was required to disclose 5 payments he received at the very least under s. 7(2)(m) or s. 7(2)(p) of the Standing Orders. Accordingly, the committee found that Mr Nuttall committed contempt of parliament for failing to disclose each of the payments received from Mr McKennariey, in the Register of Interests on five separate occasions, within the time period prescribed in s. 5(2) of Schedule 2.
17. Accordingly, the committee recommended that the House impose a fine of \$2,000 for each of the five separate occasions of contempt for non-disclosure of the payments received from Mr McKennariey.⁶
18. The sixth matter related to the production of a television address by the Premier (Newman). It was alleged that the Premier failed to register a 'gift in kind' in the Register of Members' Interests on the basis that the costs of production were borne, or substantially borne by the television station. The committee found that the production of a television address without recompense could amount to a gift but that as the benefit was not received by the Premier, it was not required to be disclosed.
19. The committee also considered whether the Premier ought to have declared the transaction on the basis that it appeared to raise a conflict of interest between the Premier's private interests and his duty as a member. However, the committee found that at the time the transaction occurred the Premier was not aware of the specific arrangements and there was no evidence to suggest that the Premier received an interest in a private capacity. Accordingly, the committee found that the Premier was not required to disclose the transaction.⁷
20. The seventh matter related to the former Member for Redcliffe (Driscoll). In Report No. 139, the committee unanimously found that Mr Driscoll was required to register 14 different interests in the Register of Members' Interests and Register of Related Persons' Interests on 48 occasions. Accordingly, the committee found that Mr Driscoll committed contempt of Parliament for failing to disclose 14 different interests in the Registers of Interests, within the time period prescribed in section 5(2) of the Standing Orders.
21. The committee recommended that no penalty be imposed in relation to two counts on the basis that Mr Driscoll took steps to rectify the situation prior to the allegation being made.
22. The committee, however, recommended that the House impose a fine of \$1,000 in relation to four counts of contempt related to the Register of Related Persons' Interests on the basis that no steps were taken by the former Member for Redcliffe to rectify the situation even after he took steps to declare his own role in the organisation. The committee also recommended that the House impose a fine of \$2,000 in relation to 42 counts of contempt on the basis that they were significant and the House should follow the precedent in the matters relating to the former Member for Sandgate to reflect the gravity of each offence and to send a strong message to members and the public about the level of accountability expected of Members of Parliament.

⁵ IEPPC, *Matter of Privilege Referred by the Speaker on 13 November 2006 Relating to the Alleged Failure by a Former Member to Register a Payment Received in the Register of Members' Interests*, Report No. 105, Goprint, Brisbane, 2010 at 11.

⁶ IEPPC, *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*, Report No. 114, Goprint, Brisbane, 2011 at 8.

⁷ Ethics Committee, *Matter of Privilege referred by the Registrar on 15 October 2012 relating to an alleged failure to register an interest in the Register of Members' Interests*, Report No. 127, November 2012.

23. The committee also found that the former Member for Redcliffe had also deliberately misled the House in a personal explanation he made on 19 March 2013 regarding his role as President of Queensland Retail Traders and Shopkeepers Association (QRTSA).
24. The committee recommended the House impose the maximum fine of \$2,000 to reflect the gravity of the offence and to send a strong message to members and the public about the level of accountability expected of Members of Parliament.
25. The committee considered the cumulative effect of the findings of contempt, specifically with respect to the common issue of Mr Driscoll's role with QRTSA and the potential conflict of his private interests with his role as a Member of Parliament.
26. The committee concluded that the House retained the power to expel a member by virtue of its link to the UK House of Commons. The committee recommended that Mr Driscoll be expelled from the House in order to protect the honour and dignity of the House and that the seat of Redcliffe be declared vacant.

Two Separate Tests

27. With respect to allegations of a failure to register an interest, the committee examines two separate tests and their elements as derived from the Standing Rules and Orders of the Legislative Assembly—
 1. Whether the matter required disclosure; and
 2. If yes, has the non-disclosure resulted in a contempt?
28. These tests are explored in detail below.

Whether the matters required disclosure?

29. The purpose of the Register of Members' Interests is to place on record any pecuniary or other relevant interests of a member which may give rise to a conflict of interest or a perception of a conflict of interest between a member's private interests and the public interest. The register seeks to provide information which might be thought by others to affect a member's public duties, or to influence their speeches or votes in the Legislative Assembly.⁸ The Preamble contains numerous statements that indicate the intention of the register of interests is for disclosure.
30. The Register of Members' Interests and Register of Related Persons' Interests are mechanisms to encourage and foster transparency, accountability and openness.⁹ As such the question of whether a member is required to register a benefit received is interpreted widely. There is an expectation, especially a public expectation that Members record any benefits received that may be perceived as a potential conflict of interest.

Timing of Registration

31. Section 5 of Schedule 2 provides –

⁸ Schedule 2 – Registers of Interests, *Standing Rules and Orders of the Legislative Assembly*. Effective from 31 August 2004 (as amended up to 1 July 2014).

⁹ Note 3.

5. (1) *Members are required in accordance with section 69B (1) of the Parliament of Queensland Act 2001 to give to the Registrar statements of interests of the member and related persons within 1 month of taking their seat.*

(2) *Members are required in accordance with s.69B (2) of the Parliament of Queensland Act 2001 to notify the Registrar within 1 month of any changes to their interest or the interests of related persons.*

32. Members of the 54th Parliament, including the Member for Barron River, were sworn in on 15 May 2012.

Outline of matters before the committee

33. The matters before the committee are listed below and then dealt with in detail under sub headings:

- an alleged failure by the Member for Barron River to register his directorship of Atherton Tableland Promotion Bureau Limited, trading as Tropical Tablelands Tourism;
- an alleged failure by the Member for Barron River to register his directorship of Kaurareg Land and Sea Management Corporation Limited;
- an alleged failure by the Member for Barron River to register his shareholdings in N.Q. Investments Pty Limited;
- an alleged failure by the Member for Barron River to register two investment properties allegedly owned by N.Q. Investments Pty Limited (a company in which the Member for Barron River allegedly owns shares); and
- an alleged failure by the Member for Barron River to register his shareholdings in F.N.Q. Farm Stay and Outdoor Education Pty Limited.

Atherton Tableland Promotion Bureau Limited

34. The Deputy Leader of the Opposition in his letter to the Registrar of 6 June 2014 alleged that the Member for Barron River failed to register his directorship of Atherton Tableland Promotion Bureau Ltd (trading as Tropical Tablelands Tourism). Schedule 2, section 7(2)(b) requires that a statement of interests given by a member must contain the following details:

(b) in respect of any company of which the member or a related person is an officer—

- (i) the name of the company;*
- (ii) the nature of the office held; and*
- (iii) the nature of the activities of the company.*

35. The definition of "company" for the purposes of Schedule 2 includes both private and public companies (which includes non-profit organisations). Further, the definition of "officer" makes no distinction between whether the position is remunerated or voluntary.

36. Atherton Tableland Promotion Bureau Ltd is registered by the Australian Securities and Investments Commission (ASIC) as a public company, limited by guarantee.

37. A review of ASIC [information provided by the Deputy Leader of the Opposition] and the Register of Interests records relating to the Member for Barron River's role in Atherton Tableland Promotion Bureau Ltd revealed that:

- on 19 September 2005, the Member for Barron River was appointed as a director of Atherton Tableland Promotion Bureau Ltd;

- on 18 June 2012, the Registrar received the Member for Barron River's first statement of interests. This statement is required to be given to the Registrar within one month of taking seat under section 69B(1) of the POQA. The Member for Barron River did not declare his position as director of Atherton Tableland Promotion Bureau Ltd;
 - on 27 July 2013, the Registrar received confirmation from the Member for Barron River that the particulars in his statement of interests were correct, in accordance with section 5(3) of Schedule 2 of the Standing Orders; and
 - on 23 June 2014, the Member for Barron River notified the Registrar of a change to his statement of interests to include an entry at Item 20 (Other Interests) "Director, Tropical Tablelands Tourism (voluntary position, not for profit community organisation).
38. On the material before the committee, the committee finds that the Member for Barron River was required to declare his role as director in Atherton Tableland Promotion Bureau Ltd, and the nature of the activities of the organisation under section 7(2)(b).
39. The member's obligation to declare his directorship in Atherton Tableland Promotion Bureau Ltd arose within one month of taking his seat, that is, by 15 June 2012. The Member's Register of Interests clearly indicates that the directorship was not declared at the relevant time.
40. Accordingly, the committee finds that there has been a failure by the Member for Barron River to declare his role on Atherton Tableland Promotion Bureau Ltd until 23 June 2014.

Kaurareg Land and Sea Management Corporation Limited

41. The Deputy Leader of the Opposition in his letter to the Registrar of 6 June 2014 alleges that the Member for Barron River failed to register directorship of Kaurareg Land and Sea Management Corporation Ltd, in accordance with section 7(2)(b) of Schedule 2 of the Standing Orders.
42. Kaurareg Land and Sea Management Corporation Ltd was registered by ASIC as a public company, limited by guarantee. Kaurareg and Sea Management Corporation Ltd was deregistered on 18 April 2014.
43. A review of ASIC [information provided by the Deputy Leader of the Opposition] and the Register of Interests records relating to the Member for Barron River's role in Kaurareg Land and Sea Management Corporation Ltd revealed that:
- on 26 November 2009, the Member for Barron River was appointed as a director of Kaurareg Land and Sea Management Corporation Ltd;
 - on 18 June 2012, the Registrar received the Member for Barron River's first statement of interests, in accordance with section 69B(1) of the POQA. The Member for Barron River did not declare his position as director of Kaurareg Land and Sea Management Corporation Ltd;
 - on 27 July 2013, the Registrar received confirmation from the Member for Barron River that the particulars in his statement of interests were correct, in accordance with section 5(3) of Schedule 2 of the Standing Orders;
 - on 18 April 2014, the Member for Barron River ceased to be a director of Kaurareg Land and Sea Management Corporation Ltd and the company was deregistered; and
 - on 6 August 2014, the Member for Barron River notified the Registrar of a change to his statement of interests to include an entry at Item 5 (Positions held as officer of company, including any subsidiary company) "Kaurareg Land and Sea Management Corporation, director. It never traded. I resigned by letter on 11 April 2011 but never ratified by the board, company deregistered 18 April 2014."

44. On the material before it, the committee finds that the Member for Barron River was required to declare his role as director in Kaurareg Land and Sea Management Corporation Ltd, and the nature of the activities of the organisation, under section 7(2)(b).
45. The member's obligation to declare his directorship in Kaurareg Land and Sea Management Corporation Ltd arose within one month of taking his seat, that is, by 15 June 2012 and ceased on 18 April 2014 – the date he ceased to be a director and the company was deregistered. The Member's Register of Interests clearly indicates that the directorship was not declared during this period.
46. Accordingly, the committee finds that there has been a failure by the Member for Barron River to declare his role on Kaurareg Land and Sea Management Corporation Ltd between 15 June 2012 and 18 April 2014.

N.Q. Investments Pty Limited

47. The Deputy Leader of the Opposition, in his letter to the Registrar of 6 June 2014, alleges that the Member for Barron River failed to register his shareholdings in N.Q. Investments Pty Ltd. Schedule 2, section 7(2)(a) requires that a statement of interests given by a member must contain the following details:
 - (a) *in respect of any company in which the member or a related person is a shareholder or has a controlling interest in shares –*
 - (i) *the name of the company;*
 - (ii) *where the shareholding or interest constitutes a controlling interest in the company – the shareholdings of the company in any other company;*
 - (iii) *where the shareholding or interest is held in a private company, the investments or beneficial interests of the company; and*
 - (iv) *where the shareholding or interest is held in a private company that is the holding company of another company—*
 - (A) *the investments or beneficial interests of the holding company;*
 - (B) *the name of any company that is a subsidiary of the holding company;*
 - (C) *the name of any company that is a subsidiary of any company that is the holding company's subsidiary; and*
 - (D) *the investments or beneficial interests of those subsidiary companies ...*
48. N.Q. Investments Pty Ltd is registered by ASIC as a proprietary company, limited by shares. The status of the company on the ASIC database is 'Strike-Off Action In Progress'.
49. A review of ASIC [information provided by the Deputy Leader of the Opposition] and the Register of Interests records relating to the Member for Barron River revealed that:
 - on 2 August 1999, N.Q. Investments Pty Ltd was registered by ASIC;
 - the Member for Barron River was the director of N.Q. Investments Pty Ltd between 9 August 1999 and 27 April 2011;
 - the Member for Barron River continued to be a shareholder in N.Q. Investments Pty Ltd;
 - on 18 June 2012, the Registrar received the Member for Barron River's first statement of interests, in accordance with section 69B(1) of the POQA. The Member for Barron River did not declare his shares in N.Q. Investments Pty Ltd;
 - on 27 July 2013, the Registrar received confirmation from the Member for Barron River that the particulars in his statement of interests were correct, in accordance with section 5(3) of Schedule 2 of the Standing Orders; and

- on 6 August 2014, the Member for Barron River notified the Registrar of a change to his statement of interests to include an entry at Item 1 (Shareholdings or controlling interest in companies) "FNQ Farmstay & Outdoor Education Pty Ltd, strike-off action in progress; NQ Investment Pty Ltd, strike-off action in progress. Both FNQ Farmstay & Outdoor Education Pty Ltd and NQ Investment Pty Ltd have been dormant for many years. Instructions were given to wind up both of the above companies prior to March 2012."
 - on 27 August 2014, the Member for Barron River ceased to hold shares in N.Q. Investments Pty Ltd and the company was deregistered.
50. On the material before it, the committee finds that the Member for Barron River was required to declare his shares in N.Q. Investments Pty Ltd, under section 7(2)(a).
51. The member's obligation to declare his shares in N.Q. Investments Pty Ltd arose within one month of taking his seat, that is, by 15 June 2012 and ceased on 27 August 2014 – the date he ceased to hold shares and the company was deregistered. The Member's Register of Interests clearly indicates that the Member for Barron River's shares were not declared during this period.
52. Accordingly, the committee finds that there has been a failure by the Member for Barron River to declare his shares in N.Q. Investments Pty Ltd until 6 August 2014.

Investment properties allegedly owned by N.Q. Investments Pty Limited

53. The Deputy Leader of the Opposition in his letter to the Registrar of 11 June 2014 alleges that the Member for Barron River failed to register two investment properties allegedly owned by N.Q. Investments Pty Limited (a company in which the Member for Barron River owns shares).
54. The Deputy Leader of the Opposition alleged that the two properties owned by N.Q. Investments Pty Ltd are "undoubtedly the source of some income to NQ Investments Pty Ltd, and as the sole shareholder, to Mr Trout." The Deputy Leader of the Opposition states that the income is likely to be over \$500 per annum.
55. Schedule 2, section 7(2)(a)(iii) requires that a Member's statement of interests must contain the following information in respect of any company in which the member or a related person is a shareholder or has a controlling interest in shares:
- (iii) where the shareholding or interest is held in a private company, the investments or beneficial interests of the company; and*
56. In addition, Schedule 2, section 7(2)(m) requires that a statement of Member's interests must contain the source of any other income over \$500 per annum received by the Member or a related person or a private company or trust, in which the Member or a related person holds an interest.
57. The Deputy Leader of the Opposition provided evidence to the committee which appeared to show that North Queensland Investments Pty Ltd owned the two investment properties in question.
58. On 21 August 2014, the Member for Barron River informed the committee that North Queensland Investments Pty Ltd and N.Q. Investments Pty Ltd are different companies and that he has no interest in the former.
59. A review of the ASIC database revealed that North Queensland Investments Pty Ltd and N.Q. Investments Pty Ltd are different companies with different ACNs and registered offices. There is no evidence to suggest that the Member for Barron River has any interest in North Queensland Investments Pty Ltd.
60. Accordingly, the committee finds that there has not been a failure by the Member for Barron River to register North Queensland Investments Pty Ltd's interest in two investment properties.

FNQ Farm Stay and Outdoor Education Pty Limited

61. The Deputy Leader of the Opposition in his letter to the Registrar of 6 June 2014 alleges that the Member for Barron River failed to register his shareholdings in FNQ Farm Stay and Outdoor Education Pty Ltd, in accordance with Schedule 2, section 7(2)(a) of the Standing Orders.
62. FNQ Farm Stay and Outdoor Education Pty Ltd is registered by ASIC as a proprietary company, limited by shares.
63. A review of ASIC [information provided by the Deputy Leader of the Opposition] and the Register of Interests records relating to the Member for Barron River revealed that:
 - on 30 November 2006, FNQ Farm Stay and Outdoor Education Pty Ltd was registered by ASIC;
 - the Member for Barron River was the director of FNQ Farm Stay and Outdoor Education Pty Ltd between 30 November 2006 and 27 April 2011;
 - the Member for Barron River is currently a shareholder in FNQ Farm Stay and Outdoor Education Pty Ltd;
 - on 18 June 2012, the Registrar received the Member for Barron River's first statement of interests, in accordance with section 69B(1) of the POQA. The Member for Barron River did not declare his shares in FNQ Farm Stay and Outdoor Education Pty Ltd; and
 - on 27 July 2013, the Registrar received confirmation from the Member for Barron River that the particulars in his statement of interests were correct, in accordance with section 5(3) of Schedule 2 of the Standing Orders.
 - on 6 August 2014, the Member for Barron River notified the Registrar of a change to his statement of interests to include an entry at Item 1 (Shareholdings or controlling interest in companies) "FNQ Farmstay & Outdoor Education Pty Ltd, strike-off action in progress; NQ Investment Pty Ltd, strike-off action in progress. Both FNQ Farmstay & Outdoor Education Pty Ltd and NQ Investment Pty Ltd have been dormant for many years. Instructions were given to wind up both of the above companies prior to March 2012."
64. On the material before it, the committee finds that the Member for Barron River was required to declare his shares in FNQ Farm Stay and Outdoor Education Pty Ltd, under section 7(2)(a).
65. The member's obligation to declare his shares in FNQ Farm Stay and Outdoor Education Pty Ltd arose within one month of taking his seat, that is, by 15 June 2012 and continues until the company is deregistered, regardless of whether there is "strike-off action in progress". The Member's Register of Interests clearly indicates that this interest was not declared on 15 June 2012. A declaration was not made until 6 August 2014.
66. Accordingly, the committee finds that there has been a failure by the Member for Barron River to declare his shares in FNQ Farm Stay and Outdoor Education Pty Ltd until 6 August 2014.

If yes, has the non-disclosure resulted in a contempt?

67. The committee's findings, as detailed above, are that the Member for Barron River was required to declare the following interests in the Members' Register of Interests within one month of taking his seat on 15 June 2012:
 - the Member for Barron River's role as a director of Atherton Tableland Promotion Bureau Ltd under s.7(2)(b);
 - the Member for Barron River's role as a director of Kaurareg Land and Sea Management Corporation Ltd under s.7(2)(b) until 18 April 2014;

- the Member for Barron River's shares in N.Q. Investments Pty Ltd, under s.7(2)(a); and
- the Member for Barron River's shares in FNQ Farm Stay and Outdoor Education Pty Ltd, under s.7(2)(a).

68. Having made the above finding, the committee then considered whether the non-disclosure of these interests resulted in a contempt.
69. Section 18 of schedule 2 of the Standing Orders sets out the effect of a failure to comply with the Register of Interests' requirements as follows—

A member who knowingly—

- (a) *fails to give a statement of interests to the Register under subclause 5(1);*
- (b) *fails to notify the Registrar under subclause 5(2) of a change of details contained in a statement of interest;*
- (c) *gives to the Registrar a statement of interests, or gives information to the Registrar or the Committee, that is false, incomplete or misleading in a material particular;*

is guilty of a contempt of the Parliament and may be dealt with accordingly (Emphasis added).

70. The test in relation to this matter is did the member deliberately provide the Registrar with an incomplete statement of interests in the knowledge that the interests at paragraph 67 should be registered. Applying this to the facts, the committee would have to be satisfied that the member knew that he should have included his directorship and shareholdings in the relevant organisations in his statement of interests and deliberately omitted to do so.
71. The Deputy Leader of the Opposition's complaints did not provide the committee with any clear evidence, other than assertion, that the member *knowingly* failed to notify the Registrar of any required declarations.
72. The Deputy Leader of the Opposition asserts that the Member for Barron River was aware of the requirements at Schedule 2 of the Standing Orders as: he attended the Clerk's session on the Members' Register of Interests as part of the Members' Induction Program; the requirements to register at 7(2)(b) are clear cut; and he had knowledge of the requirements, as he has registered interests in other companies.
73. The Member for Barron River's submission states that his failure to register his directorship of Atherton Tableland Promotion Bureau Ltd was an inadvertent oversight. The Member for Barron River stated that:
- I was appointed to the Board [of Atherton Tableland Promotion Bureau Ltd] as a Special Interest Director, an unpaid position. As such, I was not aware that it was necessary for me to register my interest in that non profit organisation. My role is purely voluntary.*
74. The committee notes that after becoming aware of the omission and seeking advice from the Registrar, the member took steps on 23 June 2014 and 6 August 2014 to rectify the situation by including the nature of offices held and activities of the company in his Members' statement of interests.
75. It appeared from the evidence before the committee, that the Member for Barron River instructed his accountant that he wished to resign as director of, and deregister, Kaurareg Land and Sea Management Corporation Ltd, N.Q. Investments Pty Ltd and FNQ Farm Stay and Outdoor Education Pty Ltd on 24 April 2011, prior to his election to Parliament.
76. The evidence before the committee suggested that the accountant acted on the instruction for the Member for Barron River to resign as director of N.Q. Investments Pty Ltd and FNQ Farm Stay and Outdoor Education Pty Ltd at that time. However, it appeared that his accountant did

not arrange for the Member for Barron River to resign as director of Kaurareg Land and Sea Management Corporation Ltd and for that company to be deregistered until mid-April 2014.

77. It also appears that the Member for Barron River's accountant has not, to date, deregistered FNQ Farm Stay and Outdoor Education Pty Ltd. However, the ASIC database as at 9 October 2014 reports that "strike-off action is in progress."
78. On the evidence before it, the committee considered that the Member for Barron River's failure to register his interests in Kaurareg Land and Sea Management Corporation Ltd, N.Q. Investments Pty Ltd and FNQ Farm Stay and Outdoor Education Pty Ltd was due to the Member for Barron River's false assumption that his accountant had acted on his instructions to resign as director and deregistered the companies. Therefore, the Member for Barron River did not knowingly fail to declare his interests in relation to these organisations in his Member's statement of interests.
79. Notwithstanding the above, as stated in the Code of Ethical Standards, it is the personal responsibility of each member to conscientiously comply with the requirements of the Registers of Members' and Related Persons' Interests. The Committee suggests that the Member for Barron River should have sought written confirmation from his accountants that the companies had been deregistered.
80. The committee encourages Members to take care in completing their declarations, seek advice from the Registrar if they have any doubts about disclosing an interest and to correct inadvertent errors in their Register of Interests as soon as they come to their attention.
81. The Committee recommends that at the first available opportunity, the Member for Barron River make a statement in the House to apologise to the House for failing to register the relevant interests detailed above in accordance with the Standing Rules and Orders of the Legislative Assembly.

Conclusion regarding contempt

82. Accordingly, the committee concluded that based on the material before it, there is insufficient evidence to indicate that the Member for Barron River knowingly failed to register his interests in Atherton Tableland Promotion Bureau Ltd, Kaurareg Land and Sea Management Corporation Ltd, N.Q. Investments Pty Ltd and FNQ Farm Stay and Outdoor Education Pty Ltd.
83. The committee, therefore, found no contempt in this matter.

Conclusion 1

The committee finds that the Member for Barron River was required to:

- (i) register his directorship of Atherton Tableland Promotion Bureau Ltd, in accordance with Schedule 2, 7(2)(b) of the Standing Orders from 15 June 2012;**
- (ii) register his directorship of Kaurareg Land and Sea Management Pty Ltd, in accordance with Schedule 2, 7(2)(b) of the Standing Orders, between 15 June 2012 and the date he ceased to be a director and the company was deregistered (18 April 2014); and**
- (iii) register his shareholdings in N.Q. Investments Pty Ltd, in accordance with Schedule 2, 7(2)(a) of the Standing Orders, between 15 June 2012 and the date he ceased to have shareholdings and the company was deregistered (27 August 2014).**

Conclusion 2

The committee finds that the Member for Barron River was required to register his shareholdings in FNQ Farmstay Outdoor Education Pty Ltd, in accordance with Schedule 2, 7(2)(a), until such a time as the company is deregistered.

Conclusion 3

The committee finds the Member for Barron River was not required to declare North Queensland Investments Pty Ltd's ownership of two investment properties in accordance with Schedule 2, 7(2) (a) and 7(2) (m) of the Standing Orders.

Conclusion 4

The committee finds that the Member for Barron River did not commit contempts of Parliament for failing to register each of the relevant interests within the relevant time periods prescribed in section 5(2) of Schedule 2. The committee finds that the Member for Barron River did not knowingly fail to register the interests as he had acted under the false assumption that his accountant had acted on his instructions that he had resigned his directorships and to deregister the relevant companies.

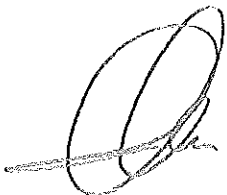
Recommendation 1

The committee recommends that at the first available opportunity, the Member for Barron River make a statement in the House to apologise to the House for failing to register the relevant interests detailed above in accordance with the Standing Rules and Orders of the Legislative Assembly.

Committee Comment

The committee reminds all members that it is the personal responsibility of each member to conscientiously comply with the requirements of the Registers of Members' and Related Persons' Interests. Members should not seek to delegate such responsibilities to their accountants or financial advisers.

Furthermore, the committee encourages Members to take care in completing their declarations, seek advice from the Registrar if they have any doubts about disclosing an interest and to correct inadvertent errors in their Register of Interests as soon as they come to their attention.



Michael Crandon MP
Chair

October 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

Mr Michael Ries, *Research Director*

Mr Karl Holden, *Principal Research Officer*

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: www.parliament.qld.gov.au/ethics

Subscribe: www.parliament.qld.gov.au/subscribe