



ETHICS COMMITTEE

Report No. 178

Report on a Right of Reply No. 33

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 for persons and corporations and the procedure for the committee to follow when considering submissions.
4. 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.
5. 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.

Referral

6. Ms Cate Carter wrote to the Speaker on 22 June 2017 to seek a citizen's right of reply to statements made in a document titled 'Ipswich Inc' tabled by the Member for Cairns, Mr Rob Pyne MP, on 14 June 2017.
7. On 29 June 2017, the Speaker referred Ms Carter's request for a citizen's right of reply to the committee for consideration.

Committee's Inquiry

8. The committee met in private session to consider the submission from Ms Carter 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.
9. The committee corresponded with Ms Carter and proposed a response in the context of the Standing Orders. Ms Carter responded by proposing minor amendments to the committee's proposed response.
10. On 26 October 2017, the committee agreed to Ms Carter's amended response.
11. In accordance with Standing Order 282(5), the committee did not consider or judge the truth of any statements made in the document tabled by the Member for Cairns, or the truth of the statements made by Ms Carter in response.
12. The committee resolved to recommend to the Legislative Assembly that the agreed response be incorporated into the Record of Proceedings.

Recommendation 1:

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



Mr Don Brown MP
Chair

October 2017

Membership — 55th Parliament

Mr Don Brown MP, Chair
Member for Capalaba

Mr Jeff Seeney MP, Deputy Chair
Member for Callide

Mr Craig Crawford MP
Member for Barron River

Mr Linus Power MP
Member for Logan

Ms Fiona Simpson MP
Member for Maroochydore

Mr Trevor Watts MP
Member for Toowoomba North

Secretariat

Mr Michael Ries, *Committee Secretary*
Ms Melissa Salisbury, *Assistant Committee Secretary*
Ms Andrea Musch, *Executive Secretary*

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RESPONSE BY MS CATE CARTER TO STATEMENTS MADE IN A DOCUMENT TABLED BY THE MEMBER FOR CAIRNS, MR ROB PYNE MP, ON 14 JUNE 2017

On 14 June 2017, the Member for Cairns tabled a document in the Queensland Parliament which included the following statement:

The Ipswich Police Communication Centre Campaign against the State Government over relocation: Pisasale has been using a staff member Cate Carter as a trusted leak to provide information on Police Activities including police raids, arrests and accidents over a number of years. He used this information to advise media outlets, to discuss crimes and get footage from Safe City Cameras for publicity. Pisasale worked closely with the QLD Police Union who wanted to pressure the Govt over the appointment of the Police commissioner. The mayor was concerned a Police Minister in his area and known not to be a supporter of his. The Mayor subsequently assisted Cate Carter in her Ipswich City Council election campaign and organised positive stories in the QT.

I have never leaked confidential information on Police activities to Mr Pisasale in the course of my employment with the Queensland Police Service, nor would I ever do so. Furthermore, the suggestion that Mr Pisasale assisted my 2016 local Government election campaign and arranged positive media coverage for me is wholly false. I used my limited personal savings, arranged my own media releases and had my own contact with the journalists and photographers of the Queensland Times and Advertiser. In my position I do not burn Safe City Footage, Ipswich City Council own the program and have their own procedures for obtaining such material without going through me.

On May 27 2016, an incumbent Ipswich Councillor made a similar allegation of misconduct against me, and the subsequent investigation cleared me of any wrongdoing. On the 14th of March 2017 the same Incumbent made a second allegation against me of wrongdoing, and again, I was cleared after a lengthy investigation. These documents can be obtained through the freedom of Information.

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.

MS CATE CARTER REQUEST FOR A
CITIZEN'S RIGHT OF REPLY



Objective ID: A218344

Ethics Committee

Meeting No. 16

Thursday, 10 August 2017, 1:00 PM

Committee Room 1, Parliamentary Annexe

Present	Mr Don Brown MP Mr Craig Crawford MP Mr Linus Power MP Mr Jeff Seeney MP Ms Fiona Simpson MP (arrived 1:03 PM) Mr Trevor Watts MP (arrived 1.05 PM)
Apologies	Nil
In attendance	Mr Michael Ries, Committee Secretary Ms Melissa Salisbury, Assistant Committee Secretary

1. Welcome and apologies

The meeting commenced at 1:00 PM, there were no apologies.

2. Citizen's Right of Replies

2.1 Briefing Paper No. 73

Resolved

That the committee:

- a) consider the submission from Ms Carter in relation to Standing Order 280, citizen's right of reply; and
- b) endorse the Chair send the attached letter to Ms Carter setting out the criteria for a citizen's right of reply, suggesting the enclosed wording of a response to be incorporated into the Record of Proceedings.

Moved: Mr Seeney

Seconded: Mr Crawford

Close The meeting closed at 1:17PM

Certified correct on the 24th day of August 2017

A handwritten signature in black ink, appearing to read 'Don Brown'.

Don Brown MP

Chair

**Ethics Committee**

Meeting No. 20C

Thursday, 26 October 2017, 1:12PM

Committee Room 1, Parliamentary Annexe

Present

Mr Don Brown MP
Mr Linus Power MP
Mr Jeff Seeney MP
Ms Fiona Simpson MP
Mr Trevor Watts MP

Apologies

Nil

In attendance

Mr Michael Ries, Committee Secretary
Ms Melissa Salisbury, Assistant Committee Secretary

1. Welcome and apologies

The meeting commenced at 1:12pm. There were no apologies.

2. Citizen's Right of Reply – Ms Cate Carter

2.1 Briefing Paper No. 86

2.2 Draft Report No. 178: Report on a Right of Reply No. 33

Resolved

That the:

- a) committee approve the amended wording from Ms Carter in relation to Standing Order 280, citizen's right of reply;
- b) committee approve the attached draft report and endorse the Chair table the report on Thursday 26 October 2017 (NB if tabled on that date, in accordance with Sessional Order 2B it will need to be considered by the House on the next sitting day, 14 November 2017) (Attachment E);
- c) submission from Ms Cate Carter remain confidential in accordance with Standing Order 282(4), and therefore not be published with the report;
- d) committee endorse that the minutes of the committee's meeting of 10 August 2017 related to the committee's consideration of Ms Cate Carter's request for a right of reply be extracted and published with the Report No. 178: Report on a Right of Reply No. 33 (Attachment F),
- e) committee meet at a time of its choice later today to consider the minutes of this meeting (20C of 26 October 2017) to be published with the Report No. 178: Report on a Right of Reply No. 33, and that the minutes of the meeting held to consider the minutes of Meeting 20F to be held later today not be published with the report.
- f) committee endorse the Chair send the attached letter to Ms Carter agreeing to the amended enclosed wording of a response to be incorporated into the Record of Proceedings and advising of the tabling of the report (Attachment G).

Moved: Mr Seeney

Seconded: Mr Crawford

Close

The meeting closed at 1:14pm

Certified correct on the

day of

2017



Don Brown MP

Chair