



QUEENSLAND PARLIAMENT
Ethics Committee

REPORT NO. 220, 57TH PARLIAMENT

Report on a Right of Reply No. 43

November 2023

Ethics Committee

Chair	Ms Jennifer Howard MP, Member for Ipswich
Deputy Chair	Mr Andrew Powell MP, Member for Glass House
Members	Mr Linus Power MP, Member for Logan
	Mr Daniel Purdie MP, Member for Ninderry
	Ms Kim Richards MP, Member for Redlands
	Mr Ray Stevens MP, Member for Mermaid Beach

Functions and procedures

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 committee of the 57th Parliament was appointed by resolution of the Legislative Assembly on 26 November 2020.

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. The committee considers and reports on matters of privilege and possible contempts of parliament referred to it internally by the Speaker, the Registrar, a committee, or the House. This is an important element of the Parliament's exclusive cognisance over its own affairs, which enables it to fulfil its functions.

The committee has established procedures and practices for dealing with referrals which ensure procedural fairness and natural justice is afforded to all parties. These procedures are set out in chapters 44 and 45 of Standing Orders. The committee is also bound by the instructions regarding witnesses contained in Schedule 3 of the Standing Orders.

The committee applies the civil standard of proof, on the balance of probabilities, in making a finding of contempt. This is a lower standard than the 'beyond reasonable doubt' standard required for criminal matters. However, proof of a very high order is required to make a finding of contempt, consistent with the test applied in relation to misconduct charges at common law.

Committee Secretariat

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BACKGROUND

1. The Legislative Assembly may provide 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.

RIGHT OF REPLY PROCEDURE

3. Chapter 46 of the Standing Rules and Orders of the Legislative Assembly¹ (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. Dr Jillian Spencer wrote to the Speaker on 19 September 2023 requesting a citizen's right of reply in response to statements made in the House by the Minister for Health, Mental Health and Ambulance Services and Minister for Women (Hon Shannon Fentiman) on 14 September 2023.
7. On 9 October 2023, the Speaker referred Dr Spencer's request for a citizen's right of reply to the committee for consideration.

COMMITTEE'S INQUIRY

8. The committee considered the submissions from Dr Spencer and how to proceed with the matter, in accordance with the Standing Orders, and the established practice of former ethics committees in respect of similar submissions.
9. The committee corresponded with Dr Spencer and proposed a response that meets the requirements of Standing Orders. On 7 November 2023, Dr Spencer responded by agreeing to the proposed response.
10. In accordance with Standing Order 282(5), the committee did not consider or judge the truth of any statements made by the Minister for Health, Mental Health and Ambulance Services and Minister for Women or by Dr Spencer in this matter.
11. The committee resolved to recommend to the Legislative Assembly that the agreed response be incorporated into the Record of Proceedings.

RECOMMENDATION

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



Ms Jennifer Howard MP

Chair

November 2023

¹ <https://documents.parliament.qld.gov.au/assembly/procedures/StandingRules&Orders.pdf>

RESPONSE BY DR JILLIAN SPENCER TO STATEMENTS MADE BY THE MINISTER FOR HEALTH, MENTAL HEALTH AND AMBULANCE SERVICES AND MINISTER FOR WOMEN AND MEMBER FOR WATERFORD, HON SHANNON FENTIMAN MP, ON 14 SEPTEMBER 2023

On 14 September 2023, the Minister for Health, Mental Health and Ambulance Services and Minister for Women referred to me by name when responding to a question without notice.

The Minister's statement suggests that I am the subject of a number of patient complaints.

That is incorrect. There is only one patient complaint lodged against me.