



QUEENSLAND PARLIAMENT
Ethics Committee

REPORT NO. 233, 57TH PARLIAMENT

**Matter of privilege referred by the Speaker on
7 June 2024 relating to an allegation of encouraging a
member's refusal to follow a direction of the Speaker**

September 2024

Ethics Committee

Chair	Hon Stirling Hinchliffe MP, Member for Sandgate
Deputy Chair	Mr Andrew Powell MP, Member for Glass House
Members	Mr John-Paul Langbroek MP, Member for Surfers Paradise
	Mr Linus Power MP, Member for Logan
	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

Telephone:	+61 7 3553 6610
E-mail:	ethics@parliament.qld.gov.au
Committee webpage:	www.parliament.qld.gov.au/ethics

Note: All web address references are current at the time of publishing.

INTRODUCTION AND BACKGROUND

1. This report concerns an allegation that the member for Nanango, Ms Deb Frecklington MP and member for Maroochydore, Ms Fiona Simpson MP encouraged the member for Mudgeeraba, Ms Ros Bates not to withdraw comments made in the House as directed by the Speaker.
2. On 23 May 2024, the Speaker referred an allegation to the committee that the member for Mudgeeraba refused to follow a direction of the Speaker to withdraw.¹
3. On 7 June 2024, the Speaker tabled a ruling referring the members for Maroochydore and Nanango to the committee.²
4. Mr Speaker stated:

I have reviewed the audio and video capture of this incident. That review indicates that Members of the Opposition both encouraged and applauded the Member for Mudgeeraba in her actions.

Not all members can be identified.

In particular, the Members for Maroochydore and Nanango can be clearly heard advising the Member not to accede to my direction. The member for Maroochydore is heard saying "Don't withdraw" and the Member for Nanango is heard saying "No, it wasn't you".

Encouragement of and applauding a refusal to follow a direction of the Speaker to withdraw a matter is also disrespecting the authority of the Chair.

It is also extremely serious as it undermines the authority of the Speaker and risks the order of the House.

CONTEMPT OF PARLIAMENT

5. Section 37 of the *Parliament of Queensland Act 2001* (the POQA) defines the meaning of 'contempt' of the Assembly as follows:

(1) "Contempt" of the Assembly means a breach or disobedience of the powers, rights or immunities, or a contempt, of the Assembly or its members or committees.

(2) Conduct, including words, is not contempt of the Assembly unless it amounts, or is intended or likely to amount, to an improper interference with—

(a) the free exercise by the Assembly or a committee of its authority or functions; or

(b) the free performance by a member of the member's duties as a member.

6. Standing Order 266(23) provides an example of a contempt:

except by a substantive motion of censure, commenting or reflecting on the decisions or actions of the Chair, whether relating to actions inside the House or the character of the Chair in general.

7. Instances of reflecting on the Chair have been considered multiple times by predecessor Ethics Committees.³ Ethics Committee Report No. 90 states:

In Queensland, and in many other jurisdictions based on the Westminster system, it is a recognised principle of parliamentary privilege that the character or actions of the Chair (the Speaker, Deputy Speaker and Acting Speakers) may not be criticised by any member except on a substantive motion. There are numerous authorities that support this principle. The principle is based on respect for the

¹ See Ethics Committee Report No. 230, 57th Parliament, Matter of privilege referred by the Speaker on 23 May 2024 relating to a member's refusal to follow the Speaker's direction to withdraw, tabled 12 September 2024.

² Speaker's ruling tabled 7 June 2024, <https://documents.parliament.qld.gov.au/tp/2024/5724T907-B922.pdf>.

³ See paras 26-37 in Ethics Committee, Report No. 133, 54th Parliament, Matter of privilege referred by the Speaker on 28 November 2012 relating to an alleged reflection on the Chair. See also Ethics Committee, Report No. 217, 57th Parliament, Matter of Privilege referred by the Speaker on 16 March 2023 relating to an allegation against the member for Maiwar of misconducting oneself in the presence of the House or reflecting on the Chair.

institution of Parliament—the Chair being the embodiment of the power, authority and integrity of the Parliament.

8. In Ethics Committee Report No. 217, the committee considered whether conduct (specifically a refusal to withdraw offensive comments) could amount to a reflection on the Chair’s request for the member to withdraw in accordance with SO 234(2).⁴
9. Prior to Report No. 217, only statements made by a member had been considered a reflection. Therefore, the committee determined it would expand upon the previously established elements applied by former committees to also include conduct when considering alleged contempts in accordance with Standing Order 266(23). The same elements have been applied in this matter as follows:
 - Element 1: Did the members make the statements or display the conduct attributed to them?
 - Element 2: Do the statements or conduct amount to a reflection on the Chair?
 - Element 3: Do the statements or conduct constitute an improper interference with the free exercise by the Assembly of its authority or functions?

THE COMMITTEE’S PROCEEDINGS

10. The committee has established procedures and practices for dealing with referrals which ensure procedural fairness is afforded to all parties. These procedures are set out in chapters 44 and 45 of Standing Orders.
11. An unofficial transcript was provided to the committee by the Speaker as part of the referral. The transcript includes interjections made by members that do not appear in the official record of proceedings. The transcript attributes interjections to a number of opposition members including the member for Glass House, Mr Andrew Powell MP. The committee determined that the interjections attributed to the member for Glass House did not create a conflict of interest and preclude the member from participating in the committee’s deliberations on the matter.
12. On 14 June 2024, the committee wrote to the members to provide an opportunity to respond to the allegation in writing. The members were provided with a copy of the Speaker’s referral and a link to the audio and video provided to the committee as part of the referral.
13. The member for Maroochydore responded on 28 June 2024. The member for Nanango responded on 3 July 2024 after being granted a short extension.
14. The audio and video of the proceedings provided to the committee as part of the referral were unclear and inaudible in parts. Therefore, on 9 September 2024, the Chair and Deputy Chair of the committee listened to the direct audio feed in the presence of the Chief Hansard Reporter and secretariat.

CONSIDERATION OF THE ALLEGED CONTEMPT

Element 1: Did the members make the statements or display the conduct attributed to them?

15. The words attributed to the members in the unofficial record of proceedings were:

Ms Simpson: Don’t withdraw

Ms Frecklington: No, it wasn’t you

16. The member for Maroochydore stated in her submission:

I have reviewed the audio and video and contrary to the claim that I was making certain statements in the supplied unofficial transcript, this is incorrect.

There is no foundation and I refute this.

⁴ Ethics Committee Report No. 217, 57th Parliament, Matter of Privilege referred by the Speaker on 16 March 2023 relating to an allegation against the member for Maiwar of misconducting oneself in the presence of the House or reflecting on the Chair.

Words are ascribed in the transcript to myself as the speaker which I have not said.

Furthermore, despite the impression being given in the referral that I was on video uttering the offending phrases as part of the evidence, you will note that I am also not even visible at all in the video.

I refute the allegation and the substance of the referral.

17. The member for Nanango stated in her submission:

The words alleged to have been spoken by me are not discernible from the digital file. On the contrary, the exchanges that occurred make it extremely difficult to determine which members made any identifiable comments. To claim that any remarks by me along the lines alleged can be identified is not supported by the evidence I have been provided. There is nothing in the file that suggests I made the comments alleged.

It would be inappropriate and unfair to act on an unsupported allegation and could call into question the procedures of the House. Unsupported allegations should not be the basis upon which complaints can be made.

18. As referred to above, the committee had difficulty hearing the words attributed to the members. Only the member for Nanango could be seen on the video in the file provided.
19. Therefore, the committee resolved that the Chair and Deputy Chair of the committee listen to the audio directly from Hansard and provide a report to the committee.
20. The committee noted that the words 'do not withdraw' can be heard, however it is not clear that it was the member for Maroochydore. The committee also acknowledges that the member for Maroochydore denied stating those words.
21. The committee also noted that the words attributed to the member for Nanango could arguably be heard which was assisted by the video of the proceedings. However, even if the words could be attributed to the member for Nanango unequivocally, the committee does not consider that those words amount to the conduct attributed to her, that is, an encouragement of the member for Mudgeeraba not to withdraw.
22. The committee determined that the first element cannot be made out. Therefore, the committee did not proceed to consider the second and third elements.

Conclusion

23. The members for Maroochydore and Nanango are not in contempt.

COMMITTEE COMMENT

24. The committee emphasises the Speaker's comments that praising a member's refusal to follow a direction of the Speaker to withdraw is disrespectful to the authority of the Chair. It is a serious matter and risks the order of the House. It is disappointing that some members of the Opposition supported the member for Mudgeeraba's refusal to withdraw words as directed by the Speaker.
25. The committee reminds all members that such conduct does not uphold the standard of behaviour expected of members of parliament.

RECOMMENDATION

26. The committee recommends that the House take no further action.



Hon Stirling Hinchliffe MP
Chair

September 2024

ETHICS COMMITTEE PROCEEDINGS

Standing Order 211B(3) provides that when the Ethics Committee makes its final report to the House on a matter, the committee shall at the same time, table in the House:

- (a) The minutes of its proceedings relevant to the matter; and
- (b) Any submissions received or evidence taken in respect of the matter (including transcripts of hearings) unless the committee resolves that some or all of its proceedings remain confidential.

The relevant minutes and evidence in respect of this matter are attached to this report. Duplicated attachments have been removed.

EXTRACT OF MINUTES –

MATTER OF PRIVILEGE REFERRED BY THE SPEAKER ON 7 JUNE 2024 RELATING TO AN ALLEGATION OF ENCOURAGING A MEMBER'S REFUSAL TO FOLLOW A DIRECTION OF THE SPEAKER



Ethics Committee

Meeting No. 65
Friday, 14 June 2024, 8:30am
Committee Room 3, Parliamentary Annexe

Present

Hon Stirling Hinchliffe MP, Chair
Mr Andrew Powell MP, Deputy Chair
Mr John-Paul Langbroek MP
Mr Linus Power MP
Ms Kim Richards MP
Mr Ray Stevens MP (from 8:31am)

In attendance

Ms Erin Hastie, Committee Secretary
Ms Alethea Briggs, Acting Executive Secretary, Office of the Deputy Clerk

Inquiry 19 – Matter of privilege referred by the Speaker on 7 June 2024 relating to an allegation of encouraging a member's refusal to follow a direction of the Speaker

The secretariat's briefing and draft letters were circulated prior to the meeting.

The committee noted Mr Powell's recorded interjections provided in the material before the committee.

Discussion ensued.

The committee was satisfied this did not raise a conflict of interest for Mr Powell for this inquiry.

Resolved

That the committee further consider the matter and write to the member for Nanango and member for Maroochydore seeking a written explanation of the allegations under Standing Order 270(1)(b).

Moved: Mr Stevens

EXTRACT OF MINUTES –

MATTER OF PRIVILEGE REFERRED BY THE SPEAKER ON 7 JUNE 2024 RELATING TO AN ALLEGATION OF ENCOURAGING A MEMBER’S REFUSAL TO FOLLOW A DIRECTION OF THE SPEAKER



Ethics Committee

Meeting No. 68

Wednesday, 21 August 2024, 1.22pm
Committee Room 3, Parliamentary Annexe

Present

Hon Stirling Hinchliffe MP, Chair
Mr Andrew Powell MP, Deputy Chair
Mr John-Paul Langbroek MP
Mr Linus Power MP
Ms Kim Richards MP
Mr Ray Stevens MP

In attendance

Ms Erin Hastie, Committee Secretary
Ms Rebecca Meehan, Legal and Compliance Officer

Inquiry 19 – Matter of privilege referred by the Speaker on 7 June 2024 relating to an allegation of encouraging a member’s refusal to follow a direction of the Speaker

The secretariat’s briefing and draft letter were circulated prior to the meeting.

Discussion ensued.

Resolved

That the committee hold over this matter for further consideration.

Moved: Ms Richards

EXTRACT OF MINUTES –

MATTER OF PRIVILEGE REFERRED BY THE SPEAKER ON 7 JUNE 2024 RELATING TO AN ALLEGATION OF ENCOURAGING A MEMBER’S REFUSAL TO FOLLOW A DIRECTION OF THE SPEAKER



Ethics Committee

Meeting No. 69

Wednesday, 4 September 2024, 8.31am

Parliamentary Annexe, Brisbane and via teleconference

Present

Hon Stirling Hinchliffe MP, Chair
Mr Andrew Powell MP, Deputy Chair
Mr John-Paul Langbroek MP
Mr Linus Power MP
Ms Kim Richards MP
Mr Ray Stevens MP

In attendance

Ms Erin Hastie, Committee Secretary
Ms Rebecca Meehan, Legal and Compliance Officer

Inquiry 19 – Matter of privilege referred by the Speaker on 7 June 2024 relating to an allegation of encouraging a member’s refusal to follow a direction of the Speaker

The secretariat’s briefing and draft letter were circulated prior to the meeting.

Discussion ensued.

Resolved

That the committee write to the Speaker in the terms of the draft letter provided requesting another AV file or the opportunity for the Chair and Deputy Chair to listen to the recording in Hansard offices.

Moved: Mr Powell

EXTRACT OF MINUTES –

MATTER OF PRIVILEGE REFERRED BY THE SPEAKER ON 7 JUNE 2024 RELATING TO AN ALLEGATION OF ENCOURAGING A MEMBER’S REFUSAL TO FOLLOW A DIRECTION OF THE SPEAKER



Ethics Committee

Meeting No. 71

Wednesday, 11 September 2024, 1.10pm
Committee Room 3, Parliamentary Annexe

Present	Hon Stirling Hinchliffe MP, Chair Mr Andrew Powell MP, Deputy Chair Mr John-Paul Langbroek MP Mr Linus Power MP Ms Kim Richards MP Mr Ray Stevens MP
In attendance	Ms Erin Hastie, Committee Secretary Ms Rebecca Meehan, Legal and Compliance Officer

Inquiry 19 – Matter of privilege referred by the Speaker on 7 June 2024 relating to an allegation of encouraging a member’s refusal to follow a direction of the Speaker

The Chair provided an oral briefing to the committee.

Discussion ensued.

Resolved

That the committee make a finding that the member for Nanango and member for Maroochydore are not in contempt and direct the secretariat to prepare the Chair’s draft report in the terms discussed.

Moved: Mr Powell

EXTRACT OF MINUTES –

MATTER OF PRIVILEGE REFERRED BY THE SPEAKER ON 7 JUNE 2024 RELATING TO AN ALLEGATION OF ENCOURAGING A MEMBER'S REFUSAL TO FOLLOW A DIRECTION OF THE SPEAKER



Ethics Committee

Meeting No. 73

Wednesday, 25 September 2024, 10.30am

Sandgate Electorate Office and via teleconference

Present

Hon Stirling Hinchliffe MP, Chair
Mr Andrew Powell MP, Deputy Chair
Mr John-Paul Langbroek MP
Mr Linus Power MP
Ms Kim Richards MP
Mr Ray Stevens MP

In attendance

Ms Erin Hastie, Committee Secretary
Ms Rebecca Meehan, Legal and Compliance Officer

Inquiry 19 – Matter of privilege referred by the Speaker on 7 June 2024 relating to an allegation of encouraging a member's refusal to follow a direction of the Speaker

The Chair's draft report was circulated prior to the meeting.

Discussion ensued.

Resolved

That the committee adopts the Chair's draft report no. 233 as a report of the committee and authorises its tabling.

Moved: Mr Powell

Resolved

That the committee authorise the tabling of the following correspondence:

- Letter dated 11 June 2024 from the Speaker
- Letter dated 14 June 2024 to the member for Maroochydore, without the copy of the Speaker's referral
- Letter dated 14 June 2024 to the member for Nanango, without the copy of the Speaker's referral
- Letter dated 28 June 2024 from the member for Maroochydore
- Letter dated 3 July 2024 from the member for Nanango, and
- Letter dated 4 September 2024 to the Speaker.

Moved: Mr Power

Extracts certified correct on 25 September 2024

A handwritten signature in blue ink, appearing to read "Stirling".

**Hon Stirling Hinchliffe MP
Chair**



Your Ref:

Our Ref: 240611-OUT-Ethics Committee 1

11 June 2024

Hon Stirling Hinchliffe MP
Member for Sandgate
Chair
Ethics Committee
Parliament House
George Street
BRISBANE QLD 4000

By Email: Ethics@parliament.qld.gov.au

Dear Stirling

I refer to my statement made 7 June 2024 (enclosed) in relation to the encouragement of the Member for Mudgeeraba's refusal to withdraw comments at my direction.

In addition to my statement, I enclose relevant audio file and transcript.

Accordingly, I formally refer this matter to the Ethics Committee for consideration and report in accordance with Standing Order 268(2).

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Curt Pitt'.

HON CURTIS PITT MP
Speaker of the Legislative Assembly

Enc

Parliament House
George St Brisbane Queensland 4000 Australia

Phone + 61 7 3553 6700

Fax + 61 7 3553 6709

Email speaker@parliament.qld.gov.au

Web www.parliament.qld.gov.au

(MR SPEAKER)

SPEAKER'S RULING – REFERRAL TO ETHICS COMMITTEE

MR SPEAKER: Honourable members,

On 23 May 2024 I referred the refusal of the Member for Mudgeeraba to withdraw comments at my direction to the Ethics Committee.

I have reviewed the audio and video capture of this incident. That review indicates that Members of the Opposition both encouraged and applauded the Member for Mudgeeraba in her actions.

Not all members can be identified.

In particular, the Members for Maroochydore and Nanango can be clearly heard advising the Member not to accede to my direction. The member for Maroochydore is heard saying “Don’t withdraw” and the Member for Nanango is heard saying “No, it wasn’t you”.

Encouragement of and applauding a refusal to follow a direction of the Speaker to withdraw a matter is also disrespecting the authority of the Chair.

It is also extremely serious as it undermines the authority of the Speaker and risks the order of the House.

In accordance with Standing Order 268 (1) I am now recommending that the Members for Maroochydore and Nanango encouragement to the Member for Mudgeeraba to not follow a direction of the Speaker to withdraw be referred

to the Ethics Committee for its consideration and report and is accordingly referred.

Standing Order 271 now also applies to this matter.

Hansard transcript with additional interjections transcribed

Thursday 23 May 2024, page 1831

https://documents.parliament.qld.gov.au/events/han/2024/2024_05_23_WEEKLY.pdf

PERSONAL EXPLANATION

Comments by Member for Mudgeeraba

Ms BATES (Mudgeeraba—LNP) (10.35 am): Yesterday I made comment during Minister Fentiman's answer to a question about mothers being forced to bypass their local hospitals to give birth. My interjection was not directed at the health minister. It was a reference to the absurd notion that young mothers were having to hold on whilst in labour until they got to another hospital. In the last 24 hours social media posts by the health minister suggesting these comments were directed at her and without reference to the context of the debate around maternity services have gone viral and unleashed a wave of cyberbullying at me that, quite frankly, has been horrific. Worse, I have received vile messages and threats of violence on my phone, my email, my social media and to my office. As a childhood victim of domestic and family violence, these threats have been terrifying. I now ask that the incitement of these threats stop and I plead with the health minister and others to take down her misleading and deceitful videos.

Opposition members: Hear, hear!

Mr Mander interjected. **(Cyberbullying seminar on Friday.)**

Mr SPEAKER: Member for Everton, you are warned under the standing orders. I think the statement stood alone.

PRIVILEGE

Alleged Contempt of Parliament

Hon. SM FENTIMAN (Waterford—ALP) (Minister for Health, Mental Health and Ambulance Services and Minister for Women) (10.37 am): I rise on a matter of privilege suddenly arising. The member for Mudgeeraba has made very strong allegations that I have incited threats of violence against her. I find that—

Opposition members interjected. **(Bleijie – You told everyone to retweet it yesterday.) (Simpson – You told people to share it.)**

Mr SPEAKER: Order! Members to my left, the House heard the member for Mudgeeraba's statement and they heard it in silence. I ask that you show the same courtesy to the Minister for Health.

Ms FENTIMAN: I reject that. I find it personally offensive. I will ask her to withdraw. Like all members of this House, I have a duty of care about comments that are posted on my social media. I take very seriously—

Mr SPEAKER: Just briefly, I think you need to separate your matter of privilege suddenly arising from taking personal offence. Member for Mudgeeraba, the member has taken personal offence. Will you withdraw?

Simpson: Don't withdraw (Simpson)

Frecklington: No, it wasn't you.

Mander: For what?

Opposition members: For what?

Ms BATES: Mr Speaker, I rise to a point of order. I have written to you about this and these comments are not just—

Mr SPEAKER: Member for Mudgeeraba, I do not want a repeat of yesterday. I am separating two issues here. There has been a request by the Minister for Health; she found the comments personally offensive and she has asked for you to withdraw. I will deal with the remainder of the member's matter of privilege suddenly arising shortly. Will you withdraw?

Simpson: She should be offended by it. She did it.

Mr BLEIJIE: Mr Speaker, I rise to a point of order.

Mr SPEAKER: I am waiting for a response. What is your point of order?

Mr BLEIJIE: Mr Speaker, with reference to your earlier ruling with respect to the abuse of matters of privilege suddenly arising, the quote from the health minister's video asked her followers to retweet and share the message about the member for Mudgeeraba. How can the member for Mudgeeraba be possibly asked to withdraw a factual comment about the Minister for Health who was deliberately deceptive? It is absurd.

Mr SPEAKER: I will give general guidance to the House: these matters are ordinarily dealt with not on the floor of the parliament but by way of letter making a detailed case about what the concerns or allegations are. I would ask that we cease this particular line right now and we will deal with this as would normally be appropriate.

Bleijie: Tying to cover up what she did yesterday. Disgraceful.

Opposition member: The truth hurts. (Simpson)

Frecklington: The truth does hurt.

Crisafulli: If you like this share this.

Mr SPEAKER: The longstanding convention that members are asked to withdraw if a member finds something directly personally offensive is still the convention of the House. In order to maintain that convention, member for Mudgeeraba, will you withdraw and, as I said, we will deal with these matters at a later time?

Ms BATES: I am a victim and I do not withdraw.

Opposition members interjected.

Bleijie, Gerber, Frecklington + others: Hear, hear.

Mr SPEAKER: Order! Members to my left.

Mr Bleijie interjected.

Bleijie: Disgraceful what you did yesterday. Trying to spin it now what you did yesterday. Disgraceful.

Mr SPEAKER: Member for Kawana, you are warned under the standing orders.

Frecklington: Hasn't played out how you'd like it, has it?

Gerber: She thrives on a *** ** suddenly arising and tried to manipulate parliamentary rules.

Mr SPEAKER: Member for Currumbin. Member for Mudgeeraba, I appreciate the depth of feeling around the issue. I have tried to ensure that this matter is dealt with at a later time. There is a particular matter which relates to something that a member has found offensive. It is the convention of the House. You have refused to do that. I have no choice but to warn you under standing order 253A. I trust that all members understand the importance of convention. It is important to help guide the House through challenging times.

Wednesday 22 May 2024, page 1711

https://documents.parliament.qld.gov.au/events/han/2024/2024_05_22_WEEKLY.pdf

QUESTIONS WITHOUT NOTICE Mr SPEAKER: Question time will conclude today at 11.41 am

Maternity Services

Mr KRAUSE: My question is to the Minister for Health. Will the Minister confirm that Beaudesert Hospital's maternity unit was bypassed almost every week across December, January and February, with patients being referred to Logan Hospital? Why didn't the Minister tell the mums of Beaudesert about the bypass happening on her watch?

Ms FENTIMAN: I thank the member for the question. It is very pleasing that we do have birthing services back at Beaudesert, as I said. Particularly over the Christmas period, there are very small amounts of time where sometimes staff absences mean—

Powell: Months

Opposition members: Every week.

Simpson: Every week for months.

Gerber: Three months.

Powell: For three months.

Opposition members interjected.

Mr SPEAKER: Order!

Ms FENTIMAN: Over the Christmas period there are times when staff take leave, but we work with the patients. The hardworking staff do deserve a break at Christmas time and we work with local mothers to make sure they are supported.

Powell: Long Christmas.

Bates: That counts January-February.

Crisafulli: And the community weren't told.

Minnikin: Oh, what in January and February.

Crisafulli: Resource the systems.

Bates: Bypass. Bypass the ***

Crisafulli: And trying to cover it up.

Bleijie: Hold the birth for a couple of months until they come back from leave.

Opposition members interjected.

Ms FENTIMAN: If I can get a word in, Mr Speaker, can I say that all of those mums—

Ms Bates: Cross your legs!

Mr SPEAKER: Member for Mudgeeraba, you are warned under the standing orders. I ask you to withdraw that comment.

Ms BATES: I withdraw.

Government members interjected.

Grace interjecting,

Mr SPEAKER: Thank you, member for McConnel. We do not need any assistance.

Ms FENTIMAN: Rather than creating unnecessary fear in the community, what happens is that we work with any expectant mums—

Bleijie: Cover up.

Mrs Gerber: Cover it up.

Bleijie: Tried to cover it up.

Ms FENTIMAN: I absolutely reject that assertion from the member for Currumbin that we are covering anything up. This is made public. The HHS works with local families—

Mr Bleijie interjected. Bleijie: It has gone from days now to months.

Mr SPEAKER: Order, member for Kawana! Pause the clock. Minister, you have one minute and 23 seconds remaining; do you have anything further to add?

Ms FENTIMAN: I do, Mr Speaker. It is absolutely outrageous for those opposite to come in here and create fear for expectant mums in the community. I want to be very clear that hospital and health services work with expectant mums and the community. Crisafulli: Every week for three months. Sometimes they may be on bypass for 24 hours and no patients are impacted. Powell: Every week for three months. Sometimes, if birthing services are required from Beaudesert, we will work with a small number of women who, with their midwives, go to Logan Hospital. We work with the Rural Doctors Association, the AMA and our nurses and midwives to make sure those women are supported. As members opposite well know—because when in government they did a lot of work with the Rural Doctors Association to bring birthing back to Beaudesert—it has to be safe. Bates: Beaudesert, Cooktown and Ingham. We work very hard with the obstetricians and midwives to

ensure birthing services remain at Beaudesert. Crisafulli: And tried to cover it up. Information around what happens from time to time Crisafulli: Didn't tell the community , for short periods, is always publicly available and it is well communicated to the community and to families. Powell: Oh, so the mothers are going to go on a website, do they. They have to go on a website and check it out. I reject that wholeheartedly and ask those opposite to stop causing fear in the community. Opposition member: They go on the worldwide web. Bleijie: They go on the worldwide web. Stop covering up.

Honourable members interjected.

Mr SPEAKER: Order! The Deputy Leader of the Opposition and the Deputy Premier will please stop interjecting at one another across the chamber



Ethics Committee

Ethics Committee

Parliament House
George Street
Brisbane Qld 4000

Ph: 61 7 355 36610
Fax: 61 7 355 36614

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

Ref: A1292065

14 June 2024

Ms Fiona Simpson MP
Member for Maroochydore
By email: [REDACTED]

Dear Ms Simpson

Matter of privilege referred by the Speaker on 7 June 2024 relating to an allegation of encouraging a member's refusal to follow a direction of the Speaker

On 11 June 2024, the Ethics Committee (the committee) received a referral from Mr Speaker relating to an allegation that you encouraged a member to refuse a direction from the Speaker. The Speaker made a ruling with respect to this allegation on 7 June 2024. The referral letter and Speaker's Ruling are **attached** for your reference.

The material before the committee alleges that you encouraged the member for Mudgeeraba not to withdraw a comment as directed by the Speaker. It is alleged that you said the words, 'don't withdraw'. The allegations relate to proceedings recorded at pages 1831-32 of the Record of Proceedings on [23 May 2024](#).

For your information, the *Parliament of Queensland Act 2001* (POQA) and the *Standing Rules and Orders of the Legislative Assembly* (the Standing Orders) set out the relevant rules relating to contempt.

Section 37 of the POQA defines the meaning of "contempt" of the Assembly as follows—

- (1) *"Contempt" of the Assembly means a breach or disobedience of the powers, rights or immunities, or a contempt, of the Assembly or its members or committees.*
- (2) *Conduct, including words, is not contempt of the Assembly unless it amounts, or is intended or likely to amount, to an improper interference with—*
 - (a) *the free exercise by the Assembly or a committee of its authority or functions; or*
 - (b) *the free performance by a member of the member's duties as a member.*

Standing Order 266 (Examples of contempt) provides that the House may treat as a contempt—

- (23) *except by a substantive motion of censure, commenting or reflecting on the decisions or actions of the Chair, whether relating to actions inside the House or the character of the Chair in general;*

In determining whether your words and conduct amounts to a contempt in accordance with Standing Order 266(23), the committee will be considering the following elements:

- Element 1: Did the Member make the statements or display the conduct attributed to them?
- Element 2: Do the statements or conduct amount to a reflection on the Chair?
- Element 3: Do the statements or conduct constitute an improper interference with the free exercise by the Assembly of its authority or functions?

The committee also draws your attention to Ethics Committee [Report No. 217](#) which is the most recent example of the committee considering an allegation of a member reflecting on the Chair.

The committee invites you to provide any information which addresses the elements of the alleged contempt outlined above.

The committee has established procedures for dealing with privileges references, which ensure procedural fairness and natural justice is afforded to all parties. These procedures are set out in Chapters 44 and 45 of the Standing Orders. The committee also observes the instructions to committees regarding witnesses contained in Schedule 3 to the Standing Orders. The Standing Orders can be read [here](#).

Please note that Standing Order 211B(1) prohibits disclosure of the committee's proceedings, which includes this correspondence:

The proceedings of the Ethics Committee or a subcommittee of that committee on a matter before the Committee that is not open to the public or authorised to be published remains strictly confidential to the committee until the committee has reported to the House or otherwise published the proceedings.

Standing Order 211B does not prevent you from seeking legal advice in relation to the matter. However, your legal representative will also be bound by the same confidentiality requirement. Please do not include your electorate office staff in correspondence with the committee about this matter.

For your information, Standing Order 211B(3)(b) provides that when the Ethics Committee makes its final report to the House on a matter the committee shall at the same time table any submissions received or evidence taken in respect of the matter, unless the committee resolves that some or all of its proceedings remain confidential.

The committee would appreciate if any additional information could be provided by **COB Friday 28 June 2024**.

Should you have any queries regarding these matters or require further information, please contact our Committee Secretary, Ms Erin Hastie (email: ethics@parliament.qld.gov.au; telephone: 3553 6610).

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Stirling', is positioned above the printed name of the signatory.

Hon Stirling Hinchliffe MP

Chair

Enc.



Ethics Committee

Ethics Committee

Parliament House
George Street
Brisbane Qld 4000

Ph: 61 7 355 36610
Fax: 61 7 355 36614

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

Ref: A1294605

14 June 2024

Mrs Deb Frecklington MP
Member for Nanango
By email: [REDACTED]

Dear Mrs Frecklington

Matter of privilege referred by the Speaker on 7 June 2024 relating to an allegation of encouraging a member's refusal to follow a direction of the Speaker

On 11 June 2024, the Ethics Committee (the committee) received a referral from Mr Speaker relating to an allegation that you encouraged a member to refuse a direction from the Speaker. The Speaker made a ruling with respect to this allegation on 7 June 2024. The referral letter and Speaker's Ruling are **attached** for your reference.

The material before the committee alleges that you encouraged the member for Mudgeeraba not to withdraw comments as directed by the Speaker. It is alleged that you said the words, 'no, it wasn't you'. The allegations relate to proceedings recorded at pages 1831-32 of the Record of Proceedings on [23 May 2024](#).

For your information, the *Parliament of Queensland Act 2001* (POQA) and the *Standing Rules and Orders of the Legislative Assembly* (the Standing Orders) set out the relevant rules relating to contempt.

Section 37 of the POQA defines the meaning of "contempt" of the Assembly as follows—

- (1) *"Contempt" of the Assembly means a breach or disobedience of the powers, rights or immunities, or a contempt, of the Assembly or its members or committees.*
- (2) *Conduct, including words, is not contempt of the Assembly unless it amounts, or is intended or likely to amount, to an improper interference with—*
 - (a) *the free exercise by the Assembly or a committee of its authority or functions; or*
 - (b) *the free performance by a member of the member's duties as a member.*

Standing Order 266 (Examples of contempt) provides that the House may treat as a contempt—

- (23) *except by a substantive motion of censure, commenting or reflecting on the decisions or actions of the Chair, whether relating to actions inside the House or the character of the Chair in general;*

In determining whether your words and conduct amounts to a contempt in accordance with Standing Order 266(23), the committee will consider the following elements:

- Element 1: Did the Member make the statements or display the conduct attributed to them?
- Element 2: Do the statements or conduct amount to a reflection on the Chair?
- Element 3: Do the statements or conduct constitute an improper interference with the free exercise by the Assembly of its authority or functions?

The committee also draws your attention to Ethics Committee [Report No. 217](#) which is the most recent example of the committee considering an allegation of a member reflecting on the Chair.

The committee invites you to provide any information which addresses the elements of the alleged contempt outlined above.

The committee has established procedures for dealing with privileges references, which ensure procedural fairness and natural justice is afforded to all parties. These procedures are set out in Chapters 44 and 45 of the Standing Orders. The committee also observes the instructions to committees regarding witnesses contained in Schedule 3 to the Standing Orders. The Standing Orders can be read [here](#).

Please note that Standing Order 211B(1) prohibits disclosure of the committee's proceedings, which includes this correspondence:

The proceedings of the Ethics Committee or a subcommittee of that committee on a matter before the Committee that is not open to the public or authorised to be published remains strictly confidential to the committee until the committee has reported to the House or otherwise published the proceedings.

Standing Order 211B does not prevent you from seeking legal advice in relation to the matter. However, your legal representative will also be bound by the same confidentiality requirement. Please do not include your electorate office staff in correspondence with the committee about this matter.

For your information, Standing Order 211B(3)(b) provides that when the Ethics Committee makes its final report to the House on a matter the committee shall at the same time table any submissions received or evidence taken in respect of the matter, unless the committee resolves that some or all of its proceedings remain confidential.

The committee would appreciate if any additional information could be provided by **COB Friday 28 June 2024**.

Should you have any queries regarding these matters or require further information, please contact our Committee Secretary, Ms Erin Hastie (email: ethics@parliament.qld.gov.au; telephone: 3553 6610).

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Stirling', is positioned above the printed name of the signatory.

Hon Stirling Hinchliffe MP

Chair

Enc.



Fiona SIMPSON MP

Member for **Maroochydore**

Shadow Minister for Finance and Better Regulation

Shadow Minister for Integrity in Government



Ref: FS:sd/corr/speaker/ethicscommittee

28 June 2024

Chair of the Ethics Committee
Hon. Stirling Hinchliffe
E: ETHICS@parliament.qld.gov.au

Dear Mr Chair

I respond to your letter of June 14, 2024, in regard to a matter of privilege referred by the Speaker relating to an allegation of “encouraging a member’s refusal to follow a direction the Speaker”. I note that the Speaker’s letter of June 11, 2024 to you stated it enclosed “the relevant audio file and transcript.”

I also note that in the Speaker’s ruling tabled on June 7, 2024 where he states he is referring the matter to the Ethics Committee, the Speaker said he had reviewed the audio and visual capture of the incident and that review indicates that members of the opposition both encouraged and applauded and he claimed I was clearly identified.

As you are aware, I was not supplied with the audio visual digital file before the Speaker’s ruling and referral to you, nor was I made aware of the complaint previously to be given a chance to respond earlier.

I was also not supplied a copy of this digital file of the audio and visual when I received the committee’s letter to respond to.

However I acknowledge you have since responded to my request and provided me with the digital file of the audiovisual.

Please note, this audiovisual file is not the official Hansard recording on the website but presumably is a secondary file. The transcript provided is also not the official transcript but has been transcribed by someone after the incident.

I have reviewed the audio and video and contrary to the claim that I was making certain statements in the supplied unofficial transcript, this is incorrect.

There is no foundation and I refute this.

Words are ascribed in the transcript to myself as the speaker which I have not said.

Furthermore, despite the impression being given in the referral that I was on video uttering the offending phrases as part of the evidence, you will note that I am also not even visible at all in the video.

I refute the allegation and the substance of the referral.

I am extremely disappointed with the process surrounding this matter. If it had not been for my request, the original recordings would not have been made available to me and I would have had no opportunity to assess the accuracy of the complaint made against me.

Yours sincerely

A handwritten signature in blue ink that reads "Fiona Simpson". The signature is written in a cursive style with a large initial 'F'.

Fiona Simpson MP
Member for Maroochydore
Shadow Minister for Finance and Better Regulation
Shadow Minister for Integrity in Government



3 July 2024

Chair of the Ethics Committee
Hon Stirling Hinchliffe
c/ email: ETHICS@parliament.qld.gov.au

Dear Mr Chair,

I refer to your letter dated 14 June 2024 referencing the referral by the Speaker on 7 June 2024 relating to an allegation of encouraging a members refusal to follow a direction of the Speaker.

Thank you for forwarding the link to the digital file which I note have received on 2nd July 2024, I am therefore now in a position to respond to your correspondence.

Having listened to the audio and watched the video link I am unable to clearly ascertain the words the Speaker is alleging. It is very difficult if not impossible to identify which Member of the House said what words. Therefore, I too am unable to ascertain which speaker said what.

I apologise if I have upset the Speaker as that was not my intention. However, it is the case that I am unable to agree with the words that the referral has attributed to me.

The words alleged to have been spoken by me are not discernible from the digital file. On the contrary, the exchanges that occurred make it extremely difficult to determine which members made any identifiable comments. To claim that any remarks by me along the lines alleged can be identified is not supported by the evidence I have been provided. There is nothing in the file that suggests I made the comments alleged.

It would be inappropriate and unfair to act on an unsupported allegation and could call into question the procedures of the House. Unsupported allegations should not be the basis upon which complaints can be made.

In relation to the determination of whether my words or conduct amounts to a contempt in accordance with Standing Order 266(23) I am unable to ascertain any basis upon which I can assist the Committee in satisfying any of the 3 Elements noted in your correspondence.

Yours sincerely,

Deb Frecklington
Member for Nanango



Ethics Committee

Ethics Committee

Parliament House
George Street
Brisbane Qld 4000

Ph: 61 7 355 36610

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

Ref: A1307596

4 September 2024

Hon Curtis Pitt MP
Speaker of the Legislative Assembly
By email: Office.oftheSpeaker@parliament.qld.gov.au

Dear Mr Speaker

Matter of privilege referred by the Speaker on 7 June 2024 relating to an allegation of encouraging a member's refusal to follow a direction of the Speaker

On 11 June 2024, the Ethics Committee (the committee) received your referral relating to an allegation that the member for Maroochydore and the member for Nanango encouraged the member for Mudgeeraba not to follow your direction to withdraw words in the Chamber.

The transcript provided in the referral entitled, 'Hansard transcript with additional interjections transcribed' attributes interjections to the member for Maroochydore and member for Nanango. An audio-visual file including the exchanges was also provided to the committee.

The committee is having difficulty reconciling the transcript with the audio-visual recording and cannot clearly hear the interjections attributed to the members.

The committee notes that specialist equipment may have been used by Hansard to generate the transcript of the proceedings. The committee would appreciate being provided with any additional audio that clearly includes the interjections or the opportunity to listen to the proceedings in Hansard offices.

For procedural fairness, the committee notes that it would need to provide the audio or facilitate the opportunity to listen to the audio to the members for Maroochydore and Nanango.

The committee would appreciate if a response could be provided by **COB Wednesday 11 September 2024**.

Should you have any queries regarding these matters or require further information, please contact our Committee Secretary, Ms Erin Hastie (email: ethics@parliament.qld.gov.au; telephone: 3553 6610).

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Stirling'.

Hon Stirling Hinchliffe MP
Chair

cc. Mr Neil Laurie, Clerk of the Parliament, [REDACTED]