



QUEENSLAND PARLIAMENT
Ethics Committee

REPORT NO. 222, 57TH PARLIAMENT

**REPORT ON A MATTER OF PRIVILEGE REFERRED BY THE
SPEAKER ON 16 MARCH 2023 AND RE-REFERRED BY
THE HOUSE ON 14 NOVEMBER 2023**

March 2024

Ethics Committee

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

BACKGROUND

1. On Tuesday 26 October 2023 the committee tabled its *Report 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 (Report 217)*.
2. *Report 217* was in respect of a matter where the Member for Maiwar (the Member) had declined to follow a direction of the Speaker (which was to withdraw a remark the Member for Redcliffe had found personally offensive).
3. In *Report 217* the committee recommended that the House make a finding of contempt against the Member for Maiwar; and that the Member for Maiwar should take it upon himself as soon as practicable to apologise unequivocally to the House and the Speaker, on the floor of the House, for his conduct.¹
4. At the same time, the committee tabled its *Report 216, 57th Parliament – Matter of privilege referred by the Speaker on 1 December 2022 relating to an allegation against the Member for South Brisbane of wilfully or recklessly disrespecting rulings of the Speaker (Report 216)*.
5. *Report 216* was in respect of the Member for South Brisbane repeatedly introducing revenue bills, contravening Speaker's rulings.
6. In *Report 216* the committee recommended that the House make a finding of contempt against the Member for South Brisbane for wilfully disobeying an order of the House, and disrupting the orderly conduct of the House; and that the Member should take it upon herself as soon as practicable to apologise unequivocally to the House and the Speaker on the floor of the House, for her conduct.²
7. *Report 216* contained the further recommendation: that if the Member fails to apologise, or makes an inadequate apology, the House suspend the Member from the precincts of the House for one sitting day from the date the committee's recommendation is considered by the House.³
8. Both Members were provided with copies of the report pertaining to them.
9. By 14 November 2023, neither Member had apologised.
10. In the evening on 14 November 2023, the Leader of the House moved motions in respect of both reports. In their respective contributions to the debate on the motion pertaining to them, each Member stated that they would not apologise.
11. The House made a finding of contempt against South Brisbane, and suspended her from the precinct for a period of one sitting day.
12. The motion in respect of the Member for Maiwar did not recommend the House make a finding of contempt. Instead, the motion was:

That this House—

1. notes the Ethics Committee report No. 217, tabled in the House on the morning of 26 October 2023;

¹ Report 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, p 14.

² Report 216, 57th Parliament – Matter of privilege referred by the Speaker on 1 December 2022 relating to an allegation against the Member for South Brisbane of wilfully or recklessly disrespecting rulings of the Speaker, p18.

³ Report 216, 57th Parliament – Matter of privilege referred by the Speaker on 1 December 2022 relating to an allegation against the Member for South Brisbane of wilfully or recklessly disrespecting rulings of the Speaker, p 18.

2. notes that the Ethics Committee recommended a finding of contempt be made against the member for Maiwar for misconducting oneself in the presence of the House or a committee and reflecting on the actions or decisions of the chair;

3. notes that the Ethics Committee recommended that the member for Maiwar should take it upon himself as soon as practicable to apologise unequivocally to the House and the Speaker, on the floor of the House, for his conduct;

4. notes that the member for Maiwar has not apologised, on the floor of the House, for his conduct despite: (a) nearly two sitting days having elapsed since the report was tabled; and (b) the member for Maiwar making contributions on other matters in the House between that period of time; and

5. refers back to the Ethics Committee the issue of what action should be taken against the member for Maiwar given his failure to apologise for his conduct as recommended by the Ethics Committee.⁴

13. The motion was passed by the House.

14. On 15 November 2024 the Member for Maiwar posted an Instagram ‘reel’ of the clip of the broadcast of the proceedings in which the motion was debated. This included the Member’s statement ‘this is what it looked like last night when Labor moved a motion without notice find me in contempt of Parliament – for refusing to withdraw the truthful statement that this government is proudly locking up children’.⁵

15. On 15 November 2024 the Member for Maiwar also made a Facebook post in which he stated that ‘Amy [McMahon MP, Member for South Brisbane] and I were both found in contempt for refusing to apologise for two instances’ and ‘I’m not going to apologise for telling the truth, and Amy shouldn’t have to apologise for introducing bills that would’ve made a real difference to Queenslanders’ lives.’⁶

CONSIDERATION

16. The motion agreed on 14 November 2023 includes:

*5. refers back to the Ethics Committee the issue of what action should be taken against the member for Maiwar given his failure to apologise for his conduct as recommended by the Ethics Committee.*⁷

17. Referring matters back to the Ethics Committee for a recommendation regarding further action following a report by the committee is unprecedented.

18. It is the role of the committee to investigate matters of privilege that have been referred to it via the process outlined in Standing Orders SO 268 and SO 269. The committee undertakes its investigation in accordance with the procedures laid down in Standing Order 270. While the committee makes a recommendation as to whether a member should be found in contempt and, if so, what action should be taken, it does not itself determine whether a member is in contempt, and if so, what penalties should apply.

19. Determining whether a member is in contempt and applying sanctions is the exclusive prerogative of the House itself. This reflects the fact that contempts are not only very serious matters but an offences against the *whole House*.

⁴ https://documents.parliament.qld.gov.au/events/han/2023/2023_11_14_WEEKLY.pdf

⁵ https://www.instagram.com/reel/Czp_bh5RcQ3/?igsh=MTc4MmM1Yml2Ng==

⁶ <https://www.facebook.com/photo/?fbid=885499196545740&set=a>

⁷ https://documents.parliament.qld.gov.au/events/han/2023/2023_11_14_WEEKLY.pdf

20. It is not the usual practice of the committee to recommend 'back-up' penalties.
21. In *Report 216*, regarding the Member for South Brisbane, the committee recommended that a finding of contempt be made and that the Member apologise. The committee decided to include the additional recommendation in *Report 216* that, should the Member not apologise, they be suspended for one day because of the very nature of the allegations against her: repeated defiance of Speaker's Rulings and the expressed will of the House. It was accordingly reasonably foreseeable that the Member for South Brisbane would refuse to apologise.
22. In contrast, in *Report 217*, the Member for Maiwar had been referred for refusing to follow a Speaker's direction to withdraw comments another member had found personally offensive, in a particularly heated debate, where the Member believed that the complaining member did not have standing to take personal offence given the remark in question was expressly about 'the government'. There was no indication at this stage that the Member, were he to be found in contempt by the House, would not apologise.
23. The committee thus saw no need to deviate from its usual procedure regarding recommendations, trusting that the Member for Maiwar as a longstanding parliamentarian would follow convention and apologise when recommended to do so by the Committee.
24. However, following the motion of the House and the Member's continued failure to apologise in the House as well as his social media posts which demonstrate an ongoing lack of respect for convention and indicate an intent to defy the will of the House, the committee is left with no option but to recommend that he be suspended from the House for one sitting day.
25. This further recommendation as to penalty in respect of the one matter should not, in any sense, be seen as creating a precedent. The committee does not intend to establish a practice of 'provisional' recommendations as to penalties.

ALTERNATIVE METHODS OF RESOLUTION

26. The Standing Orders provide the Legislative Assembly with alternative mechanisms for addressing such matters as failing to follow a direction of the Speaker, or defying the will of the House.
27. Standing Order 254 holds that:

(1) Whenever any member or members persist, after warning by the Speaker, in disregarding the authority of the Chair, or abusing the Rules of the House by persistently and wilfully obstructing the business of the House, or otherwise, the Speaker may name such member or members.
28. Following 'naming', a motion for suspension may be moved. The member may be suspended for a maximum of 7 days (unless they fail to obey the direction of the Speaker in this regard where suspension is increased automatically to 14 days).
29. This process has recently been used in the Victorian Legislative Assembly in respect of a member who consistently flouted Standing Orders by broadcasting images of disruptive protest activity on the floor of the Chamber.
30. On 14 October 2023, during Question Time, three students staged a protest in the Public Gallery which included chanting and unfurling of banners. Proceedings were suspended and MPs were ordered to leave the Chamber by the Speaker. During the protest the Member for Richmond, took a photo of herself and three Green Party colleagues in the Chamber with images of the protestors' banners in the background. This image was posted on social media (Twitter/X) alongside a comment supporting the protests.
31. The Speaker of the Victorian Legislative Assembly ruled on the matter on 15 November 2023. The Speaker invited the Member for Richmond to apologise. The Member for Richmond refused. Having failed to follow a direction of the Chair the Speaker subsequently 'named' the Member for

Richmond and called the Leader of the House. The Leader of the House immediately moved a motion to suspend the Member from the services of the House – without pay – for the remainder of the sitting week.

32. More recently, on 7 February 2024, four Victorian Greens members of the Legislative Assembly held up placards during question time reading ‘Vic Labor stop arming Israel’. The Member for Richmond is said to have live-streamed footage of the exchange on her Instagram account. All four were removed from the Chamber for 90 minutes, at the direction of the Speaker. The Speaker later said she would take further action if they did not apologise.⁸
33. On 8 February 2024, the Member for Richmond apologised on behalf of herself and the three other members involved in the incident. The Speaker ruled that in future she would not seek apologies ‘for further premeditated and deliberate abuse of standing orders’ and that ‘serious disruption will be sanctioned immediately, particularly for those who have been engaged in disruptive behaviour before.’⁹
34. As the example of the Victorian Legislative Assembly demonstrates the process of ‘naming’ a member is a speedy and efficient tool for sanctioning those members who fail to apologise when requested to do so. Equally, the Victorian examples demonstrate that the willingness of an Assembly to employ this process is sometimes sufficient for a member to deliver an apology.

CONCLUSION

35. The committee condemns the Member’s failure to apologise in the House after the committee’s recommendation. That the Member subsequently advertised and sought popular affirmation for his actions via social media demonstrates immaturity.
36. While the committee understands the circumstances which led to the re-referral, in no way should re-referring matters to the committee be encouraged or the committee’s issuing of a subsequent recommendation be taken as precedent.
37. While the Member for Maiwar should have apologised when recommended to by the committee, the House could have immediately determined the appropriate penalty for his conduct in the motion it debated in respect of the committee’s *Report 217*. The House need not refer such a matter to this committee seeking further recommendation as to sanction.
38. Further, we point out that the process of ‘naming’ a member under Standing Order 254 provides the House with tools to directly sanction a member, including for a failure to follow a direction of the Speaker or for wilfully obstructing the business of the House.

⁸ A Smethurst and R Eddie, ‘Greens MPs face sanctions as premier says protests made her feel unsafe’, *The Age*, 7 February 2024, <https://www.theage.com.au/politics/victoria/green-mps-face-sanctions-as-premier-says-protests-made-her-feel-unsafe-20240207-p5f35a.htm>.

⁹ Speaker, Proceedings of the Legislative Assembly (Vic), 8 February 2024, p 211.

RECOMMENDATION

39. The committee recommends:

- (1) That the House make a finding of contempt against the Member for Maiwar for misconducting oneself in the presence of the House or a committee and reflecting on the actions or decisions of the Chair;
- (2) That the House notes the Member for Maiwar's stated refusal to apologise; and
- (3) That the Member be suspended from the precinct for a period of one sitting day from the time a motion to that effect is agreed by the House.



Mr Stirling Hinchliffe MP

Chair

March 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 in respect of this matter are attached to this report.

EXTRACT OF MINUTES –

**REPORT ON A MATTER OF PRIVILEGE REFERRED BY THE
SPEAKER ON 16 MARCH 2023 AND RE-REFERRED BY THE
HOUSE ON 14 NOVEMBER 2023**



Ethics Committee

Meeting No. 54

Wednesday, 29 November 2023, 1.20pm

Committee Room 3, Level 6, Parliamentary Annexe

Present

Ms Jennifer Howard MP
Mr Andrew Powell MP, Deputy Chair
Mr Dan Purdie MP
Mr Linus Power MP, Acting Chair
Ms Kim Richards MP
Mr Ray Stevens MP

In attendance

Ms Bernice Watson, Committee Secretary
Dr Kit Kowol, Legal and Compliance Officer

Inquiry 10: Member for Maiwar: referral relating to misconducting oneself in the presence of the House or reflecting on the Chair referred 16 March 2022 (Report No. 217), re-referred 14 November

The committee noted the resolution of the House on 14 November 2023 re-referring the matter to the committee for further advice, following the Member for Maiwar's failure to apologise.

Discussion ensued.

EXTRACT OF MINUTES –

**REPORT ON A MATTER OF PRIVILEGE REFERRED BY THE
SPEAKER ON 16 MARCH 2023 AND RE-REFERRED BY THE
HOUSE ON 14 NOVEMBER 2023**



Ethics Committee

Meeting No. 55

Wednesday, 14 February 2024, 1.17pm

Committee Room 3, Level 6, Parliamentary Annexe

Present

Mr Stirling Hinchliffe MP, Chair
Mr Andrew Powell MP, Deputy Chair
Mr John-Paul Langbroek MP
Mr Linus Power MP
Ms Kim Richards MP (until 1:55pm)
Mr Ray Stevens MP (until 1:55pm)

In attendance

Ms Bernice Watson, Committee Secretary
Dr Kit Kowol, Legal and Compliance Officer

Inquiry 10: Member for Maiwar: referral relating to misconducting oneself in the presence of the House or reflecting on the Chair referred 16 March 2022 (Report No. 217), re-referred 14 November

Discussion ensued.

Resolved

That the secretariat prepare a draft report, as discussed, for the committee's consideration.

Moved: Mr Hinchliffe

EXTRACT OF MINUTES –

**REPORT ON A MATTER OF PRIVILEGE REFERRED BY THE
SPEAKER ON 16 MARCH 2023 AND RE-REFERRED BY THE
HOUSE ON 14 NOVEMBER 2023**



Ethics Committee

Meeting No. 56

Wednesday, 6 March, 1.15pm

Committee Room 3, Level 6, Parliamentary Annexe

Present

Mr Stirling Hinchliffe MP, Chair
Mr Andrew Powell MP, Deputy Chair
Mr John-Paul Langbroek MP
Mr Linus Power MP
Ms Kim Richards MP (until 1:32pm)
Mr Ray Stevens MP

In attendance

Ms Bernice Watson, Committee Secretary
Dr Kit Kowol, Legal and Compliance Officer
Ms Erin Hastie, Committee Secretary

Inquiry 10: Member for Maiwar: referral relating to misconducting oneself in the presence of the House or reflecting on the Chair referred 16 March 2022 (Report No. 217), re-referred 14 November 2023

Discussion ensued.

Resolved

That the Chair's Draft Report titled 'Referral relating to misconducting oneself in the presence of the House or reflecting the Chair referred 16 March 2023' be adopted as a report of the committee with the omission of paragraph 26.

Moved: Mr Powell

Extracts certified correct on 7 March 2024

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

Stirling Hinchliffe MP
Chair