

(MR SPEAKER)

SPEAKER'S RULING – ALLEGED CONTEMPT OF PARLIAMENT

MR SPEAKER Honourable members,

On 16 September 2022, the Minister for Transport and Main Roads wrote to me making allegations that the Leader of the Opposition, the Deputy Leader of the Opposition, the Manager of Opposition Business and the Members for Mudgeeraba and Maroochydore (the Opposition Members) committed various types of contempt of Parliament.

The first allegation is that on multiple dates the Opposition Members misled the House by, inter alia, describing the events that occurred with respect to Dr Nikola Stepanov, the former Integrity Commissioner's laptop a 'raid'.

The second allegation is that the Leader of the Opposition and the Member for Maroochydore published a false and misleading account of proceedings before the House or a committee during comments made in a press conference on 25 February 2022.

The third allegation is that when the Opposition Members have referenced a 'goon squad' they were directly reflecting on senior members of the independent public service in Queensland, which is a breach of the Code of Ethical Standards for Members of the Queensland Parliament.

I shall deal with each of these allegations in turn.

Allegation 1 – Deliberately misleading the House

The matter relates to describing the events that occurred with respect to Dr Nikola Stepanov, the former Integrity Commissioner's laptop a 'raid'.

The Minister argued that the use of the term 'raid' is misleading, because the Acting Chairperson of the Crime and Corruption Commission (CCC), Mr Bruce Barbour, gave evidence to the Parliamentary Crime and Corruption Committee (PCCC) stating he did not believe the events in question were a raid on 25 February 2022.

The Minister in his correspondence provided a table outlining ten occasions where the Opposition Members were alleged to have misled the House by using the term 'raid'. I reproduce that table at the end of this statement.

I sought further information from the Opposition Members in accordance with Standing Order 269(5).

The Opposition Members all responded with identical submissions arguing, inter alia, that because Mr Barbour's statements of 25 February 2022 were his opinion, and not a factual finding, that whether the events in question were a raid comes down to an

individual's interpretation and were not misleading.

There are three elements to be established when it is alleged that a member has committed the contempt of deliberately misleading the House:

- firstly, the statement must, in fact, have been misleading;
- secondly, it must be established that the member making the statement knew at the time the statement was made that it was incorrect; and
- thirdly, in making it, the member must have intended to mislead the House.

In relation to the first element (i.e. that the statement must, in fact, have been misleading) the Minister argues that use of the word 'raid' is misleading because the acting Chairperson of the CCC, Mr Bruce Barbour stated during a public hearing of the PCCC on 25 February 2022 in response to questions from a Member for Macalister:

I can answer it this way: 'raid' is not a word that I would use to describe what took place.

In response to question from the Member for Coomera regarding the term 'raid', Mr Barbour said:

I just do not believe it was a raid. I think that is the extent of what I am prepared to say in the public session. It was put to me whether

that terminology was appropriate. I have a view that it was not....

The Minister also referenced the report from the CCC into the matter entitled 'Investigation Workshop – An investigation into allegations of disclosure of confidential information at the office of the Integrity Commissioner' tabled on 4 July 2022:

In light of the above, the commentary which has suggested that laptops were 'seized' and 'wiped' as a result of a 'raid' on the Integrity Commissioner's officers is, in the CCC's view, a mischaracterization of what occurred.

The contents of the CCC report makes it clear that the terminology 'raid' was factually incorrect and inconsistent with the events that took place.

In addition, having considered the material before me at the present time, I consider a reasonable person could have been misled into thinking the events that occurred in the Integrity Commissioner's office were of a different nature to what actually occurred, due to the use of the term 'raid' by the Opposition Members.

In my view, given the evidence before me at this present time, there is sufficient evidence of an arguable case that the statements made by the Opposition Members were both factually incorrect and misleading.

In relation to the second element (i.e. that the members making the statement knew at

the time the statement was made that it was incorrect), I note that this this element tests the veracity of statements at the time they were made. A substantially different test than the first element.

While the CCC report makes it clear that use of the word 'raid' is factually incorrect and misleading, this report was tabled in July 2022. Nine of the ten Opposition Members statements in the table provided by the Minister were made prior to the tabling of the CCC report.

At the time the Opposition Members made their statements, Mr Barbour's evidence to the PCCC disputed the notion of a 'raid'.

The Opposition Members argue that the comments by Mr Barbour were not subject to cross-examination, nor were they judicial findings. Therefore rather than findings of fact, the comments are a mere expression of Mr Barbour's opinion.

The Opposition Members argue that, at the time, they had a differing opinion to Mr Barbour and were entitled to express that opinion.

I consider that Mr Barbour's evidence of 25 February 2022 was not a determinative finding of fact in the matter.

In the absence of a final determination of fact, I find it is arguable that prior to the release of the CCC Report on 4 July 2022 and the final determination of fact, that

reasonable minds could differ on the description of what events took place.

I also note that the use of the term 'raid' by the Opposition Members predominantly ceased following the release of the CCC report, in which the term 'raid' was deemed to be a mischaracterisation.

I consider this indicates a willingness to accept settled finding of facts and a deliberate stance to not willingly mislead the House.

The one remaining matter that arose after the CCC report was a qualified or equivocal statement: ... *Collected, raided—whatever the word is — it happened.* ...

Standing Order 269(4) requires that in considering whether such a matter should be referred to the Ethics Committee, that I should take account of the degree of importance of the matter which has been raised and whether an adequate apology or explanation has been made in respect of the matter.

On balance, I consider that the Opposition Members have provided sufficient evidence to adequately explain that the second element of the contempt of deliberately misleading the House has not been met.

Allegation 2 - Publishing a false or misleading account of proceedings

The Minister claims that the Leader of the Opposition and the Member for

Maroochydore published a false or misleading account of proceedings during a press conference that occurred soon after Mr Barbour gave evidence to the PCCC on 25 February 2022.

The Leader of the Opposition published on social media on the same day of PCCC hearing a video of a press conference, which featured himself, the Member for Maroochydore and the Member for Burdekin.

The said video was reposted by other Opposition members.

Given the initial posting of the video by the Leader of the Opposition, it is reasonable to assume that the other Opposition Members who reposted the video did so at the direction of the Leader of the Opposition.

Therefore, given the Leader of the Opposition initiated the posting of the video on social media, any contempt that flowed from the same was that of the Leader of the Opposition alone.

Therefore, I consider the Member for Maroochydore has no further case to answer for this allegation, as the Member did not initiate the publication.

I now turn to whether the published video was misleading.

The Leader of the Opposition made the following comments in the said press

conference, which were included in the published video.

“Moments ago, the Crime and Corruption Commission has confirmed that it did not order the raid on the Integrity Commissioner’s laptop...”

“The Crime and Corruption Commissioner did not order the raid on the Integrity Commissioner’s laptop”

These comments refer to the Crime and Corruption Commission, I consider it reasonable that they were intended as representing the evidence of the then CCC Acting Chair Mr Bruce Barbour.

The relevant evidence of Mr Barbour is set out above.

I consider that these comments do not reflect the evidence provided by Mr Barbour at the PCCC hearing of 25 February 2022.

Standing Order 269(2) requires members to write to me at the earliest opportunity.

In the circumstances of this matter, I consider that the any complaint must be have been made at the earliest opportunity after the PCCC hearing and publication of the video by the Leader of the Opposition on 25 February 2022.

From 25 February to date of the Minister’s letter, 16 September 2022 is a total of 206 days.

In my ruling of 6 April 2022 I stated that 174 days was not the earliest opportunity to raise matters of privilege.

I reminded all Members that I reserve the right to dismiss an allegation if it is not raised in a timely matter.

I consider that while the comments of the Leader of the Opposition at his press conference may have been misleading. I also consider that that this allegation has not been raised in a timely manner.

In the absence of any reason for the delay in raising the allegation, I must weigh if the harm from any contempt outweighs the delay in raising the allegation.

I note that the substantive allegations to which this matter relates, namely whether the Office of the Integrity Commissioner was “raided”, have been dismissed by the publication of the CCC report in this matter in July 2022.

I consider that any potential harm from the publication of the video by the Leader of the Opposition is now minimised, given the weight of the CCC report in this matter.

Given the now minimal harm of the said video and significant delay in the making of the complaint, on balance I consider there is now insufficient grounds to refer this allegation to the Ethics Committee.

I will not be referring the Leader of the Opposition to the Ethics Committee in relation to this allegation.

I strongly caution all Members not to make commentary about committee proceedings that is unsupported by the Hansard record.

This caution especially applies to the evidence of apolitical public officials who are limited in their ability to respond.

Allegation 3 - Breach of code of ethical standards

The Minister alleges that the Opposition Members have breached the fundamental principle of the Code of Ethical Standards (Code) relating to 'Respect for Persons' which states:

Members should treat members of the public, officers and employees of the Parliamentary Service and other public officials with courtesy, honesty and fairness, and with proper regard for their rights, obligations cultural differences, safety, health and welfare.

Members should not use abusive, obscene or threatening language (either oral or written) or behaviour towards any officer, employee or member of the public.

The Minister alleges that in referring to 'goon squads', the Opposition Members directly reflected on senior members of the public service, as well as potentially staff within ministerial offices.

I note the principles in the Code are aspirational in nature, unless specific enforceable obligations are highlighted. The fundamental principle that the Minister draws attention to does not fall into the category of an enforceable obligation under the Code.

Based on my detailed reasoning above, I **will not** be referring any of the three allegations for the further consideration of the House via the Ethics Committee.

I table the correspondence in relation to this matter.

Table of instances the term 'raid' used in House identified in complaint

MEMBER	DATE	HANSARD PAGE	STATEMENT
Mr Bleijie MP	15 March 2022	318	<i>Mr BLEIJIE: My question is to the Premier. The CE of the Public Service Commission is accused of levelling a misogynistic slur against Queensland's first female Integrity Commissioner, is under investigation by the Crime and Corruption Commission after he oversaw the raid on the Integrity Commissioner and the wiping of a laptop, and is accused of releasing a misleading statement as part of an attack on the Integrity Commissioner. Despite the mounting evidence, can the Premier explain why she is protecting the bully instead of the Office of the Integrity Commissioner?</i>
Mr Crisafulli MP	15 March 2022	347	<i>... Mr Setter knows about the raid. ...</i>
Ms Bates MP	29 March 2022	653	<i>I hope another laptop will not go missing if the Integrity Commissioner's advice does not fall the way the government would like it to!</i>
Mr Crisafulli MP	25 May 2022	1311	<i>Integrity. Accountability. Laptops raided. (Noting they were withdrawn at the request of the Premier)</i>
Ms Simpson MP	26 May 2022	1447	<i>Then there was the shameful raid on the Integrity Commissioner's office. What happened to her laptop though, which was raided from her office and apparently wiped?</i>
Mr Crisafulli MP	23 June 2022	1673	<i>... and do not forget the raid on the Office of the Integrity Commissioner. A government that believes it is okay to see the Office of the Integrity Commissioner raided is a government that has zero respect for integrity and accountability.</i>
Mr Crisafulli MP	23 June 2022	1676	<i>Laptops have been taken and wiped.</i>
Ms Simpson MP	23 June 2022	1686	<i>... The fact is that we still do not know what was on the laptop. Why did they raid the laptop?</i>
Mr Powell MP	24 June 2022	1843	<i>We have had the raid on the Integrity Commissioner ...</i>
Mr Bleijie MP	1 September 2022	2483	<i>... Collected, raided—whatever the word is — it happened. ...</i>



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16 September 2022

The Honourable Curtis Pitt MP
Speaker of the Legislative Assembly
Queensland Parliament
George Street
Brisbane QLD 4000

BY E-MAIL: speaker@parliament.qld.gov.au

Dear Mr Speaker

I write to draw to Mr Speaker's attention a matter of privilege regarding Mr David Crisafulli MP – Leader of the Opposition, Mr Jarrod Bleijie MP – Deputy Leader of the Opposition, Ms Fiona Simpson MP – Member for Maroochydore, Ms Ros Bates MP – Member for Mudgeeraba and Mr Andrew Powell MP – Member for Glass House and statements made in the Legislative Assembly. The statements relate to the alleged seizure and raid of a laptop within the Office of the Integrity Commissioner.

By way of background the Liberal National Party Opposition have wrongly publicly claimed since early this year that a laptop was seized within the Office of the Integrity Commissioner via a raid by the Premier's goon squad. I am advised that on a number of occasions Mr Crisafulli MP has made comments in press conferences such as:

- *... have to have faith that the Office of the Integrity Commissioner is independent and isn't subject to a **goon squad** come in and wreak merry havoc – 24 January 2022.*
- *What was on the laptop from the Integrity Commissioner that was **seized** against her knowledge and erased? – 1 February 2022.*
- *The office was **raided**, a laptop was taken and information was erased from that and returned to her. That's like out of the **Kremlin in Russia**, right? – 3 February 2022.*
- *We've had an Integrity Commissioner who says there absolutely has to be a review because there is allegations that her office was **raided** and a laptop **seized** and information wipe. – 8 February 2022.*

I am further advised that Ms Simpson MP has made similar comments such as:

- *We need to ensure ... computers aren't wiped and the **goon squad** from this government doesn't undermine democracy in this state. – 25 January 2022.*
- *This government appears to have put a **spy** into the Integrity Commissioner's office. That laptop was **raided**, it was cleansed.*

I am advised that other members of the Liberal National Party Opposition have made comments of a similar nature as well. While these are public statements outside of the Legislative Assembly of the Queensland Parliament, they provide contextual information regarding statements made by the Liberal National Party Opposition in relation to a laptop at the Office of the Integrity Commissioner. I now wish to draw Mr Speaker's attention to statements made by Liberal National Party Opposition members within the Legislative Assembly of the Queensland Parliament.

MEMBER	DATE	HANSARD PAGE	STATEMENT
Mr Bleijie MP	15 March 2022	318	<i>Mr BLEIJIE: My question is to the Premier. The CE of the Public Service Commission is accused of levelling a misogynistic slur against Queensland's first female Integrity Commissioner, is under investigation by the Crime and Corruption Commission after he oversaw the raid on the Integrity Commissioner and the wiping of a laptop, and is accused of releasing a misleading statement as part of an attack on the Integrity Commissioner. Despite the mounting evidence, can the Premier explain why she is protecting the bully instead of the Office of the Integrity Commissioner?</i>
Mr Crisafulli MP	15 March 2022	347	<i>... Mr Setter knows about the raid. ...</i>
Ms Bates MP	29 March 2022	653	<i>I hope another laptop will not go missing if the Integrity Commissioner's advice does not fall the way the government would like it to!</i>
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Ms Simpson MP	26 May 2022	1447	<i>Then there was the shameful raid on the Integrity Commissioner's office.</i> <i>What happened to her laptop though, which was raided from her office and apparently wiped?</i>
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Mr Powell MP	24 June 2022	1843	We have had the raid on the Integrity Commissioner ...
Mr Bleijie MP	1 September 2022	2483	... Collected, raided —whatever the word is — it happened. ...

Table 1

Mr Speaker, it is a matter of public record that there was not a “raid” on the Office of the Integrity Commissioner. This was clarified by the then Acting Chairperson of the Crime and Corruption Commission on 25 February 2022 at a public hearing of the Parliamentary Crime and Corruption Commission and also a report entitled “*Workshop*” undertaken by the Crime and Corruption Commission and tabled in the Queensland Parliament on 4 July 2022.

Section 37 of the *Parliament of Queensland Act 2001* sets out the meaning of contempt of the Assembly as:

- (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 of the Legislative Assembly of Queensland – Standing Rules and Orders of the Legislative Assembly sets out examples of what might constitute a contempt of the Parliament and, whilst not limiting the power of the Legislative Assembly to the matters contained therein, includes a reference in:

- sub-paragraph (2) to: “*deliberately misleading the House or a committee (by way of submission, statement, evidence or petition)*”; and
- sub-paragraph (13) to: “*publishing a false or misleading account of proceedings before the House or a committee*”.

MISLEADING THE LEGISLATIVE ASSEMBLY

There are three elements to be provided in order to establish that a member has committed the contempt of deliberating misleading the House:

1. The statement must have been misleading;
2. The Member making the statement must have known, at the time the statement was made, that it was incorrect; and
3. In making the statement, the Member intended to mislead the House.

I will address each of these elements in turn.

1. The statement must have been misleading

As outlined in Table 1, various members of the Liberal National Party Opposition claimed that a laptop was “seized” by a “raid” and was then “wiped”. One member outlined that they hoped

“another laptop will not go missing”, inferring that something sinister occurred, rather than something that was a matter of course pursuant to the law and practice. The identified statements made within the Legislative Assembly all took place post 25 February 2022.

Mr Speaker, the Parliamentary Crime and Corruption Committee held a public hearing on 25 February 2022, where the then Acting Chairperson of the Crime and Corruption Committee appeared stating in response to questions from the Member for Macalister:

Mr Barbour: *I can answer it this way: ‘raid’ is not a word that I would use to describe what took place.*

In response to questions from the Member for Coomera regarding the term ‘raid’, the then Acting Chairperson stated:

Mr Barbour: *I just do not believe it was a raid. I think that is the extent of what I am prepared to say in the public session. It was put to me whether that terminology was appropriate. I have a view that it was not.*

I therefore submit that the terms used by the aforementioned members are misleading as the head of the Crime and Corruption Commission whose organisation was party to the investigation of the laptop, did not describe the events as described by the aforementioned members.

The Crime and Corruption Commission’s views at the public hearing of 25 February 2022 were backed up in their report tabled in the Legislative Assembly of the Queensland Parliament via the Parliamentary Crime and Corruption Commission and the Speaker on 4 July 2022 entitled, *“Investigation Workshop – An investigation into allegations of disclosure of confidential information at the office of the Integrity Commissioner”*.

Paragraph 82 of that report states, *“in light of the above, the commentary which has suggested that laptops were ‘seized’ and ‘wiped’ as a result of a ‘raid’ on the Integrity Commissioner’s offices is, in the CCC’s view, a mischaracterisation of what occurred”*.

Paragraph 76 of that report states in relation to the laptop, *“...investigators sought, and later obtained, the export of the relevant mailboxes, and the backup of the reimaged device. Nothing was found to suggest relevant data was lost.”*

While this report was tabled after the majority of the aforementioned members comments in the Legislative Assembly, it does support the testimony of the then Acting Chair of the Crime and Corruption Commission, dated 25 February 2022, where he stated, *“I just do not believe it was a raid” ... “‘raid’ is not a word that I would use to describe what took place”*. As such, I submit that the terms used by the Liberal National Party Opposition members were misleading.

2.The Member making the statement must have known, at the time the statement was made, that it was incorrect

Mr Speaker, as previously outlined the Parliamentary Crime and Corruption Committee held a public hearing on 25 February 2022, where the then Acting Chairperson of the Crime and Corruption Committee appeared stating in response to questions from the Member for Macalister:

Mr Barbour: *I can answer it this way: ‘raid’ is not a word that I would use to describe what took place.*

In response to questions from the Member for Coomera regarding the term ‘raid’, the then Acting Chairperson stated:

Mr Barbour: *I just do not believe it was a raid. I think that is the extent of what I am prepared to say in the public session. It was put to me whether that terminology was appropriate. I have a view that it was not.*

The transcript of this meeting states that the Member for Scenic Rim, Member for Coomera and Member for Oodgeroo took part in the meeting, which commenced at 10:41am that day.

On the same day as the Parliamentary Crime and Corruption Committee held their public meeting, Mr Crisafulli MP, Mr Last MP and Ms Simpson MP held a press conference, which Mr Crisafulli MP's public Facebook page indicates occurred around 12:33pm. During that press conference, Mr Crisafulli MP and Ms Simpson MP stated the following:

Mr Crisafulli: *Just wanted to move on to what we have seen this morning and there have been some significant developments in the Queensland integrity crisis. Moments ago, the Crime and Corruption Commission has confirmed that it did not order the raid on the Integrity Commissioner's laptop.*

I just want to say that again to every Queenslander because this has been one of the key defences that have been put up by those who have sought not to answer questions. The Crime and Corruption Commission did not order the raid on the Integrity Commissioner's laptop." ...

Ms Simpson: *... There's been a lot of excuses about why the truth can't come out clearly from the Premier and now also, we see that Rob Setter's claim about the CCC being involved in the laptop raid.*

Mr Crisafulli MP's press conference just an hour or so after the conclusion of the Parliamentary Crime and Corruption Committee public hearing, which he refers to in his press conference, which saw testimony from the then Acting Chair of the Crime and Corruption Commission that they wouldn't describe the events as a "raid", clearly shows that Mr Crisafulli MP and Ms Simpson MP were aware of the public hearing and the testimony from the most senior member of the Crime and Corruption Commission, which was charged with investigating the matter in question.

Further I am advised that on 7 July 2022, Mr Crisafulli MP and Mr Bleijie MP held a press conference where the Crime and Corruption Commission's report which was tabled on 4 July 2022 was discussed. As such, I submit that Mr Crisafulli and Mr Bleijie were aware of the Crime and Corruption Commission's report, and despite that Mr Bleijie made the statement to the Legislative Assembly regarding a "raid" on 1 September 2022.

In relation to Ms Bates MP and Mr Powell MP, both individuals are senior members of Mr Crisafulli MP's team. One being a Shadow Minister and the other as the current Manager of Opposition Business and it would be reasonable to deduce that they would be aware of the comments made within the Parliamentary Crime and Corruption Commission, the report by the Crime and Corruption Commission and media statements by their current leader.

3. In making the statement, the Member intended to mislead the House

It is clear by the statements made by the aforementioned Liberal National Party Opposition members within and outside the Legislative Assembly that they intended to mislead the House and the people of Queensland in relation to the circumstances surrounding a laptop and the Office of the Integrity Commissioner.

Despite the evidence by the then Acting Chairperson of the Crime and Corruption Commission and the subsequent report by the Crime and Corruption Commissioner, members of the Liberal National Party Opposition continued to explicitly invoke false descriptions such as 'raid,' to mischaracterise what took place. The aforementioned Members did not merely suggest this had happened, their claims, within and outside the Legislative Assembly were serious and explicit, incorrectly asserting that the laptops had been 'taken' and 'wiped' in a 'raid'.

I also refer to your previous rulings and that of former Speaker Simpson that "*the nature of political debate is that members engage in argument by discussing opposing viewpoints or different opinions, oftentimes using different expressions, statistics or methods of calculation*". I submit that the words used by the aforementioned Liberal National Party Opposition members are not merely using "different expressions", but deliberately using a phrase which was rejected by the head of the Crime and Corruption Commission, the body which was charged of investigating the matter.

Mr Speaker, I made a contribution during the Matters of Public Interest debate on 16 August 2022 regarding this matter and outlined the history of the claims by the Liberal National Party Opposition in addition to the evidence surrounding the laptop. I called for the Leader of the Opposition to correct the record, and to this date, no member of the Liberal National Party Opposition has corrected the record.

PUBLISHING FALSE AND MISLEADING ACCOUNT

Mr Speaker, Standing Order 266 which outlines examples of contempt is not exhaustive, and I refer Mr Speaker to Standing Order 266 (13) which states "*publishing a false or misleading account of proceedings before the House or a committee*". I draw Mr Speaker's attention again to a press conference by Mr Crisafulli MP, Ms Simpson MP and Mr Last MP on 25 February 2022 where the following statements were made:

- *Moments ago, the Crime and Corruption Commission has confirmed that it did not order the raid on the Integrity Commissioner's laptop.*
- *The Crime and Corruption Commission did not order the raid on the Integrity Commissioner's laptop.*
- *There's been a lot of excuses about why the truth can't come out clearly from the Premier and now also, we see that Rob Setter's claim about the CCC being involved in the laptop raid.*

Mr Crisafulli MP and Ms Simpson MP were clearly aware of the comments made by the then Acting Chairperson of the Crime and Corruption Commission during the public hearing of the Parliamentary Crime and Corruption Commission, as they referred to the hearing during their press conference. During that hearing the Acting Chairperson stated that he did "*not believe it was a raid*". But unfortunately, Mr Crisafulli MP and Ms Simpson MP continued to describe it as such.

I submit that in referring to the Crime and Corruption Commission's involvement in the investigation of the laptop and calling it a "raid", despite the Acting Chairperson's comments describing it as not a raid and referring to the public hearing is publishing a misleading account of the proceedings of the committee, at a press conference, which was attended by media officials and live streamed on the Leader of the Opposition's social media channels.

CODE OF ETHICAL STANDARDS

The *Code of Ethical Standards* is a document to assist Members to better understand the nature of their public office and the distinct obligations that arise by virtue of that office. Part 6 of the *Code of Ethical Standards* is entitled "Respect for Persons". It states:

"Members should treat members of the public, officers and employees of the Parliamentary Service and other public officials with courtesy, honesty and fairness, and with proper regard for their rights, obligations cultural differences, safety, health and welfare.

Members should not use abusive, obscene or threatening language (either oral or written) or behaviour towards any officer, employee or member of the public".

Mr Speaker, I submit that the comments by the Leader of the Opposition and various members of the Liberal National Party Opposition in respect to the subject matter of this correspondence contravenes this section of the *Code of Ethical Standards*.

Members of the Liberal National Party have in the public domain talked about "goon squads" which is a direct reflection of senior members of the independent public service in Queensland and also potentially staff within ministerial offices. For the avoidance of doubt, there is no goon squad. To suggest such a thing is not only misleading, but not honest or fair and abusive language towards the public service.

Despite the Leader of the Opposition being called upon by the Premier and Minister for the Olympics during the Estimates process, the Attorney-General and Minister for Justice via media conference and media statement dated 4 July 2022 and 5 July 2022 and myself, they have not corrected the record or apologised, despite the Crime and Corruption Commission clearly outlining the facts on at least two occasions.

SUMMARY

Mr Speaker, in summary I submit that:

- The Member for Broadwater, Member for Kawana, Member for Maroochydore, Member for Mudgeeraba and Member for Glass House have misled the Legislative Assembly of the Queensland Parliament in their description of what occurred with the Office of the Integrity Commissioner's laptop.
- The aforementioned Liberal National Party Opposition Members would have known the testimony of the then Chairperson of the Crime and Corruption Commission at the Parliamentary Crime and Corruption Commission regarding the term "raid" as the Member for Broadwater and Member for Maroochydore referred to it in a public press conference shortly after the public hearing.
- Since the publication of the Crime and Corruption Commission report into the matter, at least one Liberal National Party Opposition Member (Member for Kawana) has referred to, in the Legislative Assembly a "raid", despite the report indicating otherwise. It is also noted that none of the aforementioned Liberal National Party Opposition Members have corrected the record outside or within the Legislative Assembly.
- The Member for Broadwater and Member for Maroochydore have published a misleading account of the Parliamentary Crime and Corruption Commission hearing, whereby they referred to the Crime and Corruption Commission and the term "raid", despite the then

Acting Chairperson of the Crime and Corruption Commission giving testimony that that word was inappropriate to use.

- Various Liberal National Party Opposition Members have publicly made comments which are not honest and fair and abusive in nature regarding senior public servants, referring to them as part of a "goon squad". Despite multiple calls the Liberal National Party Opposition have failed to correct the record and apologise.

It is for all of the above reasons that I respectfully ask that you give serious consideration to this matter and request that the Ethics Committee of the Queensland Parliament consider this matter, not only in relation to matters of contempt, but also the standards which should be displayed by elected Members of the Queensland Parliament.

Please do not hesitate to contact me if I can assist with further information in relation to the above matter.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Mark Bailey', written in a cursive style.

MARK BAILEY MP
Minister for Transport and Main Roads

George Hasanakos

From: Frank Plunkett <Frank.Plunkett@ministerial.qld.gov.au>
Sent: Wednesday, 28 September 2022 12:13 PM
To: George Hasanakos
Subject: Letter to the Speaker - Mark Bailey MP

Hi George,

As discussed, please find the media conference as referred to in Minister Bailey's letter to the Speaker for further reference.

<https://www.facebook.com/DavidCrisafulliMP/videos/4665822486861928/>

Many thanks,

Frank

Frank Plunkett

Governance Officer

Office of the Hon. Mark Bailey MP

Minister for Transport and Main Roads



**Queensland
Government**

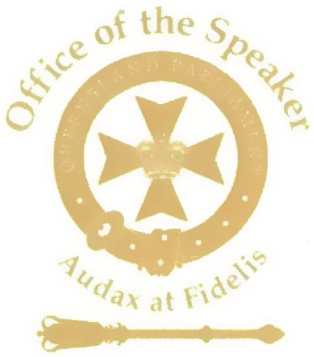
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Your Ref:

Our Ref: 221012-OUT-LOTO

12 October 2022

Mr David Crisafulli MP
Leader of the Opposition
Member for Broadwater

By E-mail: reception@opposition.qld.gov.au

Dear David

I have received correspondence on 16 September 2022 from the Minister for Transport and Main Roads, raising several complaints against a number of Members including yourself. The complaints raised include, but are not limited to Matters of Privilege.

A copy of the correspondence making these allegations is attached.

Standing Order 269 (5) provides that in considering whether such matters should be referred to the Ethics Committee, the Speaker may request further information from the person the subject of the allegation. Accordingly, I am writing to you pursuant to that Standing Order to seek your response against the complaints made against you.

In considering your response, I provide the following advice in relation to individual complaints set out in the letter.

In relation to the allegation of the publishing a false or misleading account of a committee, I consider this allegation relates to the video posted on your Facebook account at <https://www.facebook.com/DavidCrisafulliMP/videos/4665822486861928/>.

In relation to the allegation of the Code of Ethical Standards, I consider that the section of the Code relevant to this complaint is, Section 7 – Respect for Persons.

Standing Order 269 (4) provides that in considering whether a matter should be referred to the Ethics Committee, the Speaker shall take account of the degree of importance of the matter which has been raised and whether an adequate apology or explanation has been made in respect of the matter.

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

I wish to stress that I have not yet formed a view as to whether any particular allegation should be referred to the Ethics Committee.

As a matter of course, I remind all members of the long established convention that should a Member become aware they have inadvertently misled the House, they should, at the earliest opportunity, correct the record and apologise for their inadvertence.

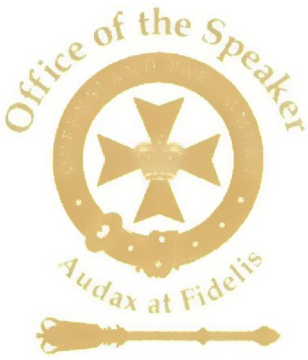
Should you wish to provide me with further information to assist me in making a determination as to whether the matter should be referred to the Ethics Committee under *Standing Order 269* please provide your response by COB 26 October 2022.

In the meantime, should your office have any queries relating to this matter, they may be directed to my Executive Officer, George Hasanakos, by email to Speaker@parliament.qld.gov.au or on 07 3553 6700.

Yours sincerely

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

HON CURTIS PITT MP
Speaker of the Legislative Assembly



Your Ref:

Our Ref: 221012-OUT-DLOTO

12 October 2022

Mr Jarrod Bleijie MP
Deputy Leader of the Opposition
Member for Kawana

By E-mail: reception@opposition.qld.gov.au
Kawana@parliament.qld.gov.au

Dear Jarrod

I have received correspondence on 16 September 2022 from the Minister for Transport and Main Roads, raising several complaints against a number of Members including yourself. The complaints raised include, but are not limited to Matters of Privilege.

A copy of the correspondence making these allegations is attached.

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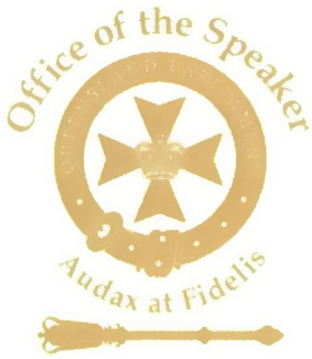
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Yours sincerely

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HON CURTIS PITT MP
Speaker of the Legislative Assembly



Your Ref:

Our Ref: 221012-OUT-MOOB

12 October 2022

Mr Andrew Powell MP
Manager of Opposition Business
Member for Glass House

By E-mail: Glass.House@parliament.qld.gov.au

Dear Andrew

I have received correspondence on 16 September 2022 from the Minister for Transport and Main Roads, raising several complaints against a number of Members including yourself. The complaints raised include, but are not limited to Matters of Privilege.

A copy of the correspondence making these allegations is attached.

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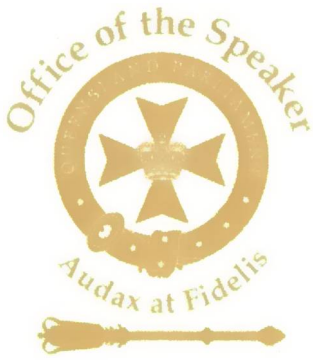
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In the meantime, should your office have any queries relating to this matter, they may be directed to my Executive Officer, George Hasanakos, by email to Speaker@parliament.qld.gov.au or on 07 3553 6700.

Yours sincerely

A handwritten signature in blue ink that reads "C. Pitt".

HON CURTIS PITT MP
Speaker of the Legislative Assembly



Your Ref:

Our Ref: 221012-OUT-Maroochydore

12 October 2022

Ms Fiona Simpson MP
Member for Maroochydore

By E-mail: Maroochydore@parliament.qld.gov.au

Dear Fiona

I have received correspondence on 16 September 2022 from the Minister for Transport and Main Roads, raising several complaints against a number of Members including yourself. The complaints raised include, but are not limited to Matters of Privilege.

A copy of the correspondence making these allegations is attached.

Standing Order 269 (5) provides that in considering whether such matters should be referred to the Ethics Committee, the Speaker may request further information from the person the subject of the allegation. Accordingly, I am writing to you pursuant to that Standing Order to seek your response against the complaints made against you.

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Should you wish to provide me with further information to assist me in making a determination as to whether the matter should be referred to the Ethics Committee under *Standing Order 269* please provide your response by COB 26 October 2022.

In the meantime, should your office have any queries relating to this matter, they may be directed to my Executive Officer, George Hasanakos, by email to Speaker@parliament.qld.gov.au or on 07 3553 6700.

Yours sincerely

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

HON CURTIS PITT MP
Speaker of the Legislative Assembly



Your Ref:

Our Ref: 221012-OUT-Mudgeeraba

12 October 2022

Ms Ros Bates MP
Member for Mudgeeraba

By E-mail: Mudgeeraba@parliament.qld.gov.au

Dear Ros

I have received correspondence on 16 September 2022 from the Minister for Transport and Main Roads, raising several complaints against a number of Members including yourself. The complaints raised include, but are not limited to Matters of Privilege.

A copy of the correspondence making these allegations is attached.

Standing Order 269 (5) provides that in considering whether such matters should be referred to the Ethics Committee, the Speaker may request further information from the person the subject of the allegation. Accordingly, I am writing to you pursuant to that Standing Order to seek your response against the complaints made against you.

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In the meantime, should your office have any queries relating to this matter, they may be directed to my Executive Officer, George Hasanakos, by email to Speaker@parliament.qld.gov.au or on 07 3553 6700.

Yours sincerely

A handwritten signature in blue ink that reads "C. Pitt". The signature is written in a cursive, flowing style.

HON CURTIS PITT MP
Speaker of the Legislative Assembly



Andrew POWELL MP

Member for Glass House

25 October 2022

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

Dear Mr Speaker

I write on my behalf and on behalf of my colleagues - the Leader of the Opposition, the Deputy Leader of the Opposition and the Members for Maroochydore and Mudgeeraba - in response to your letter of 12 October 2022.

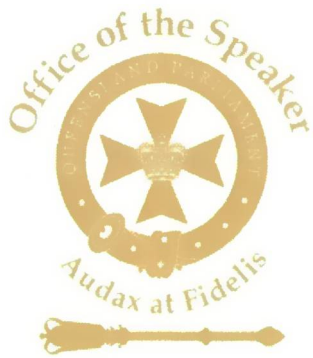
We are seeking further advice on the matter and request that we be permitted to provide our response by COB 28 October 2022.

Your support for this request would be appreciated.

Yours sincerely

Andrew Powell MP
Member for Glass House
Manager of Opposition Business

cc Leader of the Opposition
Deputy Leader of the Opposition
Member for Maroochydore
Member for Mudgeeraba



Your Ref:

Our Ref: 221025-OUT-MOOB

25 October 2022

Mr Andrew Powell MP
Manager of Opposition Business
Member for Glass House

By E-mail: Andrew.Powell@parliament.qld.gov.au

Dear Andrew

I refer to your correspondence of today's date on behalf of yourself, the Opposition Leader, Deputy Opposition Leader and the Members for Maroochydore and Mudgeeraba.

I approve the request you have made and grant an extension of time to COB Friday 28 October 2022 for yourself and the aforesaid members to provide a response to my previous correspondence of 12 October 2022.

Yours sincerely

HON CURTIS PITT MP
Speaker of the Legislative Assembly

Cc: Leader of the Opposition
Deputy Leader of the Opposition
Member for Maroochydore
Member for Mudgeeraba

Parliament House
George St Brisbane Queensland 4000 Australia

Phone + 61 7 3553 6700
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David Crisafulli MP

Leader of the Opposition
Shadow Minister for Tourism
Shadow Minister for Olympics and Paralympics

28 October 2022

Hon Curtis Pitt MP
Speaker of the Legislative Assembly

By e-mail: speaker@parliament.qld.gov.au

Dear Mr Speaker

Curtis

I refer to your letter of 12 October 2022 conveying a letter dated 16 September 2022 from Hon Mark Bailey MP, Minister for Transport and Main Roads.

You have requested I furnish you with any further information to assist in making a determination as to whether the matters raised by the Minister should be referred to the Ethics Committee.

From the outset I contend that the Minister's complaint is ill-conceived and without foundation, relying on conjecture rather than a factual basis.

It conflates contorted logic, a misunderstanding of nomenclature, a misinterpretation of Standing Orders and associated legislation and a confused response to what should have been a relatively simple timeline of events.

You have highlighted two matters concerning the Minister's complaint.

Claim of publishing a false or misleading account of a committee

You reference a Facebook account at
<https://www.facebook.com/DavidCrisafulliMP/videos/4665822486861928/>.

There is nothing in this video that suggests there was an effort to publish a false or misleading account of a committee. As pointed out below, there was a reasonable interpretation of events that emerged from witnesses before the committee. That information was withheld from the public hearing makes it difficult to support the Minister's conclusion that a false or misleading account was produced.

Code of Ethical Standards, Section 7 – Respect for Persons

The Code states:

Members should treat members of the public, officers and employees of the Parliamentary Service and other public officials with courtesy, honesty and fairness, and with proper regard for their rights, obligations and cultural differences, safety, health and welfare.

Members should not use abusive, obscene or threatening language (either oral or written) or behaviour towards any officer, employee or member of the public.

Mr Bailey has provided no evidence that any officials were named. In fact, Opposition members were seeking an explanation of what occurred.

There is no evidence provided that particular officers were treated in the manner alleged.

In the House the standard for a member under Standing Order 234 to have allegedly offensive comments made about them withdrawn requires that someone be personally named or identified. The same standard should apply in determining whether Section 7 has been breached. There must be personal identification or naming.

The Code indicates the nature of the fundamental principles:

The fundamental principles are aspirational in nature and are not enforceable obligations on Members

In this instance there are no enforceable obligations involved. Even if the matters alleged by the Minister were established, and I contend they have not been, they remain aspirational standards only.

Accordingly, I will deal with the Minister's complaints in turn.

1. The statement must have been misleading

The essence of the Minister's complaint appears to be that the use of the term "raid" is misleading.

Whether a "raid" occurred or not is simply a matter of interpretation.

The Minister places great store in the statements of the Acting Chairperson of the Crime and Corruption Commission, Mr Barbour, before a hearing of the Parliamentary Crime and Corruption Committee.

These statements, cited as proof that no "raid" occurred in the retrieval of the laptop, are no more than interpretations.

They are not evidence subject to cross-examination; they are not judicial findings – they are a mere expression of opinion.

Indeed, the Acting Chairperson said "raid" was not a word he would use and that he does "not believe" it was "a raid." These are simply opinions and not findings of fact.

Accordingly, there is no obligation that others should adopt these opinions as their own,

particularly as, at the time, no one outside the Crime and Corruption Commission would have had access to any information gathered by the Commission during its investigation.

The nature of the Crime and Corruption Commission's own processes throws some light on how these events should be interpreted.

The Commission's Annual Report 2015-16 at page 42 provides a guide as to how matters are treated.

In relation to a complaint made by the Lock the Gate Alliance the report states:
The assessment found insufficient evidence to support the allegations or raise a reasonable suspicion of a criminal offence.

The report stated that "a large volume of material" had been carefully considered.

An investigation makes assessments about the evidence that is available to ensure that it is sufficiently probative. If it does not reach this threshold, the matter does not proceed. However, the Commission still undertakes the necessary work to reach this conclusion.

The need to "raise a reasonable suspicion" is critical and it can be assumed that, for a matter to proceed, this threshold must have been reached and observers would be justified in believing there could be some basis to the suspicions that led to the CCC taking up the matter.

This issue was considered further in the Submission by the Crime and Corruption Commission to an "Inquiry into the Crime and Corruption Commission's performance of its functions to assess and report on complaints about corrupt conduct." The Submission states at page 15:

... whether the information supports a reasonable suspicion (on the information to hand) that the conduct could involve corruption, including considering whether the information appears genuine, and the complaint is made in good faith.

In the circumstances under consideration an outside observer would be entitled to draw the conclusion that, as a result of the relatively protracted nature of the Commission's deliberations, there were grounds on which to make assumptions about a "raid". That this matter was not concluded until the release of the Commission's report in July adds further weight to the assumption that something was amiss in relation to the treatment of the laptop from the Office of the Integrity Commissioner.

The matter had moved from the assessment stage to the investigation stage, a clear indication that there were grounds for believing an element of corruption could be involved. As Members of Parliament we were justified in viewing the Commission's processes in this instance with a degree of seriousness.

The existence of publicly available media commentary – over many months – provides a firm foundation upon which the allegations relating to the laptop can be based. Indeed, the government’s own refusal to explain the circumstances provided a basis for these claims.

The concerns of the Integrity Commissioner, Dr Stepanov, are the strongest signs that this issue was very much alive in the public mind. Media references to concerns held by Dr Stepanov add to the uncertainty surrounding terminology and the fact that Opposition members were simply reflecting public concerns as to the circumstances surrounding the Integrity Commissioner’s laptop.

Dr Stepanov’s concerns were detailed in an article in the online version *The Sunday Mail* of 13 February 2022.

- *Without her knowledge, presence or consent, PSC staff entered Stepanov’s Albert St offices in March last year. Like a scene from a spy thriller that has sent chills through other integrity offices through Brisbane, access codes were changed and phones and devices were confiscated. The laptop was wiped of records relevant to “ongoing legal proceedings” and “investigations”. The action has been described by the committee with oversight of her office as the “indelible deletion of public records of the Integrity Commission”. Who carried out the raid and deletion of documents and whose authority is not clear. Neither is whether it was legally allowed. “The devices were removed on a day that I was not in office,” Stepanov told the parliamentary committee, according to sources. “I found out by happenstance. The access to the offices was changed. I found out that by happenstance as well. I will not go into the details.”*

Dr Stepanov’s concerns are further ventilated in *Brisbane Times* of 25 February 2022:

- *Dr Stepanov previously complained of her office being raided, which sparked allegations of interference with the integrity watchdog. She complained to the CCC last year about the seizure of mobile phones and laptops and altering of security permissions to her office by the Public Service Commission, which has budgetary authority over the Integrity Commissioner’s agency.*

That Dr Stepanov was concerned by the manner and consequences surrounding the taking of the laptop, and this was reported by the media, is further evidence upon which an observer would be entitled to raise public doubts.

A selection of other media references include:

- *The Premier did not refute that the PSC had confiscated mobile phones and laptops or compromised or deleted public records from those devices in a series of seven questions put to her in parliament. (The Courier Mail, 16 September 2021)*

- *Dr Stepanov had previously raised concerns about the reported actions of the Public Service Commission, including allegations it confiscated mobile phones and laptops and altered security permissions to the office. (Brisbane Times, 24 January 2022)*
- *On Sunday Dr Stepanov declined to comment about her resignation, but in a written statement she confirmed she made a formal complaint to the CCC last year about the seizure and wiping of the laptop. (The Australian, 24 January 2022)*
- *Instead Dr Stepanov said in a statement that the PSC and, later, the Department of Premier and Cabinet, rejected her request and the laptop was then seized by the PSC and wiped in March last year. (The Australian 25 January 2022)*
- *Last week, Integrity Commissioner Nikola Stepanov tendered her resignation after a laptop was allegedly seized from her office in March last year and its contents wiped without her knowledge by officials of the Public Service Commission. (The Weekend Australian, 29-30 January 2022)*
- *A source, with knowledge of Dr Stepanov's testimony, has told The Weekend Australian she accused the PSC, of seizing and wiping the laptop as well as removing half of her already small staff. (The Weekend Australian, 5-6 February 2022)*
- *Dr Stepanov asked for a forensic probe of Ms Rancic's laptop but was rejected by the PSC, which then confiscated and wiped the laptop. (The Sunday Mail, 13 February 2022)*
- *The senior Queensland public servant who made allegations against state Integrity Commissioner Nikola Stepanov and later ordered a raid on her office refused her request to conduct an audit of lobbying contacts with his department. (The Australian, 16 February 2022)*
- *But during a public committee meeting on Friday, Mr Setter's claim was rejected by interim CCC chair Bruce Barbour, who said the laptop was "removed" from Dr Stepanov's office four months before the CCC investigation began. (The Weekend Australian, 26-27 February 2022)*

This brief catalogue points to information in the public domain over a number of months that supported the claim of a "raid". Members of Parliament are entitled to raise issues in the public interest and reflect widespread media commentary. The fact that the government appeared to have taken a Trappist approach to the issue is not a basis on which to launch criticism of those members.

The issue of "raids" in Australian politics is not new.

The most notorious recent example is that involving the then Attorney General and Minister for Customs and Excise, Senator Lionel Murphy, and the Australian Security Intelligence Organisation (ASIO) on 16 March 1973.

Driven by a belief that ASIO had failed to combat right wing extremism, Senator Murphy "raided" the organisation's premises in Melbourne seeking evidence to support his contentions. This became a significant political issue and the nature of Senator Murphy's engagement with ASIO became a matter of some contention.

The nature of the visit itself became an issue for debate and is characterised by the following exchange between Senator Reg Withers, Leader of the Opposition in the Senate, and Senator Murphy as reported in *Hansard* on 27 March 1973 at page 550.

Senator Withers:

Will the Attorney General advise the Senate what changes were made in the security arrangements for the Yugoslav Prime Minister following the Attorney General's raid [my emphasis] on the Australian Security Intelligence Organisations offices? ...

Senator Murphy:

I made a visit [my emphasis] to the Australia Security Intelligence Organisation....

Both Senator Withers and Senator Murphy were lawyers. Both referenced the same set of facts. Both characterised the action differently. What happened on this occasion, and how it was categorised by two different observers, is mirrored by the events of which the Minister complains.

Clearly, the recent events concerning the Integrity Commissioner in Queensland are not the first occasion on which there was a difference of opinion over the characterisation of the word "raid".

It remains true, however, that it makes no difference as to how individuals choose to describe events. The act itself is what matters not which words are ascribed to it. To put such differences above a disagreement about nomenclature is to misunderstand the circumstances.

Indeed, the very issue of descriptions was covered in your statement tabled in the Legislative Assembly on 6 April 2022 relating to a dispute over a \$400 million cut by the present government to Queensland hospital funding.

Amongst other things, you stated:

In my view, the characterization of an efficiency or productivity dividend as a cut is a matter of expression – it is common parlance.

... The nature of political debate is that members engage in argument by discussing opposing viewpoints or different opinions. Oftentimes using different expressions, statistics or methods of calculation.

The current situation reflects this set of circumstances and reflects the different use of language. In the light of this it is impossible to accept that the complaint reaches the first threshold.

The Minister himself referred to this statement but simply asserted, without additional evidence, that somehow the statements under consideration reached a threshold above

and beyond that which was envisaged in this ruling. Again, this was done without the benefit of evidence.

2. The Member making the statement must have known, at the time the statement was made, that it was incorrect

Even if there is a view that the statements under consideration were misleading, there is no evidence that I should have been aware, at the time they were made, that they were untrue.

Despite the minister's best efforts, there is no reason to assume that I should have accepted Mr Barbour's statements of 25 February 2022 as evidence of a particular set of circumstances. Mr Barbour's beliefs are no more valid than mine and, at the time they were made, have no more legal authority than mine.

It should be noted that the transcript of this Committee hearing was not published on the Parliamentary Crime and Corruption Committee's website until 24 June 2022 – four months after the statements were made (as advised by the Parliamentary Library on 13 October 2022).

Even if Mr Barbour's comments are to be given any special weighting, which is not accepted, there was no official record of the hearing available until this time.

It was not until 4 July 2022 that the report of the Crime and Corruption Commission, *Investigation Workshop*, was tabled in the Legislative Assembly.

In that report, the Commission said no more about the use of the term "raid" than it was a "mischaracterisation of what occurred" (Report, para 82 at page 15).

It is interesting to note that, in the course of the 25 February 2022 public hearing, Mr Barbour declined to provide any additional information as to his reluctance to use the word "raid". In fact, he stated:

I think I can describe it fully in our closed session. I think to provide too much of a description of it at this stage would be disclosing information that I am not comfortable about disclosing in a public session. Transcript, 25 February 2022, page 5)

There is no way an outside observer would have been able to draw any firm conclusions from these proceedings as no information was made public. Neither I, nor my colleagues, have any information relating to the closed session between the Committee and the Commission.

This in no way supports the Minister's contention that the House was knowingly misled. If the notion of mischaracterisation is accepted, and it is not, this is simply a difference of opinion as to the application of the English language. It is simply an interpretation of events with which the Minister does not agree.

An important aspect to note is that of the instances cited by the Minister to support his case only one occurred after the tabling of the Commission's report. The vast bulk occurred before the release of the report meaning that, at its most precise, there was no finding about the use of the word "raid" at the time the word was used. There is no finding on which the Minister's claim can be based.

The word was alluded to on 1 September 2022 when the Deputy Leader of the Opposition referred to "raided – whatever the word is...".

This in no way constitutes a deliberate misleading of the House as it clearly uses the word "raided" as a suggestion which is open to alternate uses. This does not constitute an assertion to which objection can be taken.

This is clear from the language used by the Deputy Leader of the Opposition.

3. In making the statement, the Member intended to mislead the House

There can be no intention to mislead the House in a case in which the two accompanying elements are not present.

Mere assertion by the Minister as to the nature and veracity of a statement are insufficient grounds upon which a claim of intention can be based.

There is no evidence provided by the Minister that there was any intention to mislead the House.

Phrases by the Minister such as "it is clear", "explicitly invoke false descriptions" and "deliberately using a phrase" provide no evidence of either clarity, invocation of false descriptions or deliberate use. The Minister has assumed an ability of precognition that few could claim to possess.

The Minister's assertions are not supported by the facts. Indeed, he provides no evidence of the offence about which he complains.

Conclusion

I believe that, in writing to you about this matter, the Minister has embarked on a course of action in contravention of your advice which you issued at the Economics and Governance Committee Budget Estimates meeting on 16 July 2021, where you said (Hansard, Page 7):

"... I do not believe that frivolous complaints should be rewarded nor should any further attention be made to those which I believe probably are borderline.

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I submit that the Minister's allegations fall entirely within this category. At the same time they misinterpret Standing Orders and associated legislation to raise the notion of "misleading" to a plain that is neither contemplated nor embraced by these particular rules.

I ask you to dismiss the Minister's complaint and take no further action.

Yours sincerely,

A handwritten signature in blue ink, appearing to read "David Crisafulli". The signature is written in a cursive style with a large initial "D".

DAVID CRISAFULLI MP
Leader of the Opposition
Shadow Minister for Tourism
Shadow Minister for Olympics and Paralympics
State Member for Broadwater



Jarrod BLEIJIE MP

Member for **Kawana**

Deputy Leader of the Opposition

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Shadow Minister for Industrial Relations

28 October 2022

Hon Curtis Pitt MP
Speaker of the Legislative Assembly

By e-mail: speaker@parliament.qld.gov.au

Dear Mr Speaker

I refer to your letter of 12 October 2022 conveying a letter dated 16 September 2022 from Hon Mark Bailey MP, Minister for Transport and Main Roads.

You have requested I furnish you with any further information to assist in making a determination as to whether the matters raised by the Minister should be referred to the Ethics Committee.

From the outset I contend that the Minister's complaint is ill-conceived and without foundation, relying on conjecture rather than a factual basis.

It conflates contorted logic, a misunderstanding of nomenclature, a misinterpretation of Standing Orders and associated legislation and a confused response to what should have been a relatively simple timeline of events.

You have highlighted two matters concerning the Minister's complaint.

Claim of publishing a false or misleading account of a committee

You reference a Facebook account at
<https://www.facebook.com/DavidCrisafulliMP/videos/4665822486861928/>.

There is nothing in this video that suggests there was an effort to publish a false or misleading account of a committee. As pointed out below, there was a reasonable interpretation of events that emerged from witnesses before the committee. That information was withheld from the public hearing makes it difficult to support the Minister's conclusion that a false or misleading account was produced.

Code of Ethical Standards, Section 7 – Respect for Persons

The Code states:

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There is no evidence provided that particular officers were treated in the manner alleged.

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The fundamental principles are aspirational in nature and are not enforceable obligations on Members

In this instance there are no enforceable obligations involved. Even if the matters alleged by the Minister were established, and I contend they have not been, they remain aspirational standards only.

Accordingly, I will deal with the Minister's complaints in turn.

1. The statement must have been misleading

The essence of the Minister's complaint appears to be that the use of the term "raid" is misleading.

Whether a "raid" occurred or not is simply a matter of interpretation.

The Minister places great store in the statements of the Acting Chairperson of the Crime and Corruption Commission, Mr Barbour, before a hearing of the Parliamentary Crime and Corruption Committee.

These statements, cited as proof that no "raid" occurred in the retrieval of the laptop, are no more than interpretations.

They are not evidence subject to cross-examination; they are not judicial findings – they are a mere expression of opinion.

Indeed, the Acting Chairperson said "raid" was not a word he would use and that he does "not believe" it was "a raid." These are simply opinions and not findings of fact. Accordingly, there is no obligation that others should adopt these opinions as their own, particularly as, at the time, no one outside the Crime and Corruption Commission would have had access to any information gathered by the Commission during its investigation.

The nature of the Crime and Corruption Commission's own processes throws some light on how these events should be interpreted.

The Commission's Annual Report 2015-16 at page 42 provides a guide as to how matters are treated.

In relation to a complaint made by the Lock the Gate Alliance the report states:

The assessment found insufficient evidence to support the allegations or raise a reasonable suspicion of a criminal offence.

The report stated that “a large volume of material” had been carefully considered.

An investigation makes assessments about the evidence that is available to ensure that it is sufficiently probative. If it does not reach this threshold, the matter does not proceed. However, the Commission still undertakes the necessary work to reach this conclusion.

The need to “raise a reasonable suspicion” is critical and it can be assumed that, for a matter to proceed, this threshold must have been reached and observers would be justified in believing there could be some basis to the suspicions that led to the CCC taking up the matter.

This issue was considered further in the Submission by the Crime and Corruption Commission to an “Inquiry into the Crime and Corruption Commission’s performance of its functions to assess and report on complaints about corrupt conduct.” The Submission states at page 15:

... whether the information supports a reasonable suspicion (on the information to hand) that the conduct could involve corruption, including considering whether the information appears genuine, and the complaint is made in good faith.

In the circumstances under consideration an outside observer would be entitled to draw the conclusion that, as a result of the relatively protracted nature of the Commission’s deliberations, there were grounds on which to make assumptions about a “raid”. That this matter was not concluded until the release of the Commission’s report in July adds further weight to the assumption that something was amiss in relation to the treatment of the laptop from the Office of the Integrity Commissioner.

The matter had moved from the assessment stage to the investigation stage, a clear indication that there were grounds for believing an element of corruption could be involved. As Members of Parliament we were justified in viewing the Commission’s processes in this instance with a degree of seriousness.

The existence of publicly available media commentary – over many months – provides a firm foundation upon which the allegations relating to the laptop can be based. Indeed, the government’s own refusal to explain the circumstances provided a basis for these claims.

The concerns of the Integrity Commissioner, Dr Stepanov, are the strongest signs that this issue was very much alive in the public mind. Media references to concerns held by Dr Stepanov add to the uncertainty surrounding terminology and the fact that Opposition members were simply reflecting public concerns as to the circumstances surrounding the Integrity Commissioner’s laptop.

Dr Stepanov’s concerns were detailed in an article in the online version *The Sunday Mail* of 13 February 2022.

- *Without her knowledge, presence or consent, PSC staff entered Stepanov’s Albert St offices in March last year. Like a scene from a spy thriller that has sent chills through other integrity offices through Brisbane, access codes were changed and phones and devices were confiscated.*

The laptop was wiped of records relevant to “ongoing legal proceedings” and “investigations”. The action has been described by the committee with oversight of her office as the “indelible deletion of public records of the Integrity Commission”.

Who carried out the raid and deletion of documents and whose authority is not clear. Neither is whether it was legally allowed.

"The devices were removed on a day that I was not in office," Stepanov told the parliamentary committee, according to sources. "I found out by happenstance. The access to the offices was changed. I found out that by happenstance as well. I will not go into the details."

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A selection of other media references include:

- *The Premier did not refute that the PSC had confiscated mobile phones and laptops or compromised or deleted public records from those devices in a series of seven questions put to her in parliament. (The Courier Mail, 16 September 2021)*
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Stepanov's office four months before the CCC investigation began. (The Weekend Australian, 26-27 February 2022)

This brief catalogue points to information in the public domain over a number of months that supported the claim of a "raid". Members of Parliament are entitled to raise issues in the public interest and reflect widespread media commentary. The fact that the government appeared to have taken a Trappist approach to the issue is not a basis on which to launch criticism of those members.

The issue of "raids" in Australian politics is not new.

The most notorious recent example is that involving the then Attorney General and Minister for Customs and Excise, Senator Lionel Murphy, and the Australian Security Intelligence Organisation (ASIO) on 16 March 1973.

Driven by a belief that ASIO had failed to combat right wing extremism, Senator Murphy "raided" the organisation's premises in Melbourne seeking evidence to support his contentions. This became a significant political issue and the nature of Senator Murphy's engagement with ASIO became a matter of some contention.

The nature of the visit itself became an issue for debate and is characterised by the following exchange between Senator Reg Withers, Leader of the Opposition in the Senate, and Senator Murphy as reported in *Hansard* on 27 March 1973 at page 550.
Senator Withers:

Will the Attorney General advise the Senate what changes were made in the security arrangements for the Yugoslav Prime Minister following the Attorney General's raid [my emphasis] on the Australian Security Intelligence Organisations offices? ...

Senator Murphy:

*I made a **visit** [my emphasis] to the Australia Security Intelligence Organisation....*

Both Senator Withers and Senator Murphy were lawyers. Both referenced the same set of facts. Both characterised the action differently. What happened on this occasion, and how it was categorised by two different observers, is mirrored by the events of which the Minister complains.

Clearly, the recent events concerning the Integrity Commissioner in Queensland are not the first occasion on which there was a difference of opinion over the characterisation of the word "raid".

It remains true, however, that it makes no difference as to how individuals choose to describe events. The act itself is what matters not which words are ascribed to it. To put such differences above a disagreement about nomenclature is to misunderstand the circumstances.

Indeed, the very issue of descriptions was covered in your statement tabled in the Legislative Assembly on 6 April 2022 relating to a dispute over a \$400 million cut by the present government to Queensland hospital funding.

Amongst other things, you stated:

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... The nature of political debate is that members engage in argument by discussing opposing viewpoints or different opinions. Oftentimes using different expressions, statistics or methods of calculation.

The current situation reflects this set of circumstances and reflects the different use of language. In the light of this it is impossible to accept that the complaint reaches the first threshold.

The Minister himself referred to this statement but simply asserted, without additional evidence, that somehow the statements under consideration reached a threshold above and beyond that which was envisaged in this ruling. Again, this was done without the benefit of evidence.

2. The Member making the statement must have known, at the time the statement was made, that it was incorrect

Even if there is a view that the statements under consideration were misleading, there is no evidence that I should have been aware, at the time they were made, that they were untrue.

Despite the minister's best efforts, there is no reason to assume that I should have accepted Mr Barbour's statements of 25 February 2022 as evidence of a particular set of circumstances. Mr Barbour's beliefs are no more valid than mine and, at the time they were made, have no more legal authority than mine.

It should be noted that the transcript of this Committee hearing was not published on the Parliamentary Crime and Corruption Committee's website until 24 June 2022 – four months after the statements were made (as advised by the Parliamentary Library on 13 October 2022).

Even if Mr Barbour's comments are to be given any special weighting, which is not accepted, there was no official record of the hearing available until this time.

It was not until 4 July 2022 that the report of the Crime and Corruption Commission, *Investigation Workshop*, was tabled in the Legislative Assembly.

In that report, the Commission said no more about the use of the term "raid" than it was a "mischaracterisation of what occurred" (Report, para 82 at page 15).

It is interesting to note that, in the course of the 25 February 2022 public hearing, Mr Barbour declined to provide any additional information as to his reluctance to use the word "raid". In fact, he stated:

I think I can describe it fully in our closed session. I think to provide too much of a description of it at this stage would be disclosing information that I am not comfortable about disclosing in a public session. Transcript, 25 February 2022, page 5)

There is no way an outside observer would have been able to draw any firm conclusions from these proceedings as no information was made public. Neither I, nor my colleagues, have any information relating to the closed session between the Committee and the Commission.

This in no way supports the Minister's contention that the House was knowingly misled. If the notion of mischaracterisation is accepted, and it is not, this is simply a difference of opinion as to the application of the English language. It is simply an interpretation of events with which the Minister does not agree.

An important aspect to note is that of the instances cited by the Minister to support his case only one occurred after the tabling of the Commission's report. The vast bulk occurred before the release of the report meaning that, at its most precise, there was no finding about the use of the word "raid" at the time the word was used. There is no finding on which the Minister's claim can be based.

The word was alluded to on 1 September 2022 when the Deputy Leader of the Opposition referred to "raided – whatever the word is...".

This in no way constitutes a deliberate misleading of the House as it clearly uses the word "raided" as a suggestion which is open to alternate uses. This does not constitute an assertion to which objection can be taken.

This is clear from the language used by the Deputy Leader of the Opposition.

3. In making the statement, the Member intended to mislead the House

There can be no intention to mislead the House in a case in which the two accompanying elements are not present.

Mere assertion by the Minister as to the nature and veracity of a statement are insufficient grounds upon which a claim of intention can be based.

There is no evidence provided by the Minister that there was any intention to mislead the House.

Phrases by the Minister such as "it is clear", "explicitly invoke false descriptions" and "deliberately using a phrase" provide no evidence of either clarity, invocation of false descriptions or deliberate use. The Minister has assumed an ability of precognition that few could claim to possess.

The Minister's assertions are not supported by the facts. Indeed, he provides no evidence of the offence about which he complains.

Conclusion

I believe that, in writing to you about this matter, the Minister has embarked on a course of action in contravention of your advice which you issued at the Economics and Governance Committee Budget Estimates meeting on 16 July 2021, where you said (Hansard, Page 7):

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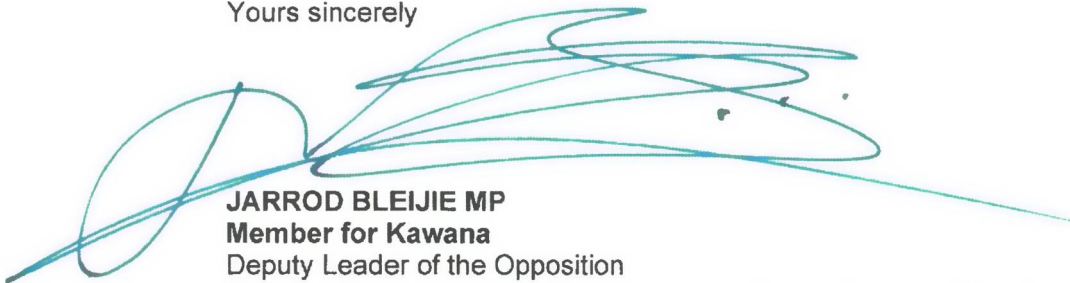
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There is no way an outside observer would have been able to draw any firm conclusions from these proceedings as no information was made public. Neither I, nor my colleagues, have any information relating to the closed session between the Committee and the Commission.

This in no way supports the Minister's contention that the House was knowingly misled. If the notion of mischaracterisation is accepted, and it is not, this is simply a difference of opinion as to the application of the English language. It is simply an interpretation of events with which the Minister does not agree.

An important aspect to note is that of the instances cited by the Minister to support his case only one occurred after the tabling of the Commission's report. The vast bulk occurred before the release of the report meaning that, at its most precise, there was no finding about the use of the word "raid" at the time the word was used. There is no finding on which the Minister's claim can be based.

The word was alluded to on 1 September 2022 when the Deputy Leader of the Opposition referred to "raided – whatever the word is...".

This in no way constitutes a deliberate misleading of the House as it clearly uses the word "raided" as a suggestion which is open to alternate uses. This does not constitute an assertion to which objection can be taken.

This is clear from the language used by the Deputy Leader of the Opposition.

3. In making the statement, the Member intended to mislead the House

There can be no intention to mislead the House in a case in which the two accompanying elements are not present.

Mere assertion by the Minister as to the nature and veracity of a statement are insufficient grounds upon which a claim of intention can be based.

There is no evidence provided by the Minister that there was any intention to mislead the House.

Phrases by the Minister such as "it is clear", "explicitly invoke false descriptions" and "deliberately using a phrase" provide no evidence of either clarity, invocation of false descriptions or deliberate use. The Minister has assumed an ability of precognition that few could claim to possess.

The Minister's assertions are not supported by the facts. Indeed, he provides no evidence of the offence about which he complains.

Conclusion

I believe that, in writing to you about this matter, the Minister has embarked on a course of action in contravention of your advice which you issued at the Economics and Governance Committee Budget Estimates meeting on 16 July 2021, where you said (Hansard, Page 7):

"... I do not believe that frivolous complaints should be rewarded nor should any further attention be made to those which I believe probably are borderline.

"... In terms of how many have been sent to the Ethics Committee, again I make no apologies for those being very limited. I do not believe that, by and large, there are significant breaches of our standing orders. Most of it is by the way of the politics being played out in the democracy".

I submit that the Minister's allegations fall entirely within this category. At the same time they misinterpret Standing Orders and associated legislation to raise the notion of "misleading" to a plain that is neither contemplated nor embraced by these particular rules.

I ask you to dismiss the Minister's complaint and take no further action.

Yours sincerely



Andrew Powell MP
Member for Glass House
Manager of Opposition Business



Ros BATES MP

LNP Member for Mudgeeraba

Shadow Minister for Health and Ambulance Services

Shadow Minister for Medical Research

Shadow Minister for Women

28 October 2022

Hon Curtis Pitt MP
Speaker of the Legislative Assembly

Via email: speaker@parliament.qld.gov.au

Dear Mr Speaker,

I refer to your letter of 12 October 2022 conveying a letter dated 16 September 2022 from Hon Mark Bailey MP, Minister for Transport and Main Roads.

You have requested I furnish you with any further information to assist in making a determination as to whether the matters raised by the Minister should be referred to the Ethics Committee.

From the outset I contend that the Minister's complaint is ill-conceived and without foundation, relying on conjecture rather than a factual basis.

It conflates contorted logic, a misunderstanding of nomenclature, a misinterpretation of Standing Orders and associated legislation and a confused response to what should have been a relatively simple timeline of events.

I should indicate that nowhere in the Minister's letter does he provide any evidence that I have used the word "raid" to describe the circumstances surrounding the laptop from the Office of the Integrity Commissioner.

The Minister's remarks are based on a false premise which cannot support the charge he makes.

Accordingly, I believe there is no basis on which my comments should be referred to the Ethics Committee.

However, I provide the following comments in support of my colleagues.

You have highlighted two matters concerning the Minister's complaint.

Claim of publishing a false or misleading account of a committee

You reference a Facebook account at

<https://www.facebook.com/DavidCrisafulliMP/videos/4665822486861928/>.

There is nothing in this video that suggests there was an effort to publish a false or misleading account of a committee.

As pointed out below, there was a reasonable interpretation of events that emerged from witnesses before the committee.



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That information was withheld from the public hearing makes it difficult to support the Minister's conclusion that a false or misleading account was produced.

Code of Ethical Standards, Section 7 – Respect for Persons

The Code states:

Members should treat members of the public, officers and employees of the Parliamentary Service and other public officials with courtesy, honesty and fairness, and with proper regard for their rights, obligations and cultural differences, safety, health and welfare.

Members should not use abusive, obscene or threatening language (either oral or written) or behaviour towards any officer, employee or member of the public.

Mr Bailey has provided no evidence that any officials were named. In fact, Opposition members were seeking an explanation of what occurred.

There is no evidence provided that particular officers were treated in the manner alleged.

In the House the standard for a member under Standing Order 234 to have allegedly offensive comments made about them withdrawn requires that someone be personally named or identified.

The same standard should apply in determining whether Section 7 has been breached. There must be personal identification or naming.

The Code indicates the nature of the fundamental principles:

The fundamental principles are aspirational in nature and are not enforceable obligations on Members.

In this instance there are no enforceable obligations involved. Even if the matters alleged by the Minister were established, and I contend they have not been, they remain aspirational standards only.

Accordingly, I will deal with the Minister's complaints in turn.

1. The statement must have been misleading

The essence of the Minister's complaint appears to be that the use of the term "raid" is misleading.

Whether a "raid" occurred or not is simply a matter of interpretation.

The Minister places great store in the statements of the Acting Chairperson of the Crime and Corruption Commission, Mr Barbour, before a hearing of the Parliamentary Crime and Corruption Committee.

These statements, cited as proof that no "raid" occurred in the retrieval of the laptop, are no more than interpretations.



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Shadow Minister for Women

They are not evidence subject to cross-examination; they are not judicial findings – they are a mere expression of opinion.

Indeed, the Acting Chairperson said “raid” was not a word he would use and that he does “not believe” it was “a raid.”

These are simply opinions and not findings of fact.

Accordingly, there is no obligation that others should adopt these opinions as their own, particularly as, at the time, no one outside the Crime and Corruption Commission would have had access to any information gathered by the Commission during its investigation.

The nature of the Crime and Corruption Commission’s own processes throws some light on how these events should be interpreted.

The Commission’s Annual Report 2015-16 at page 42 provides a guide as to how matters are treated.

In relation to a complaint made by the Lock the Gate Alliance the report states:
The assessment found insufficient evidence to support the allegations or raise a reasonable suspicion of a criminal offence.

The report stated that “a large volume of material” had been carefully considered.

An investigation makes assessments about the evidence that is available to ensure that it is sufficiently probative. If it does not reach this threshold, the matter does not proceed.

However, the Commission still undertakes the necessary work to reach this conclusion.

The need to “raise a reasonable suspicion” is critical and it can be assumed that, for a matter to proceed, this threshold must have been reached and observers would be justified in believing there could be some basis to the suspicions that led to the CCC taking up the matter.

This issue was considered further in the Submission by the Crime and Corruption Commission to an “Inquiry into the Crime and Corruption Commission’s performance of its functions to assess and report on complaints about corrupt conduct.”

The Submission states at page 15:

... whether the information supports a reasonable suspicion (on the information to hand) that the conduct could involve corruption, including considering whether the information appears genuine, and the complaint is made in good faith.

In the circumstances under consideration an outside observer would be entitled to draw the conclusion that, as a result of the relatively protracted nature of the Commission’s deliberations, there were grounds on which to make assumptions about a “raid”.



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That this matter was not concluded until the release of the Commission's report in July adds further weight to the assumption that something was amiss in relation to the treatment of the laptop from the Office of the Integrity Commissioner.

The matter had moved from the assessment stage to the investigation stage, a clear indication that there were grounds for believing an element of corruption could be involved.

As Members of Parliament we were justified in viewing the Commission's processes in this instance with a degree of seriousness.

The existence of publicly available media commentary – over many months – provides a firm foundation upon which the allegations relating to the laptop can be based.

Indeed, the government's own refusal to explain the circumstances provided a basis for these claims.

The concerns of the Integrity Commissioner, Dr Stepanov, are the strongest signs that this issue was very much alive in the public mind.

Media references to concerns held by Dr Stepanov add to the uncertainty surrounding terminology and the fact that Opposition members were simply reflecting public concerns as to the circumstances surrounding the Integrity Commissioner's laptop.

Dr Stepanov's concerns were detailed in an article in the online version The Sunday Mail of 13 February 2022.

- Without her knowledge, presence or consent, PSC staff entered Stepanov's Albert St offices in March last year. Like a scene from a spy thriller that has sent chills through other integrity offices through Brisbane, access codes were changed and phones and devices were confiscated.

The laptop was wiped of records relevant to "ongoing legal proceedings" and "investigations". The action has been described by the committee with oversight of her office as the "indelible deletion of public records of the Integrity Commission".

Who carried out the raid and deletion of documents and whose authority is not clear. Neither is whether it was legally allowed.

"The devices were removed on a day that I was not in office," Stepanov told the parliamentary committee, according to sources. "I found out by happenstance. The access to the offices was changed. I found out that by happenstance as well. I will not go into the details."

Dr Stepanov's concerns are further ventilated in Brisbane Times of 25 February 2022:

- Dr Stepanov previously complained of her office being raided, which sparked allegations of interference with the integrity watchdog.



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She complained to the CCC last year about the seizure of mobile phones and laptops and altering of security permissions to her office by the Public Service Commission, which has budgetary authority over the Integrity Commissioner's agency.

That Dr Stepanov was concerned by the manner and consequences surrounding the taking of the laptop, and this was reported by the media, is further evidence upon which an observer would be entitled to raise public doubts.

A selection of other media references include:

- The Premier did not refute that the PSC had confiscated mobile phones and laptops or compromised or deleted public records from those devices in a series of seven questions put to her in parliament. (The Courier Mail, 16 September 2021)
- Dr Stepanov had previously raised concerns about the reported actions of the Public Service Commission, including allegations it confiscated mobile phones and laptops and altered security permissions to the office. (Brisbane Times, 24 January 2022)
- On Sunday Dr Stepanov declined to comment about her resignation, but in a written statement she confirmed she made a formal complaint to the CCC last year about the seizure and wiping of the laptop. (The Australian, 24 January 2022)
- Instead Dr Stepanov said in a statement that the PSC and, later, the Department of Premier and Cabinet, rejected her request and the laptop was then seized by the PSC and wiped in March last year. (The Australian 25 January 2022)
- Last week, Integrity Commissioner Nikola Stepanov tendered her resignation after a laptop was allegedly seized from her office in March last year and its contents wiped without her knowledge by officials of the Public Service Commission. (The Weekend Australian, 29-30 January 2022)
- A source, with knowledge of Dr Stepanov's testimony, has told The Weekend Australian she accused the PSC, of seizing and wiping the laptop as well as removing half of her already small staff. (The Weekend Australian, 5-6 February 2022)
- Dr Stepanov asked for a forensic probe of Ms Rancic's laptop but was rejected by the PSC, which then confiscated and wiped the laptop. (The Sunday Mail, 13 February 2022)
- The senior Queensland public servant who made allegations against state Integrity Commissioner Nikola Stepanov and later ordered a raid on her office refused her request to conduct an audit of lobbying contacts with his department. (The Australian, 16 February 2022)
- But during a public committee meeting on Friday, Mr Setter's claim was rejected by interim CCC chair Bruce Barbour, who said the laptop was "removed" from Dr Stepanov's office four months before the CCC investigation began. (The Weekend Australian, 26-27 February 2022)



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This brief catalogue points to information in the public domain over a number of months that supported the claim of a “raid”.

Members of Parliament are entitled to raise issues in the public interest and reflect widespread media commentary.

The fact that the government appeared to have taken a Trappist approach to the issue is not a basis on which to launch criticism of those members.

The issue of “raids” in Australian politics is not new.

The most notorious recent example is that involving the then Attorney General and Minister for Customs and Excise, Senator Lionel Murphy, and the Australian Security Intelligence Organisation (ASIO) on 16 March 1973.

Driven by a belief that ASIO had failed to combat right wing extremism, Senator Murphy “raided” the organisation’s premises in Melbourne seeking evidence to support his contentions.

This became a significant political issue and the nature of Senator Murphy’s engagement with ASIO became a matter of some contention.

The nature of the visit itself became an issue for debate and is characterised by the following exchange between Senator Reg Withers, Leader of the Opposition in the Senate, and Senator Murphy as reported in Hansard on 27 March 1973 at page 550.

Senator Withers:

Will the Attorney General advise the Senate what changes were made in the security arrangements for the Yugoslav Prime Minister following the Attorney General’s raid [my emphasis] on the Australian Security Intelligence Organisations offices? ...

Senator Murphy:

I made a visit [my emphasis] to the Australia Security Intelligence Organisation....

Both Senator Withers and Senator Murphy were lawyers. Both referenced the same set of facts.

Both characterised the action differently. What happened on this occasion, and how it was categorised by two different observers, is mirrored by the events of which the Minister complains.

Clearly, the recent events concerning the Integrity Commissioner in Queensland are not the first occasion on which there was a difference of opinion over the characterisation of the word “raid”.

It remains true, however, that it makes no difference as to how individuals choose to describe events.



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The act itself is what matters not which words are ascribed to it. To put such differences above a disagreement about nomenclature is to misunderstand the circumstances.

Indeed, the very issue of descriptions was covered in your statement tabled in the Legislative Assembly on 6 April 2022 relating to a dispute over a \$400 million cut by the present government to Queensland hospital funding.

Amongst other things, you stated:

In my view, the characterization of an efficiency or productivity dividend as a cut is a matter of expression – it is common parlance.

... The nature of political debate is that members engage in argument by discussing opposing viewpoints or different opinions. Oftentimes using different expressions, statistics or methods of calculation.

The current situation reflects this set of circumstances and reflects the different use of language. In the light of this it is impossible to accept that the complaint reaches the first threshold.

The Minister himself referred to this statement but simply asserted, without additional evidence, that somehow the statements under consideration reached a threshold above and beyond that which was envisaged in this ruling. Again, this was done without the benefit of evidence.

2. The Member making the statement must have known, at the time the statement was made, that it was incorrect

Even if there is a view that the statements under consideration were misleading, there is no evidence that I should have been aware, at the time they were made, that they were untrue.

Despite the minister's best efforts, there is no reason to assume that I should have accepted Mr Barbour's statements of 25 February 2022 as evidence of a particular set of circumstances.

Mr Barbour's beliefs are no more valid than mine and, at the time they were made, have no more legal authority than mine.

It should be noted that the transcript of this Committee hearing was not published on the Parliamentary Crime and Corruption Committee's website until 24 June 2022 – four months after the statements were made (as advised by the Parliamentary Library on 13 October 2022).

Even if Mr Barbour's comments are to be given any special weighting, which is not accepted, there was no official record of the hearing available until this time.

It was not until 4 July 2022 that the report of the Crime and Corruption Commission, Investigation Workshop, was tabled in the Legislative Assembly.



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In that report, the Commission said no more about the use of the term “raid” than it was a “mischaracterisation of what occurred” (Report, para 82 at page 15).

It is interesting to note that, in the course of the 25 February 2022 public hearing, Mr Barbour declined to provide any additional information as to his reluctance to use the word “raid”.

In fact, he stated:

I think I can describe it fully in our closed session. I think to provide too much of a description of it at this stage would be disclosing information that I am not comfortable about disclosing in a public session.

Transcript, 25 February 2022, page 5)

There is no way an outside observer would have been able to draw any firm conclusions from these proceedings as no information was made public.

Neither I, nor my colleagues, have any information relating to the closed session between the Committee and the Commission.

This in no way supports the Minister’s contention that the House was knowingly misled.

If the notion of mischaracterisation is accepted, and it is not, this is simply a difference of opinion as to the application of the English language.

It is simply an interpretation of events with which the Minister does not agree.

An important aspect to note is that of the instances cited by the Minister to support his case only one occurred after the tabling of the Commission’s report.

The vast bulk occurred before the release of the report meaning that, at its most precise, there was no finding about the use of the word “raid” at the time the word was used.

There is no finding on which the Minister’s claim can be based.

The word was alluded to on 1 September 2022 when the Deputy Leader of the Opposition referred to “raided – whatever the word is...”.

This in no way constitutes a deliberate misleading of the House as it clearly uses the word “raided” as a suggestion which is open to alternate uses.

This does not constitute an assertion to which objection can be taken.

This is clear from the language used by the Deputy Leader of the Opposition.

3. In making the statement, the Member intended to mislead the House

There can be no intention to mislead the House in a case in which the two accompanying elements are not present.



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Mere assertion by the Minister as to the nature and veracity of a statement are insufficient grounds upon which a claim of intention can be based.

There is no evidence provided by the Minister that there was any intention to mislead the House.

Phrases by the Minister such as "it is clear", "explicitly invoke false descriptions" and "deliberately using a phrase" provide no evidence of either clarity, invocation of false descriptions or deliberate use.

The Minister has assumed an ability of precognition that few could claim to possess.

The Minister's assertions are not supported by the facts. Indeed, he provides no evidence of the offence about which he complains.

Conclusion

I believe that, in writing to you about this matter, the Minister has embarked on a course of action in contravention of your advice which you issued at the Economics and Governance Committee Budget Estimates meeting on 16 July 2021, where you said (Hansard, Page 7): "... I do not believe that frivolous complaints should be rewarded nor should any further attention be made to those which I believe probably are borderline.

"... In terms of how many have been sent to the Ethics Committee, again I make no apologies for those being very limited. I do not believe that, by and large, there are significant breaches of our standing orders. Most of it is by the way of the politics being played out in the democracy".

I submit that the Minister's allegations fall entirely within this category.

At the same time they misinterpret Standing Orders and associated legislation to raise the notion of "misleading" to a plain that is neither contemplated nor embraced by these particular rules.

I ask you to dismiss the Minister's complaint and take no further action.

sYours sincerely,

Ros Bates MP

Member for Mudgeeraba

Shadow Minister for Health and Ambulance Services

Shadow Minister for Medical Research

Shadow Minister for Women

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Fiona SIMPSON MP

Member for **Maroochydore**

Shadow Minister for Finance and Better Regulation
Shadow Minister for Integrity in Government



Ref: FS:rkd/corr/speaker/2022

28th October 2022

Hon Curtis Pitt
Speaker
Queensland Parliament

Email: speaker@parliament.qld.gov.au

Dear Mr Speaker

I refer to your letter of 12 October 2022 conveying a letter dated 16 September 2022 from Hon Mark Bailey MP, Minister for Transport and Main Roads.

You have requested I furnish you with any further information to assist in making a determination as to whether the matters raised by the Minister should be referred to the Ethics Committee.

From the outset I contend that the Minister's complaint is ill-conceived and without foundation, relying on conjecture rather than a factual basis.

It conflates contorted logic, a misunderstanding of nomenclature, a misinterpretation of Standing Orders and associated legislation and a confused response to what should have been a relatively simple timeline of events.

You have highlighted two matters concerning the Minister's complaint.

Claim of publishing a false or misleading account of a committee

You reference a Facebook account at

<https://www.facebook.com/DavidCrisafulliMP/videos/4665822486861928/>.

There is nothing in this video that suggests there was an effort to publish a false or misleading account of a committee. As pointed out below, there was a reasonable interpretation of events that emerged from witnesses before the committee. That information was withheld from the public hearing makes it difficult to support the Minister's conclusion that a false or misleading account was produced.

Code of Ethical Standards, Section 7 – Respect for Persons

The Code states:

Members should treat members of the public, officers and employees of the Parliamentary Service and other public officials with courtesy, honesty and fairness, and with proper regard for their rights, obligations and cultural differences, safety, health and welfare.

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Mr Bailey has provided no evidence that any officials were named. In fact, Opposition members were seeking an explanation of what occurred. There is no evidence provided that particular officers were treated in the manner alleged.

In the House the standard for a member under Standing Order 234 to have allegedly offensive comments made about them withdrawn requires that someone be personally named or identified. The same standard should apply in determining whether Section 7 has been breached. There must be personal identification or naming.

The Code indicates the nature of the fundamental principles:

The fundamental principles are aspirational in nature and are not enforceable obligations on Members

In this instance there are no enforceable obligations involved. Even if the matters alleged by the Minister were established, and I contend they have not been, they remain aspirational standards only.

Accordingly, I will deal with the Minister's complaints in turn.

1. The statement must have been misleading

I have reviewed the transcript of the 25 February hearing which was released by the committee on 24 June 2022. I have also reviewed media commentary by journalists of the hearing on the day. I note comments in the media that there were different accounts from the CCC acting chair and the PSC chief executive Rob Setter about the taking of the laptop.

Mr Setter denied the laptop was confiscated, saying it was "provided to the CCC at their request".

CCC acting chair Bruce Barbour said his agency had no involvement in the laptop's removal, and asked the PSC for the laptop as part of an investigation in August, four months after it was taken. (InQld 25/2/22).¹

Thus presumably the matter Mr Bailey is focussed upon is not the issue of who had taken the laptop from the Office of the Integrity Commissioner without her consent but the use of the word "raid."

Whether or not a "raid" occurred in the removal of a laptop without the Integrity Commissioner's consent is simply a matter of interpretation.

The Minister places great store in the statements of the Acting Chairperson of the Crime and Corruption Commission, Mr Barbour, before a hearing of the Parliamentary Crime and Corruption Committee.

These statements, cited as proof that no "raid" occurred in the retrieval of the laptop, are no more than interpretations.

They are not evidence subject to cross-examination; they are not judicial findings – they are a mere expression of opinion.

¹ InQld. (25/2/22) [Integrity plot thickens: CCC refutes watchdog claims about missing laptop \(inqld.com.au\)](https://www.inqld.com.au/news/2022/06/24/integrity-plot-thickens-ccc-refutes-watchdog-claims-about-missing-laptop)

Indeed, the Acting Chairperson said “raid” was not a word he would use and that he does “not believe” it was “a raid.” These are simply opinions and not findings of fact. Accordingly, there is no obligation that others should adopt these opinions as their own, particularly as, at the time, no one outside the Crime and Corruption Commission would have had access to any information gathered by the Commission during its investigation.

The nature of the Crime and Corruption Commission’s own processes throws some light on how these events should be interpreted.

The Commission’s Annual Report 2015-16 at page 42 provides a guide as to how matters are treated.

In relation to a complaint made by the Lock the Gate Alliance the report states:

The assessment found insufficient evidence to support the allegations or raise a reasonable suspicion of a criminal offence.

The report stated that “a large volume of material” had been carefully considered.

An investigation makes assessments about the evidence that is available to ensure that it is sufficiently probative. If it does not reach this threshold, the matter does not proceed. However, the Commission still undertakes the necessary work to reach this conclusion.

The need to “raise a reasonable suspicion” is critical and it can be assumed that, for a matter to proceed, this threshold must have been reached and observers would be justified in believing there could be some basis to the suspicions that led to the CCC taking up the matter.

This issue was considered further in the Submission by the Crime and Corruption Commission to an “Inquiry into the Crime and Corruption Commission’s performance of its functions to assess and report on complaints about corrupt conduct.” The Submission states at page 15:

... whether the information supports a reasonable suspicion (on the information to hand) that the conduct could involve corruption, including considering whether the information appears genuine, and the complaint is made in good faith.

In the circumstances under consideration an outside observer would be entitled to draw the conclusion that, as a result of the relatively protracted nature of the Commission’s deliberations, there were grounds on which to make assumptions about a “raid”. That this matter was not concluded until the release of the Commission’s report in July adds further weight to the assumption that something was amiss in relation to the treatment of the laptop from the Office of the Integrity Commissioner.

The matter had moved from the assessment stage to the investigation stage, a clear indication that there were grounds for believing an element of corruption could be involved. As Members of Parliament we were justified in viewing the Commission’s processes in this instance with a degree of seriousness.

The existence of publicly available media commentary – over many months – provides a firm foundation upon which the allegations relating to the laptop can be based. Indeed, the government’s own refusal to explain the circumstances provided a basis for these claims.

The concerns of the Integrity Commissioner, Dr Stepanov, are the strongest signs that this issue was very much alive in the public mind. Media references to concerns held by Dr Stepanov add to the uncertainty surrounding terminology and the fact that Opposition members were simply reflecting public concerns as to the circumstances surrounding the Integrity Commissioner's laptop.

Dr Stepanov's concerns were detailed in an article in the online version *The Sunday Mail* of 13 February 2022.

- *Without her knowledge, presence or consent, PSC staff entered Stepanov's Albert St offices in March last year. Like a scene from a spy thriller that has sent chills through other integrity offices through Brisbane, access codes were changed and phones and devices were confiscated. The laptop was wiped of records relevant to "ongoing legal proceedings" and "investigations". The action has been described by the committee with oversight of her office as the "indelible deletion of public records of the Integrity Commission". Who carried out the raid and deletion of documents and whose authority is not clear. Neither is whether it was legally allowed. "The devices were removed on a day that I was not in office," Stepanov told the parliamentary committee, according to sources. "I found out by happenstance. The access to the offices was changed. I found out that by happenstance as well. I will not go into the details."*

Dr Stepanov's concerns are further ventilated in *Brisbane Times* of 25 February 2022:

- *Dr Stepanov previously complained of her office being raided, which sparked allegations of interference with the integrity watchdog. She complained to the CCC last year about the seizure of mobile phones and laptops and altering of security permissions to her office by the Public Service Commission, which has budgetary authority over the Integrity Commissioner's agency.*

That Dr Stepanov was concerned by the manner and consequences surrounding the taking of the laptop, and this was reported by the media, is further evidence upon which an observer would be entitled to raise public doubts.

A selection of other media references include:

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knowledge by officials of the Public Service Commission. (The Weekend Australian, 29-30 January 2022)

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This brief catalogue points to information in the public domain over a number of months that supported the claim of a "raid". Members of Parliament are entitled to raise issues in the public interest and reflect widespread media commentary.

The issue of "raids" in Australian politics is not new.

The most notorious recent example is that involving the then Attorney General and Minister for Customs and Excise, Senator Lionel Murphy, and the Australian Security Intelligence Organisation (ASIO) on 16 March 1973.

Driven by a belief that ASIO had failed to combat right wing extremism, Senator Murphy "raided" the organisation's premises in Melbourne seeking evidence to support his contentions. This became a significant political issue and the nature of Senator Murphy's engagement with ASIO became a matter of some contention.

The nature of the visit itself became an issue for debate and is characterised by the following exchange between Senator Reg Withers, Leader of the Opposition in the Senate, and Senator Murphy as reported in *Hansard* on 27 March 1973 at page 550.

Senator Withers:

*Will the Attorney General advise the Senate what changes were made in the security arrangements for the Yugoslav Prime Minister following the Attorney General's **raid** [my emphasis] on the Australian Security Intelligence Organisations offices? ...*

Senator Murphy:

*I made a **visit** [my emphasis] to the Australia Security Intelligence Organisation....*

Both Senator Withers and Senator Murphy were lawyers. Both referenced the same set of facts. Both characterised the action differently. What happened on this occasion, and how it was categorised by two different observers, is mirrored by the events of which the Minister complains.

Clearly, the recent events concerning the Integrity Commissioner in Queensland are not the first occasion on which there was a difference of opinion over the characterisation of the word "raid".

It remains true, however, that it makes no difference as to how individuals choose to describe events. The act itself is what matters not which words are ascribed to it. To put such differences above a disagreement about nomenclature is to misunderstand the circumstances.

Indeed, the very issue of descriptions was covered in your statement tabled in the Legislative Assembly on 6 April 2022 relating to a dispute over a \$400 million cut by the present government to Queensland hospital funding.

Amongst other things, you stated:

In my view, the characterization of an efficiency or productivity dividend as a cut is a matter of expression – it is common parlance.

... The nature of political debate is that members engage in argument by discussing opposing viewpoints or different opinions. Oftentimes using different expressions, statistics or methods of calculation.

The current situation reflects this set of circumstances and reflects the different use of language. In the light of this it is impossible to accept that the complaint reaches the first threshold.

The Minister himself referred to this statement but simply asserted, without additional evidence, that somehow the statements under consideration reached a threshold above and beyond that which was envisaged in this ruling. Again, this was done without the benefit of evidence.

2. The Member making the statement must have known, at the time the statement was made, that it was incorrect

Even if there is a view that the statements under consideration were misleading, there is no evidence that I should have been aware, at the time they were made, that they were untrue.

Despite the minister's best efforts, there is no reason to assume that I should have accepted Mr Barbour's statements of 25 February 2022 as evidence of a particular set of circumstances. Mr Barbour's beliefs are no more valid than mine and, at the time they were made, have no more legal authority than mine.

It should be noted that the transcript of this Committee hearing was not published on the Parliamentary Crime and Corruption Committee's website until 24 June 2022 – four months after the statements were made (as advised by the Parliamentary Library on 13 October 2022). Even if Mr Barbour's comments are to be given any special weighting, which is not accepted, there was no official record of the hearing available until this time.

It was not until 4 July 2022 that the report of the Crime and Corruption Commission, *Investigation Workshop*, was tabled in the Legislative Assembly.

In that report, the Commission said no more about the use of the term "raid" than it was a "mischaracterisation of what occurred" (Report, para 82 at page 15).

It is interesting to note that, in the course of the 25 February 2022 public hearing, Mr Barbour declined to provide any additional information as to his reluctance to use the word "raid". In fact, he stated:

I think I can describe it fully in our closed session. I think to provide too much of a description of it at this stage would be disclosing information that I am not comfortable about disclosing in a public session. Transcript, 25 February 2022, page 5)

There is no way an outside observer would have been able to draw any firm conclusions from these proceedings as no information was made public. Neither I, nor my colleagues, have any information relating to the closed session between the Committee and the Commission.

This in no way supports the Minister's contention that the House was knowingly misled. If the notion of mischaracterisation is accepted, and it is not, this is simply a difference of opinion as to the application of the English language. It is simply an interpretation of events with which the Minister does not agree.

An important aspect to note is that of the instances cited by the Minister to support his case only one occurred after the tabling of the Commission's report. The vast bulk occurred before the release of the report meaning that, at its most precise, there was no finding about the use of the word "raid" at the time the word was used. There is no finding on which the Minister's claim can be based.

The word was alluded to on 1 September 2022 when the Deputy Leader of the Opposition referred to "raided – whatever the word is...".

This in no way constitutes a deliberate misleading of the House as it clearly uses the word "raided" as a suggestion which is open to alternate uses. This does not constitute an assertion to which objection can be taken.

3. In making the statement, the Member intended to mislead the House

There can be no intention to mislead the House in a case in which the two accompanying elements are not present.

Mere assertion by the Minister as to the nature and veracity of a statement are insufficient grounds upon which a claim of intention can be based.

There is no evidence provided by the Minister that there was any intention to mislead the House. Phrases by the Minister such as "it is clear", "explicitly invoke false descriptions" and "deliberately using a phrase" provide no evidence of either clarity, invocation of false descriptions or deliberate use. The Minister has assumed an ability of precognition that few could claim to possess.

The Minister's assertions are not supported by the facts. Indeed, he provides no evidence of the offence about which he complains.

Conclusion

I believe that, in writing to you about this matter, the Minister has embarked on a course of action in contravention of your advice which you issued at the Economics and Governance Committee Budget Estimates meeting on 16 July 2021, where you said (Hansard, Page 7):

"... I do not believe that frivolous complaints should be rewarded nor should any further attention be made to those which I believe probably are borderline.

"... In terms of how many have been sent to the Ethics Committee, again I make no apologies for those being very limited. I do not believe that, by and large, there are significant breaches

of our standing orders. Most of it is by the way of the politics being played out in the democracy”.

I submit that the Minister’s allegations fall entirely within this category. At the same time they misinterpret Standing Orders and associated legislation to raise the notion of “misleading” to a plain that is neither contemplated nor embraced by these particular rules.

I ask you to dismiss the Minister’s complaint and take no further action.

Yours sincerely,

A handwritten signature in cursive script that reads "Fiona Simpson".

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