



Appendix G – The Speaker’s statement

House of Representatives Hansard, 21 February 2019, pp. 14290-1

Last Wednesday, the Manager of Opposition Business raised, as a matter of privilege, whether certain actions of the member for Goldstein in his capacity as Chair of the House economics committee constitute an improper interference with the free exercise by the committee of its authority or functions such as to amount to a contempt of the House.

The specific actions the Manager of Opposition Business referred to in this regard are: the apparent organising of a public hearing of the committee at a certain place and time at the behest of a person with a vested interest in the committee's inquiry; and the authorisation of a website as the chair of the committee through which people could lodge a submission to the inquiry, and register to attend a public hearing of the inquiry by agreeing to be registered for a petition against the opposition's policy.

The Manager of Opposition Business presented several documents as supporting information, including media articles, *Hansard* transcripts of committee proceedings, web page printouts and printed excerpts from audio files.

I have had the opportunity to review the matter raised by the Manager of Opposition Business and the detailed supporting information.

The task for me under the standing orders is to determine two issues.

The first is whether the matter has been raised at the earliest opportunity. The Manager of Opposition Business noted that some of the circumstances to which he

has referred had only come to light very recently, and so I accept that it has been raised at the earliest opportunity.

The second is whether there is a *prima facie* case of contempt. There is a significant hurdle in section 4 of the *Parliamentary Privileges Act 1987* as to whether a matter constitutes a contempt. To constitute a contempt conduct needs to amount, or be intended or likely to amount, to an improper interference with the free exercise by a committee of its authority or functions.

In considering these matters, as I and other Speakers have stated previously, it is important to recognise that the penal power of the House is significant and it should be exercised with restraint.

I appreciate the concerns that may have been raised by the actions of the member for Goldstein and the actions could be seen to have caused damage to the committee's reputation and the reputation of the House committee system more generally. However, I do not believe that evidence has been presented to demonstrate that the member for Goldstein's actions have prevented the committee in a fundamental way from continuing to fulfil its basic responsibilities in relation to its inquiry work. I therefore do not propose to give precedence to a motion to refer the matter to the Standing Committee of Privileges and Members' Interests.

As I have noted, while I do not believe the actions of the member for Goldstein meet the test set out in section 4 of the Privileges Act, I believe his actions have not always conformed with what I see as the conventions usually observed by chairs of House committees and the practice of House committees. The particular matters I would mention include: having a private website 'authorised by', and with the badging of, the chair of the committee, which appeared to solicit submissions and attendees at public hearings from just one perspective; and apparently arranging for a public hearing of the committee to coincide with the meeting of a group with an active interest in the committee's inquiry, including with the possible intention to engage in protest activity at the hearing.

As members would be aware, it is quite properly the role of the committee secretariat to seek submissions to inquiries and make arrangements for public hearings on behalf of a committee, and committee members and other interested parties should be able to expect that these arrangements will be made without influence or interference.

Inevitably political views influence some of the inquiries that committees conduct, but this shouldn't mean that committees would not approach their task open to the evidence which may be presented and with clear and proper processes. In this case, although I am satisfied there has been the potential for interference with evidence given to the committee, I have not been provided with material to demonstrate any interference has unduly prevented the committee from performing its work. If there is such evidence, for example from members of the committee itself, I would be happy to consider the matter further.

Can I also say in relation to two other matters raised by the Manager of Opposition Business that the handing out of party political material or the display of signs by individual members at hearings of parliamentary committees should not be tolerated by chairs.

The Manager of Opposition Business also noted that the member for Goldstein had apparently failed to declare in a timely way on the Register of Members' Interests that he had been a director and shareholder of a particular company. He advised that the member for Isaacs has written to the Standing Committee of Privileges and Members' Interests in respect of this matter, and I will leave it to that committee to consider this issue in line with usual practice in accordance with resolutions of this House.

The Manager of Opposition Business also raised the question of whether the Member for Goldstein is in breach of standing order 231 which states, in part, 'No member may sit on a committee if he or she has a particular direct pecuniary interest in a matter under inquiry by the committee.' House of Representatives Practice notes (on page 656) that this rule has been interpreted in the very narrow sense of an interest peculiar to a particular person. It states (on pages 656 and 657):

If, for example, a Member were an owner of bank shares he or she would not, for that reason alone, be under any obligation to disqualify himself or herself from serving on a committee inquiring into the banking industry, as the interest would be one held in common with many other people in the community. In the first instance it is a matter for individual committee members to judge whether they may have a conflict of interest in an inquiry.

However, House of Representatives Practice also notes (on page 149) that while no instances have occurred in the House of a member not sitting on a committee for the reason that he or she was pecuniarily interested, members have been advised to declare at committee meetings any matters, whether of pecuniary or other

interest, where there may be, or may be perceived to be, a possible conflict of interest. I consider this to be good practice.

Finally, having mentioned the role of committee secretariats earlier in this statement, I would like to add that it is my understanding that the secretariat of the House economics committee has performed its role properly throughout this inquiry, acting appropriately and impartially in support of the committee's work and each of its members in accordance with established practice.