



Appendix F – Statement of the Manager of Opposition Business

House of Representatives Hansard, 13 February 2019, pp. 13267-9

Mr Speaker, I wish to raise a matter of privilege under standing order 51 in relation to the conduct of the member for Goldstein as the chair of the House Standing Committee on Economics – specifically, his conduct in relation to the committee's current inquiry into the implications of removing refundable franking credits.

In raising this issue, Mr Speaker, I'm also raising the matter with respect to the administration of the House and to the Speaker's role in protecting the dignity of the House. I won't go through all of the information twice but wish to raise it in both ways.

As the House has not been sitting for some time, some of these circumstances have only come to light today and I have only now been able to properly consider all the relevant material. I'm, therefore, raising this matter at the earliest opportunity. As you would be aware, the practice around raising a matter of privilege requires me to set out the matter in some detail. I will try to be as brief as possible, although there is a lot of conduct to refer to.

The first item is the conference call. Mr Geoff Wilson of Wilson Asset Management has been perhaps the most vocal critic of Labor's policy to remove refundable franking credits for those who don't pay any income tax.

This is the subject of the committee's inquiry. On or before 7 September 2018 and before the Treasurer had even asked the committee to undertake its inquiry, Wilson Asset Management announced that it would hold a shareholder

presentation in Sydney at the Westin Hotel at 1 Martin Place, Sydney, on 20 November 2018. On 25 September 2018, Mr Geoff Wilson of Wilson Asset Management reportedly conducted an investor conference call, the audio of which is publicly available. During that conference call, Mr Geoff Wilson said, 'I was actually talking to the chairman of the Senate committee for this hearing into franking and I was saying it'd be nice if we could have – if one of the hearings could be on a day that we're doing our roadshow. Then we could do a little protest, we could have our placards and we could all walk down.'

On 20 November 2018, the committee did hold a public hearing of the inquiry – at the Law Society of New South Wales at 170 Phillip Street, Sydney. The committee's public hearing occurred on the same day and some 400 metres away from the shareholders' presentation organised by Mr Geoff Wilson. This raises a question as to whether the chair organised the committee's hearing schedule and locations at the behest of a person with a vested interest in the inquiry. This also raises a question as to whether the actions of the chair amount to an improper interference with the free exercise of his own committee's authority or functions such as to constitute a contempt of the House.

The next issue relates to conflict of interest. The fact that it has since been revealed that the chair is also a shareholder in two Wilson Asset Management investments raises other concerns about his conduct. It also raises questions over the chair's reported failure to declare this obvious conflict of interest to the committee, including when Mr Geoff Wilson appeared before a public hearing of the committee on 30 November 2018 while it was being chaired by the member for Goldstein. I note that at one point during the hearing Mr Geoff Wilson spoke about his shareholders, and the chair even then failed to declare his obvious conflict of interest. Again, this raises the question as to whether the chair's actions amount to an improper interference with the free exercise of his own committee's functions so as to constitute a contempt of the House: by chairing a hearing and asking questions of a committee witness when other committee members and, indeed, the people attending the hearing were not aware that he had a pecuniary interest in investments run by that witness. It also raises the question whether the chair is in breach of standing order 231 – 231, which states:

... 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.

One of the Wilson Asset Management investments which Mr Wilson holds is through his self-managed superannuation fund, meaning that in his retirement Mr Wilson may be impacted by the very policy his committee is inquiring into.

The next issue concerns the website. In or about November 2018, the chair authorised a website as the 'chair of Standing Committee on Economics'. Mr Geoff Wilson has since admitted that he, along with a number of unnamed individuals, personally contributed to the cost of that website. The website includes the ability to submit to the committee a prefilled submission – which states it is against Labor's policy – and begins with, 'Attention: Tim Wilson MP, Chair'. Clearly this will mean that a number of the submissions received by the committee will have been written by the chair of the committee to himself, and that when the committee writes its report it will use evidence written by the chair. The fact that submissions to the committee are lodged through a website partly funded by a person with a vested interest in the chair's inquiry is also concerning. Again, this raises the question as to whether the chair's actions amount to an improper interference with the free exercise of his own committee's functions: the committee is being asked to assess evidence addressed to the chair which he himself wrote and which has been submitted through a website partly funded by a person with a vested interest in the chair's inquiry.

Equally concerning is that, from when the chair's website was set up until the beginning of February this year, people could only register to attend a public hearing of the inquiry on the website by agreeing to be registered for a Wilson Asset Management petition against Labor's policy. Fortunately, this has since been resolved. However, this again raises a question as to whether the chair improperly interfered with the free exercise of his own committee's functions such as to constitute a contempt of the House – that is, by only allowing people to register to attend a public hearing of the inquiry if they agreed to sign a Wilson Asset Management petition against Labor's policy. This website also continues to create the misleading impression that, in order to attend, people are required to register, even though that is not the case.

These circumstances are concerning not only because it meant that, in order to register to attend a public hearing of a parliamentary committee, people were forced to provide their private information to a commercial enterprise but also because it would likely have discouraged people who held a different view to that outlined in the petition from attending. It also may have the effect of continuing to discourage people more generally from attending.

As such, in its deliberations, the committee will be forced to rely on evidence which has been prejudiced by actions of the chair. Again, this raises the question as to whether the chair has improperly interfered with the free exercise of his committee's functions.

The website also collects a large amount of private information from people who either registered to attend a public hearing, agreed to be contacted about future activities, or registered for the petition. This information is collected on a website which states it is authorised by the chair of the Standing Committee on Economics but is not operated by the committee's secretariat and is, in fact, partly funded by Mr Geoff Wilson. It is not clear who has access or who will have access to this information collected by the member for Goldstein in his capacity as chair.

It is also reported that at a public hearing of the inquiry on 30 January this year the chair did nothing when the member for Fisher called for people to join the Liberal Party while he was giving evidence to the committee, and then reportedly allowed the handing out of Liberal Party membership forms to people at the hearing. The member for Mackellar has also used the member for Goldstein's position as the chair to encourage people to attend a Liberal Party fundraiser, and the chair allowed the member for Mackellar to have A-frames directly outside the public hearing of the committee, at the Dee Why RSL Club, printed with the member's face, name and the words 'Liberal Mackellar'.

I also note that, contrary to the House resolution on the registration of members' interests, it is reported today that the member for Goldstein failed to declare until today that he had been a director and shareholder of a particular company. In relation to this matter, I understand the member for Isaacs has, in accordance with practice, written directly to the Committee of Privileges and Members' Interests.

To assist you in considering this matter, I provide you – as is normal practice – with a number of documents.

I ask you to consider giving precedence to a motion to refer any or all of these matters to the Committee of Privileges and Members' Interests. Additionally, for the matters I have raised, I ask you to consider and report back to the House as to any impact on the dignity of the parliament and its committee system. I thank you for your consideration of this matter.