

9 August 2007

To: Mr Graham Young  
PO Box 1365  
FORTITUDE VALLEY QLD 4006

## NOTICE OF DISCIPLINARY COMMITTEE INVESTIGATION AND HEARING

### 1. INTRODUCTION

A complaint against you, in your capacity as a member of the Liberal Party of Australia (Queensland Division), has been referred by State Council to the Disciplinary Committee for investigation and report. The referral was made pursuant to clause 21B of the Constitution of the Party. The Disciplinary Committee is required to investigate the complaint in accordance with the principles of natural justice and to report its findings to State Council.

The relevant clauses of the Constitution dealing with the Party's internal disciplinary procedures are 21A, 21B, 21C and 21D. For your information, copies of those clauses are **attached** hereto. You should read them carefully. Please note in particular clause 21D which sets out the conduct which may be made the subject of disciplinary action and clause 21C which sets out the various penalties which may be imposed. The constitution may also be accessed on the Party's website.

### 2. NOTICE OF HEARING

As part of its investigation of the complaint, the Disciplinary Committee is conducting a hearing into the complaint.

TAKE NOTICE, therefore, that you are required to attend at Liberal Party headquarters, 16 Trinity Lane, Woolloongabba, Brisbane on Tuesday 14 August 2007 at 4pm and appear before the Disciplinary Committee to answer the following complaint:

### 3. PARTICULARS OF THE COMPLAINT

The complaint which is made against you and which the Disciplinary Committee is required to investigate is:

- *“That on multiple occasions Mr. Young has given media comment denigrating the Liberal Party, its processes, its elected representatives and its professional operations in so much as that such conduct may reasonably be interpreted to have demonstrated gross disloyalty to the Liberal Party [21D(a)]; conduct bringing the Liberal Party into disrepute [21D(c)] and engaged in conduct severely harmful to the best interests of the party [21D(d)].”*

#### **4. PROCEDURE**

##### **Legal Advice and Representation**

You are entitled to seek legal advice in relation to the complaint, the investigation and the hearing. However, in the interests of simplicity and straightforward procedure, you will not be entitled to be represented or accompanied at the hearing by a lawyer (being a barrister, solicitor or other legally qualified person).

##### **Written Submissions**

You may, not less than 24 hours prior to the hearing, deliver to the Disciplinary Committee written submissions in relation to the complaint and investigation. Such submissions may be written by or with the assistance of a lawyer. The submissions should be delivered to Liberal Party headquarters by post, fax, personal delivery or email and marked for the attention of the Chairman of the Disciplinary Committee.

##### **Oral Submissions**

You will be given an opportunity to make oral submissions at the hearing.

##### **Length of Hearing**

The time allowed for the hearing is one hour. The hearing time will only be extended if special circumstances requiring an extension of time are demonstrated to the satisfaction of the Disciplinary Committee.

##### **Questions by members of the Disciplinary Committee**

Because the Disciplinary Committee is charged with the task of conducting an investigation of the complaint made against you, at the hearing members of the committee may ask you questions relevant to the complaint.

##### **Privacy**

The hearing will be a closed hearing and will proceed in private.

##### **Failure to attend**

If you fail to attend the hearing, the hearing and the investigation will proceed in your absence. However, if you notify the Disciplinary Committee in writing not less than 24 hours before the hearing of your inability to attend and provide a satisfactory reason therefore, the Disciplinary Committee will consider adjourning the hearing to another date. Such notice in writing should be delivered to Liberal Party headquarters by post, fax, personal delivery or email and marked for the attention of the Chairman of the Disciplinary Committee.

### Documentary evidence

To assist you in answering the complaint/s against you, attached hereto are the following documents:

1. Photocopy of article from *The Bulletin* magazine, 5 June 2007 entitled "State of disarray".
2. Copy of article from *The Sunday Mail* 25 March 2007, page 51, entitled "A Debacle of Misplaced Loyalty and Factionalism".
3. Copy of article from *The Courier Mail* Wednesday 21 March 2007, page 11, entitled "Libs Urged to Investigate if Poll Funds Went on Shares".
4. Copy of article from *The Courier Mail*, Saturday 3 February 2007, page 39, entitled "The Power of One".
5. Copy of article from *The Australian* Thursday 7 September 2006, pages 1 and 8, entitled "Coalition to be Lashed for Poor Performance".
6. Copy of article from *The Sunday Mail* 3 September 2006, page 14, entitled "You Can't Win with No Game Plan" by Graham Young.
7. Copy of article from *The Courier Mail* Saturday 22 July 2006, page 56, entitled "Coalition Races to Stir Voters".
8. Copy of article from *The Courier Mail* Tuesday 15 November 2005, page 19, entitled "Libs Bicker Over Control" by Graham Young.
9. Copy of article from *The Courier Mail* Saturday 23 July 2005, page 33, entitled "Journey of Lost Opportunities".
10. Copy of blog entry from *Ambit Gambit* 24 June 2007, entitled "Queensland Liberals Set to Punish Freedom of Speech" by Graham Young.

### 5. DECISION

At the conclusion of its investigation the Disciplinary Committee will report its findings in writing to State Council in accordance with clause 21B(d). You will be provided with a copy of the report.

Where the Disciplinary Committee finds that the complaint has not been proved, State Council shall take no further action: clause 21B(e). Where the Disciplinary Committee finds that a complaint has been proved, State Council may resolve, in accordance with clause 21B(f), to impose a penalty of the kind described by clause 21C (namely, expulsion, suspension or censure). However, State Council shall not impose a greater penalty than that recommended by the Disciplinary Committee.

JOHN S. MILES  
Chairman  
Disciplinary Committee

**Liberal Party of Australia | Queensland Division**  
**STATE CONSTITUTION**  
**(As Amended to 13 November 2005)**  
**(Extracts of clauses 21A – 21D)**

**21A Disciplinary Committee**

There shall be a Disciplinary Committee, to be constituted as follows:

(a) the Committee shall consist of:

(i) a Chairman; and

(ii) two (2) other Members, to be drawn from a panel of 6 persons;

(b) the Chairman and the Members of the panel shall be appointed by State Council for a term of 3 years;

(c) the Chairman shall be a barrister, solicitor or retired judge;

(d) the Chairman and the Members of the panel:

(i) shall be current financial Members of the Party with at least 10 years' current continuous Membership; and

(ii) shall not have served on State Council, or as an elected representative in Parliament or local government, for at least 5 years;

(e) neither the Chairman nor any Member of the panel may be removed except by a 75% majority vote of State Council, at a meeting of which reasonable Notice shall have been given of an intention to propose such a resolution.

**21B Complaint Procedure**

Where a complaint is made against a Member for conduct of the kind described in clause 21D, the following procedure shall be followed:

(a) the complaint may be referred by State Council to the Disciplinary Committee, for investigation and report, by a 2/3 majority vote of State Council, at a meeting of which reasonable Notice shall have been given of an intention to propose such a resolution;

(b) the Committee shall investigate the complaint in accordance with the principles of natural justice;

(c) the Committee shall report its findings to State Council;

(d) the Committee's report to State Council shall either:

(i) where the Committee finds that the complaint has been proved, either:

- A. recommend that a penalty be imposed of the kind described by clause 21C; or
- B. recommend that no penalty be imposed; or

(ii) advise State Council that the complaint has not been proved;

(e) where the Committee finds that the complaint has not been proved, State Council shall take no further action;

(f) where the Committee finds that the complaint has been proved, State Council may, by a 2/3 majority vote at a meeting of which reasonable Notice shall have been given of an intention to propose such a resolution, resolve to impose a penalty of the kind described by clause 21C, provided that State Council shall not impose any greater penalty than that recommended by the Committee.

No Member shall be subject to any disciplinary action (other than of the kind provided for by Clause 143) except in accordance with the procedure prescribed by this clause.

### **21C Penalties**

The penalties which may be imposed under clause 21B are:

- (a) to expel the Member;
- (b) to suspend the Member for a nominated period of time; or
- (c) to censure the Member.

### **21D Conduct Subject to Disciplinary Action**

The conduct which may be made the subject of disciplinary action under clause 21B are:

- (a) gross disloyalty to the Liberal Party;
- (b) breach of confidentiality;
- (c) conduct bringing the Liberal Party into disrepute;
- (d) engaged in conduct severely harmful to the best interests of the Party;
- (e) deliberately infringed this Constitution or Rules made in accordance with this Constitution;
- (f) wilfully disobeyed or failed to comply with a reasonable and lawful decision of the Management Committee, State Council or State Convention provided that nothing herein shall authorize the direction of the vote of elected representatives in relation to policy; or
- (g) wilfully disobeyed or failed to comply with a reasonable and lawful directive of the State Director in respect of the conduct of the affairs of the Party.