

Parliament of Victoria – Motion to Suspend the Member for Frankston

June 2014

On 11 June 2014, the Parliament of Victoria voted to suspend the Member for Frankston, Mr Geoff Shaw MP, for a period of 11 sitting days, following the Government-controlled Parliamentary Privileges Committee’s finding that the Member had misused his parliamentary entitlements.

The full findings of the Legislative Assembly Privileges Committee can be found [here](#).

The motion, moved by the Premier, the Hon. Dr Denis Naphthine MP, also called upon Mr Shaw to repay \$5220.75 for the improper use of his parliamentary vehicle and fuel card, as well as an additional \$1617.69. Furthermore, the terms of the motion stipulated that the Member be required to apologise to the House or be further found in contempt of the Parliament, and risk expulsion.

The full transcript of the motion can be found [here](#).

The Victorian Opposition unsuccessfully moved an amendment to expel the Member for Frankston in accordance with the Parliamentary Privileges Committee’s minority report finding that the Member “was wilful in contravening the code of conduct and is therefore in contempt of parliament”.

Former Speaker Ken Smith had initially indicated his willingness to vote with the Opposition to expel Mr Shaw however, he ultimately sided with the Government to vote down the amended motion.

Background

Following the 2010 Victorian Election, the Coalition formed Government after securing a majority 45 seats out of a total 88 in the Legislative Assembly, including then Liberal Party Member Geoff Shaw, with the Labor Party winning the remaining 43 seats.

In May 2012, allegations first arose concerning the misuse of parliamentary entitlements by Mr Shaw, with the matter initially referred to the Speaker and Department of Parliamentary Services by then Premier, the Hon. Ted Baillieu MP.

On 6 March 2013, Mr Shaw submitted his resignation to the Parliamentary Liberal Party and withdrew his support for Premier Baillieu and the Government, opting instead to sit on the crossbenches as an Independent Member of the Legislative Assembly. In doing so, Mr Shaw refused to guarantee confidence or supply for the Coalition Government, ensuring that the now Naphthine-led minority Government governed in a state of perpetual uncertainty, one vote short of a majority on the floor of the House and reliant on the Member for Frankston to pass legislation opposed by the Opposition.

In September 2013, Victoria Police charged Mr Shaw with 23 counts of obtaining financial benefit by deception and one count of misconduct in public office, carrying a possible sentence sufficient to trigger an automatic expulsion from the House. In December 2013, the Director of Public Prosecutions withdrew the charges and instead referred the matter to the Parliamentary Privileges Committee.

On 4 February 2014, Speaker Ken Smith resigned from his position after a period of chaos in which Mr Shaw withdrew his support for the Speaker and joined with the Opposition to vote down the Government's legislative program, removing the Government's ability to suspend debate and control their legislative agenda. While the Labor Party cited bias for their loss of confidence in the Speaker, Mr Shaw is believed to have withdrawn his support after demands for additional security were denied, following an incident with protesters in November 2013,.

Following the release of the Privileges Committee's report, and the refusal of Premier Napthine to guarantee his position in the House, Mr Shaw stated that he would now support a no confidence motion in the Premier and the Government. The Opposition chose not to pursue this offer from the Independent Member but instead sought Mr Shaw's expulsion on the grounds of the Privileges Committee's findings.

Consequences

With the motion to suspend the Member for Frankston passed by the House, Mr Shaw will not return to service until 2 September. At this point, he will be required to apologise to the House or face a Government motion finding him in contempt, with expulsion from the Legislative Assembly being the likely outcome.

Until Mr Shaw's return, the Government and Opposition will each hold 43 seats on the floor of the House, with Speaker Christine Fyffe voting to retain the status quo, when required.