

**DISCIPLINARY COMMITTEE
REPORT TO STATE COUNCIL
of the
Liberal Party of Australia (Qld Div.)
(pursuant to clause 21B(c) and (d) of the Constitution)**

Re: Graham Young

COMMITTEE MEMBERS

In this matter, in accordance with clause 21A of the Constitution, the Disciplinary Committee was constituted by the following members of the Party:

- John S. Miles, Chairman;
- Peter Johnson, Member;
- Elaine Bowers, Member.

COMPLAINT

The following complaint in relation to the conduct of a member of the Party, Mr Graham Young, was referred by State Council to the Disciplinary Committee for investigation and report pursuant to clause 21B(a) of the Constitution, namely:

"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)]."

SUPPORTING MATERIAL

In support of the complaint, the Disciplinary Committee was provided with copies of the following magazine and newspaper articles:

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".

The Committee was also provided with the following selection of quotes from the aforementioned articles:

The Bulletin Magazine, 5 June 2007

P16 *"Howard has had a number of opportunities to fix the Queensland Liberal Party, and because of misguided loyalties to friends in the past, he has missed them. And if he does lose in Queensland and that loss is attributable to the factional goings-on... then to a certain extent, he'll only have himself to blame.*

"Howard had the opportunity [to fix things] after the 2000 state election when they had federal intervention but he put John Herron in charge. It was tantamount to putting Santo Santoro in charge."

P17 *"You went from that situation to somewhere in the early '90s where there was institutionalised rotting in the Young Liberals to try and control particular preselection councils, which has cascaded through other sorts of branch stacking and potentially some financial misfeasance.*

"You have people raising money in slush funds and then using it to try and buy the loyalty of particular candidates or people running functions that are ostensibly not about raising funds but pocketing substantial money out of it. Or money in general campaigns being used to support particular favoured candidates is seats where the money would have been much more equitably and properly spent elsewhere."

Attribution to Mr Young in this article highlights other inappropriate and damaging commentary from Mr Young.

Courier Mail, 21 March 2007, P11

Graham Young... said Mr Santoro needed to publicly reveal all accounts relating to his campaign funding... "He needs to throw open the accounts to his campaign funds, and if he won't, the party should do it for him" Mr Young said. "For at least the last 12 years Santoro has had access to such substantial funds that he has been able to run a parallel campaign to the official ones being run by the party.

"Given the funds appear to be at the senator's disposal, it seems likely that some of those are also invested in the share market..."

Courier Mail, 3 February 2007, P39

Graham Young believes the concession is so unwise it "destroys the Coalition's chances of winning the next election"

Courier Mail, 22 July 2006, P56

Graham Young is more sceptical... and that the Coalition has "failed to win the hearts and minds" of Queenslanders because voters are unsure of where the Coalition stands on such key issues as health and water.

Sunday Mail, 25 March 2007, P51

According to Mr Young, if the Government's 11-year reign is brought to an end through poor election performance in Queensland this year, it will have been the Prime Minister himself who helped sow the seeds for defeat six years ago.

Sunday Mail, 3 September 2006, P14

...And while the faction-ridden Liberals could have changed leaders at any time in the past six months, they did it just before the election.

Worse, they don't even have a health policy, even though voters have been telling us for a long time that health was the number one priority.

The Australian, 7 September 2006, P1

Graham Young said..."They see a Coalition that doesn't know which way is up, and is not even deserving of their protest vote"... "It is a sad indictment of the Coalition's performance."

Courier Mail, 15 November 2005, P19

...The reason for the lack of public relations focus probably lies in the extreme self-absorption and self-confidence of the state Liberals. Because they did so well in two by-elections, they are assuming that they will win large numbers of seats at the next election, so they are dividing the spoils of victory already.

Courier Mail, 23 July 2005, P33

...Graham Young points out that if Costello is to take the next step and lead the party, he needs to find a niche. That means either pandering to Howard's constituency or trying to attract a base similar to former prime minister Malcolm Fraser... Either way, Costello's claim on the Liberal Party leadership needs to be more than the born-to-rule mentality, where sitting on the fence lends you the big office, not splinters.

ROLE OF THE DISCIPLINARY COMMITTEE

The role of the Disciplinary Committee is set out in clauses 21B(b) – 21B(d) of the Constitution.

Those clauses provide as follows:

- “(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; ...”

The Committee has now conducted an investigation of the complaint as required by clause 21B(b). This report is the report of the Committee’s findings to State Council as required by clauses 21B(c) and (d) of the Constitution.

NOTICE OF INVESTIGATION AND HEARING

Affording natural justice, as required by clause 21B(b), requires that the member who is the subject of the complaint be given an opportunity to be heard in response to the complaint.

Accordingly, a *Notice of Disciplinary Committee Investigation and Hearing* (copy **attached**) was served on Mr Young by email on Thursday 9 August 2007 at 4:37pm. The Notice required Mr Young to attend a hearing in relation to the complaint on Tuesday 14 August 2007 at 4.00pm. The procedure relating to the investigation and hearing was set out on page 2 of the Notice. Amongst other things, the Notice advised Mr Young that he could seek legal advice, deliver written submissions the Committee, and make oral submissions at the hearing. He was also advised that the members of the Committee may ask him questions.

The Notice was accompanied by documentary evidence in the form of copies of the various articles referred to above. Those articles are specifically referred to in Items 1 to 9 under the heading “Documentary Evidence” on page 3 of the Notice.

RESPONSE FROM MR YOUNG

On Friday 10 August 2007 at 5:02pm, Mr Young sent an email to the State Director in response to the Notice and asked to be provided with “a few additional details”. Specifically, he asked:

1. Which particular parts of these articles are being objected to, and which clauses of the Constitution do you say that these parts breach?
2. What is the process that the Disciplinary Committee intends to follow in its hearing?
3. Who will form the Committee?

The State Director forward Mr Young's email to the Chairman of the Disciplinary Committee. The Chairman provided the following response to the State Director and the State Director forwarded the Chairman's response via an email sent to Mr Young at 2:06pm on Monday 15 August 2007:

"Dear Geoff,

I refer to the email sent to you by Mr Young dated 10 August 2007 at 5:02pm, and note his requests as set out below:

1. Which particular parts of these articles are being objected to, and which clauses of the constitution do you say that these parts breach?
2. What is the process that the Disciplinary Committee intends to follow in its hearing?
3. Who will form the Committee?

I will answer the questions in reverse numerical order:

1. The Disciplinary Committee will be formed by the chairman and two members of the panel appointed by State Council pursuant to clause 21A of the Constitution.
2. The process to be followed at the hearing is clearly set out on page 2 of the *Notice of Disciplinary Committee Investigation & Hearing*. The Committee is required by clause 21B (b) to investigate the complaint in accordance with the rules of natural justice. Accordingly, the hearing, which is part of the Committee's investigation, will be conducted in accordance with the rules of natural justice.
3. The parts of the articles which are the subject of the referral from State Council, as I understand them, are set out below. The clauses of the Constitution which are said to have been breached are contained in the referral from State Council which states (as set out on page 1 of the *Notice*) that Mr Young's conduct may reasonably be interpreted to have demonstrated gross disloyalty to the Liberal Party [cl 21D(a)]; conduct bringing the Liberal party into disrepute [cl 21D(c)]; and conduct severely harmful to the best interests of the party [cl 21D(d)]:

[Here, the quotes set out on pages 2 and 3 of this report were appeared]

I trust I have satisfactorily answered Mr Young's queries. Please feel free to forward this email to him.

Yours sincerely,

JOHN MILES.

JOHN S. MILES

Chairman

Disciplinary Committee

Liberal Party of Australia | Old Division

MR YOUNG'S WRITTEN SUBMISSION

On Monday 13 August 2007 at 6:08pm, Mr Young sent to the State Director a written submission to the Disciplinary Committee (copy **attached**). The Committee has read and considered Mr Young's written submission.

THE HEARING

The Disciplinary Committee hearing proceeded at 4:00pm on Tuesday 14 August 2007. Mr Young exercised his right to appear at the hearing.

At the commencement of the hearing, the Chairman delivered an introductory message in accordance with the attached document entitled "Introductory Message to be Delivered to Respondents at Commencement of Hearing (version 1 22.02.05)". The Chairman invited Mr Young to make any oral submissions he wished to make.

Mr Young's Oral Submissions at the Hearing

Mr Young commenced his oral submissions by stating that there was a threshold question to be answered as to whether the requirements of natural justice had been met. He said that he was entitled to be informed of the procedure governing the hearing and the makeup of the Committee. The Chairman informed Mr Young that he had already been advised in an email on 13 August 2007 that the Committee would be constituted by the Chairman and two members appointed in accordance with the constitution. The Chairman also informed Mr Young that at the time of sending the email on 13 August, the makeup of the remainder of the Committee had not yet been determined. As to the procedure at the hearing, the Chairman pointed out that the procedure was set out clearly on page two of the *Notice* served on 9 August 2007.

Mr Young then stated that it was for the Committee to make out the case against him. The Chairman explained that this was incorrect and, as clearly stated in the *Notice* and in the Constitution, the role of the Committee was to conduct an investigation and then report its findings to State Council.

Mr Young then accused Mrs Bowers of having a conflict of interest. Mr Young was asked by the Chairman if he was making a complaint about that. Mr Young answered, "yes". Mr Young was asked by the Chairman to explain the basis of his allegation that Mrs Bowers had a conflict of interest. Mr Young said that he had known Mrs Bowers for a long time. He said he had not been friendly with Mrs Bowers since he had defeated her in an election for FEC Chairman. [It is noted that subsequent investigations by the Committee reveal that the election for FEC Chairman took place in 1991]. When asked by the Chairman to elaborate, Mr Young said that Mrs Bowers could not be said to be impartial on the basis of the comments which Mrs Bowers had made to Mr Young's mother when Mr Young's mother was driving her home from the election. Mr Young was asked to be more specific but refused.

The Chairman ruled that in the absence of specific information supporting the allegations of conflict of interest and bias, there were no grounds for the removal of Mrs Bowers from the Disciplinary Committee. [The Committee notes that the election for FEC Chairman took place some 16 years ago and that elections are part of the democratic process which occurs in the party when elected positions are contested. The Committee is of the view that there can be no apprehension of bias in those circumstances. Further, Mr Young's failure to support his submission with any substantive argument and merely accuse Mrs Bowers of impartiality on the grounds of some comments to Mr Young's mother which he refused to particularise, mean that his motion to remove Mrs Bowers must fail.]

Mr Young then submitted that the Chairman should step down from the Committee on the grounds that he was biased. Mr Young said that the Chairman was “identified with the Santoro faction which in my analysis is a faction which I have consistently noted as being problematic to the party”. Mr Young further submitted that the *Notice* and the way the Chairman had dealt with his queries relating to the hearing indicated that the Chairman “was not particularly concerned to give natural justice”. Mr Young then submitted that the Chairman had been appointed as a representative of people in the Santoro faction and therefore could not be considered to be impartial.

The Chairman did not step down and ruled that Mr Young had been provided with ample notice of the hearing and ample particulars of the conduct alleged to have breached the constitution. The Chairman noted that Mr Young was a seasoned political campaigner and a professional political commentator which gave him sufficient opportunity and capacity to properly respond to the complaint.

Mr Young then asked the Committee how the complaints against him constituted a breach of the party’s constitution. The Chairman explained that the role of the Disciplinary Committee was not to make out a case against him but to investigate the complaint. He re-read the complaint contained in the *Notice*. The Chairman informed Mr Young that the Committee had not made any decisions and it was not the Committee’s role to inform Mr Young whether or not his conduct amounted to breach of the constitution. Mr Young was informed that the complaint is made by State Council and investigated by the Disciplinary Committee and that this was his opportunity to be heard in relation to the complaint and why his conduct was or was not in breach of the constitution.

Mr Young persisted with his statements that the Disciplinary Committee was bringing the charge. Mr Johnson explained that this was the forum in which Mr Young had the opportunity to explain why the complaint could or could not be made out.

Mr Young responded by saying that he had given the committee his written submission and he did not think there was much point in adding to that submission. He said he was sure that his written submission was better than any submissions he could make verbally. He asked “How do I breach the constitution by being a journalist? Is that the allegation – that you can’t be a political journalist and a member of the party?”.

The Chairman once again explained that the role of the Committee was to investigate the complaint and at the conclusion of the investigation to form an opinion as to whether the complaint had been proved. The Committee was then required to report to State Council informing State Council whether or not the complaint had been proved and, if it had been proved, recommending whether or not a penalty should be imposed.

Mr Young again stated that there was no point in going over his written submissions. Mr Johnson emphasized that the written submission is a vital part of the investigation.

FINDINGS

Introduction

The Disciplinary Committee has carefully considered the complaint made against Mr Young. It has read in detail the 9 articles referred to under the heading “Supporting Material” above. The Committee has also received and carefully read and considered a written submission of

35 paragraphs provided by Mr Young. The Committee has also conducted a hearing at which Mr Young was given the opportunity to make oral submissions.

Allegations of Bias and Conflict of Interest

Following the hearing, the Committee gave further consideration to the allegation of conflict of interest and bias made by Mr Young against Mrs Bowers. For the reasons given by the Chairman at the hearing, the Committee is of the view that there is no evidence to support an accusation of any actual or apprehended bias or conflict of interest on the part of Mrs Bowers.

The Committee has also revisited the accusation that the Chairman is biased on the grounds that he is “identifiable with the Santoro faction”. All members of the Committee know Mr Santoro. That is inevitable in the Liberal Party in Queensland. No member who is involved in or who pays any attention to the affairs of the party and politics in Queensland could be unaware of the prominent role which Mr Santoro has played in the Liberal Party and politics in Queensland for many years. Beyond the accusation of the Chairman being “identifiable with the Santoro faction”, Mr Young did not advance any evidence to establish bias or any reasonable apprehension of bias on the part of the Chairman. In the opinion of the Committee, there is no basis for the Chairman to stand down.

Comments the Subject of the Complaint

We turn now to the comments which are the subject of the complaint. The comments appeared in newspapers and a magazine, all of which have significant readership amongst the public generally. The Committee notes that Mr Young acknowledges being the author of the articles which are said to have been authored by him as well the maker of the comments quoted in the various articles which were not authored by him. The Committee notes that only two of the articles were authored by Mr Young.

During the hearing, Mr Young asked, “How do I breach the Constitution by being a journalist? Is that the allegation – that you can’t be a political journalist and a member of the party?”. He also raises these questions in paragraphs 19 – 22 of his written submission. The Committee does not consider it to be part of its role to answer such philosophical questions. The scope of the Committee’s role is to investigate the comments which are the subject of the complaint and to find whether or not the complaint has been proved. In any event, it is the opinion of the Committee that the questions posed can only be relevant to the two articles authored by Mr Young. In each of the other articles (with the exception of the article by Madonna King in the Courier Mail on Saturday 23.07.2005) Mr Young is referred to variously as “former Queensland Liberals Vice-President” and “Former Liberal State Vice-President and Campaign Chairman”. He is not the author of those articles but a person who has provided comments to the authors. Even the articles authored by Mr Young refer to him as “a former Vice-President of the Queensland Liberal Party”. That is the hat he has chosen to wear in making these comments.

There is no evidence that Mr Young was coerced into making the comments attributed to him in the various articles authored by other persons. On the contrary, Mr Young made the comments voluntarily. He could easily have declined to make any comment.

We will deal firstly with the comments made by Mr Young in the Bulletin magazine article, “State of Disarray” on 5 June 2007. The comments on page 16 are highly critical of the Prime Minister, Mr Howard, as well as former Senator and Party President, the Honourable John

Herron. In the opinion of the Committee, these comments amount to conduct bringing the party into disrepute and conduct severely harmful to the best interests of the party.

On page 17 of the Bulletin article, Mr Young refers to “institutionalised rorting in the Young Liberals”, “branch stacking” and “potentially some financial malfeasance”. He speaks of “people raiding money in slush funds and then using it to try and buy the loyalty of particular candidates”. He claims that people were running functions which were “ostensibly not about raising funds but about pocketing substantial money out of it”. In the opinion of the Committee, there is no question whatsoever that these comments amount to conduct bringing the party into disrepute and conduct severely harmful to the best interests of the party. The conduct also demonstrates gross disloyalty to the party.

In the article in the Courier Mail on Wednesday 21 March 2007, entitled “Libs Urged to Investigate if Poll Funds went on Shares”, Mr Young suggests that there has been misuse of campaign funds by former Senator Santo Santoro over the previous twelve years. He said, “Given the funds that appear to be at the Senator’s disposal, it seems likely that some of those funds are also invested in the share market”. In the opinion of the Committee, these comments suggest misuse of Liberal campaign funds and therefore amount to conduct bringing the Liberal Party into disrepute and conduct severely harmful to the best interests of the party.

In relation to the article in the Sunday Mail entitled “A Debacle of Misplaced Loyalty and Factionalism” on Sunday 25 March 2007, Mr Young was critical of the Prime Minister, Mr Howard. In addition to the quote referred to on page two of this report, Mr Young said that “(Mr Howard) had the opportunity to fix things and fluffed it completely by relying on people with whom he had long-standing relationships”. He went on to say that the people Mr Howard put in place in the Queensland Liberal Party “to halt the bitter factionalism served only to intensify it”. In the opinion of the Committee, these comments, which are highly critical of the Liberal Prime Minister, amount to conduct bringing the Liberal Party into disrepute and conduct severely harmful to the best interests of the party.

In the article in the Courier Mail entitled “The Power of One” on Saturday 3 February 2007, Mr Young, referring to an undertaking by Dr Flegg not to challenge Mr Seeney for the Premiership even if the Liberals won more seats than the Nationals at the election, said that the concession is so unwise that it “destroys the Coalition’s chances of winning the next election”. In the opinion of the Committee, this comment amounts to gross disloyalty to the Liberal Party, conduct bringing the party into disrepute, and conduct severely harmful to the best interests of the party.

In an article in The Australian entitled “Coalition to be Lashed for Poor Performance” on Thursday 7 September 2006, Mr Young stated that voters “see a Coalition that doesn’t know which way is up, and is not even deserving of their protest vote”. He also said that voters “want to make another protest vote, but they won’t because they fear the Coalition might get up, and it would be worse. It is a sad indictment of the Coalition’s performance”. Mr Young then stated (apparently referring to the response of one voter), “the government is incompetent, but the Opposition is a basket case”. In the opinion of the Committee, these comments amount to conduct which is grossly disloyal to the Liberal Party, conduct bringing the Liberal Party into disrepute, and conduct severely harmful to the best interests of the party. It is particularly relevant, in the opinion of the Committee, that the comments were reported in a prominent national newspaper only two days out from the state election.

In the Sunday Mail on 3 September 2006, Mr Young wrote an article entitled “You Can’t Win with no Game Plan”. In the article he referred to “faction-ridden Liberals” and then said “they don’t even have a health policy, even though voters have been telling us for a long time that health was the number one priority”. Enquiries by the Committee have revealed that the Liberal Party, as part of the Coalition, did indeed have a health policy. The policy, entitled “Getting the Priorities Right for Hospitals”, was launched under the banner “Coalition Public Hospital’s Policy Launch” on 20 October 2005. The policy was accessible on the internet. A simple enquiry by Mr Young would have revealed the existence of the policy. Instead, he made a factually incorrect statement that the Liberals did not even have a health policy. In the opinion of the Committee, Mr Young’s reference to the Liberals as “faction-ridden” and lacking a health policy in circumstances where there was such a policy in place, amounts to conduct which is grossly disloyal to the party, conduct bringing the party into disrepute, and conduct severely harmful to the best interests of the party.

In the Courier Mail article entitled “Coalition Races to Stir Voters” on Saturday 22 July 2006, Mr Young said that ‘Elections are won and lost on issues more so than policy, and that the Coalition has “failed to win the hearts and minds” of Queenslanders because voters are unsure of where the Coalition stands on such key issues as health and water’. Even if Mr Young’s analysis that the Coalition had “failed to win the hearts and minds of Queenslanders” is correct, in the opinion of the Committee, they still amount to conduct grossly disloyal to the Liberal Party, conduct bringing the Liberal Party into disrepute, and conduct severely harmful to the best interests of the party. As mentioned above, the Coalition did have a public hospitals policy at the time this article was published. It also had a water policy which was launched by media release by the Queensland Coalition under the title “Coalition plan to tackle SEQ water crisis” on 22 May 2006. The policy was also accessible on the Coalition’s website. There was no compulsion on Mr Young to provide the comments which were reported. He could have declined. If he felt the need to comment at all, he could have provided positive commentary by referring the Coalition’s policies on health and water. In the opinion of the Committee, Mr Young’s comments amounted to conduct grossly disloyal to the Liberal Party, conduct bringing the Liberal Party into disrepute, and conduct severely harmful to the best interests of the party.

In an article authored by Mr Young in the Courier Mail on Tuesday 15 November 2005, entitled “Libs Bicker over Control”, Mr Young stated that the Liberals had a “lack of public relations focus” which probably lay “in the extreme self-absorption and self-confidence of the State Liberals”. In the opinion of the Committee, the allegation of a “lack of public relations focus” and the use of the descriptor “extreme self-absorption” amount to conduct which is grossly disloyal to the party, conduct bringing the party into disrepute, and conduct severely harmful to the best interests of the party.

The Committee also notes the comments later in the article where Mr Young claims that the “new Liberal President Warwick Parer...seems fairly disinterested in his new positions”. He said that if Mr Parer “intended to be more than a figurehead why wasn’t he at the convention on Sunday when he officially became President, rather than on holidays in the Hunter Valley, no doubt with a good glass of red?”. Such public criticism of the new party president in an article published in the Courier Mail, a newspaper with a significant distribution level, amounts to conduct grossly disloyal to the party, conduct bringing the party into disrepute, and conduct severely harmful to the best interests of the party. The Committee also notes the final sentence of Mr Young’s article where he states that the Liberal State Convention “suggests they have a long way to go to satisfy even minimum expectations, and time is running out”. The Committee is of the opinion that this comment also amounts to conduct

grossly disloyal to the party, conduct bringing the party into disrepute, and conduct severely harmful to the best interests of the party.

In relation to the article by Madonna King in the Courier Mail on Saturday 23 July 2005, entitled "Journey of Lost Opportunities", the author says that Mr Young "points out that if Costello is to take the next step and lead the party, he needs to find a niche". The author then goes on to conclude the article with the words contained in the quote set out on page three of this report. In the opinion of the Committee, the only words which can be clearly attributed to Mr Young are those which read "...if Costello is to take the next step and lead the party, he needs to find a niche". It is by no means clear that the remainder of the article is commentary by Mr Young rather than the author. Accordingly, the Committee is of the opinion that there is no proven misconduct in relation to this article.

For the reasons set out above, the Committee is of the unanimous opinion that the complaint referred to it by State Council has been proved.

PENALTY

Pursuant to clause 21B(d) set out on page three of this report, where the Committee finds that the complaint has been proved it may recommend that a penalty be imposed of the kind described by clause 21C, or, alternatively, it may recommend that no penalty be imposed. In this case, the Committee is of the opinion that a penalty should be imposed. The recommended penalty and the reasoning for recommending that penalty are set out below:

1. Mr Young has not expressed any regret or remorse for his conduct. He has not offered an apology to the Party. He regards it as his right to speak out against the Party and believes that by doing so he is actually acting to the advantage of the Party. Indeed, he appears to have little or no insight regarding the disrepute into which he has brought the Party nor the harm his conduct has caused to the best interests of the Party. Further, it appears highly likely that Mr Young will continue to make and publish comments which are adversely critical of the Party and therefore contrary to the Party's best interests.
2. In all of the circumstances of this case, including Mr Young's previous service to the Party (referred to in paragraphs 4, 5 and 6 of his written submission), the Committee is of the unanimous view that Mr Young's conduct is so serious as to warrant expulsion from the Party as permitted by clauses 21B(f) and 21C of the Constitution.
3. Accordingly, pursuant to clause 21B(d)(i)A of the Constitution, the Committee recommends that State Council expel Mr Young from the Party.

Dated: 21 September 2007

JOHN S. MILES
Chairman

PETER JOHNSON
Member

ELAINE BOWERS
Member