

APPENDIX 15: MATTERS RAISED AS MATTERS OF PRIVILEGE IN THE ASSEMBLY

Matter	Action by Speaker	Action by Assembly
<p>27 June 1989 Possible breach of privilege concerning the use by members of the Assembly press gallery of the 5th floor media room for the purposes of interviewing Members of the Assembly (MoP 1989-91/29; Assembly Debates (27.6.1989) 395-6).</p>	<p>Speaker stated that the matter did not merit precedence as the 5th floor media room is not directly under the Assembly's control and the request for use of the room had not come from a Member but directly from the press. The matter was therefore an administrative matter not a breach of privilege.</p>	<p>No action taken.</p>
<p>13 February 1990 Possible breach of privilege concerning the premature and unauthorised release of information from a draft report of the Standing Committee on Conservation, Heritage and Environment in articles and an editorial published in <i>The Canberra Times</i> on 20, 21 and 25 January 1990 (MoP 1989-91/167; Assembly Debates (13.2.1990) 17).</p>	<p>Speaker stated that the matter did merit precedence as publication of draft reports of committees before their presentation have been pursued as matters of contempt by the House of Representatives, and the Assembly, its members and committees have the same powers, including privileges and immunities as those held by the House of Representatives, its members and committees, pursuant to section 24 of the <i>Australian Capital Territory (Self-Government) Act 1988</i> (Cwlth).</p>	<p>Chair of the Standing Committee on Conservation, Heritage and Environment, by leave, made a statement indicating that the Committee no longer wished to proceed with the matter (MoP 1989-91/167; Assembly Debates (13.2.1990) 18).</p> <p>No further action taken.</p>
<p>3 May 1990 Alleged breach of privilege concerning the alleged disclosure of proceedings of the Standing Committee on Conservation, Heritage and Environment in a radio interview given by Mr Moore MLA on 27 April 1990 (MoP 1989-91/235; Assembly Debates (3.5.1990) 1612-3).</p>	<p>Speaker stated that the matter did merit precedence as the unauthorised publication of private deliberations of a committee before their presentation have been pursued as matters of contempt in the House of Representatives, and the Assembly, its members and committees have the same powers, including privileges and immunities as those held by the House of Representatives, its members and committees, pursuant to section 24 of the <i>Australian Capital Territory (Self-Government) Act 1988</i> (Cwlth).</p>	<p>Motion moved to refer matter to Standing Committee on Administration and Procedures as a matter of privilege debated and adjourned (MoP 1989-91/236; Assembly Debates (3.5.1990) 1627-29). Item discharged from the Notice Paper on 12 September 1990 (MoP 1989-91/295-6; Assembly Debates (12.9.1990) 3164-5).</p>

APPENDIX 15: MATTERS RAISED AS MATTERS OF PRIVILEGE IN THE ASSEMBLY *CONTINUED*

Matter	Action by Speaker	Action by Assembly
<p>16 August 1990 Alleged breach of privilege by Mr Collaery MLA for divulging unpublished evidence to the Public Accounts Committee (MoP 1989-91/289-90; Assembly Debates (16.8.1990) 3018-22).</p>		<p>Motion moved, by leave, to refer matter to the Standing Committee on Administration and Procedures debated and negatived (MoP 1989-91/289-90; Assembly Debates (16.8.1990) 3018-22).</p> <p>(See other references to matter Assembly Debates (16.8.1990) 2980, 3016 and 3030.)</p>
<p>12 September 1990 Alleged breach of privilege raised on 16 August 1990 concerning the unauthorised release of evidence provided to the Standing Committee on Public Accounts (MoP 1989-91/295; Assembly Debates (12.9.1990) 3159-60).</p>	<p>Speaker stated that the matter did not merit precedence as he was unable to find a precedent directly relevant to the presentation of information in the Assembly, which is the superior body to the committee.</p>	<p>Motion moved, by leave, to refer matter to Standing Committee on Administration and Procedures debated and negatived (MoP 1989-91/295; Assembly Debates (12.9.1990) 3160-3164).</p>
<p>17 October 1990 Alleged breach of privilege concerning the unauthorised release of a draft report of the Standing Committee on Planning, Development and Infrastructure as published in an article in <i>The Canberra Times</i>, dated 27 September 1990 (MoP 1989-91/319-20; Assembly Debates (17.10.1990) 3735-7).</p>	<p>Speaker stated that the matter did merit precedence as publication of draft reports of committees before their presentation have been pursued as matters of contempt by the House of Representatives, and the Assembly, its members and committees have the same powers, including privileges and immunities, as those held by the House of Representatives pursuant to section 24 of the <i>Australian Capital Territory (Self-Government) Act 1988</i> (Cwth).</p> <p>The Speaker proposed that a select committee be established to consider matter.</p>	<p>No action taken.</p>

Matter	Action by Speaker	Action by Assembly
<p>6 August 1991 Possible breach of privilege concerning letters received by Mr Stevenson, MLA (MoP 1989-91/483; Assembly Debates (6.8.1991) 2379).</p>	<p>Speaker stated that the matter did not merit precedence.</p>	<p>No action taken.</p>
<p>18 September 1991 Possible breach of privilege concerning the contents of a letter from the Deputy Chief Minister (Mr Berry) to Mr Humphries MLA relating to the introduction of the Trading Hours (Amendment) Bill 1991. The letter required that the Bill be withdrawn until public consultation had taken place on a recently released report on ACT trading hours (MoP 1989-91/530; Assembly Debates (18.9.1991) 3462-5).</p>	<p>Speaker stated that the matter did merit precedence as he had concluded that a contempt may have occurred. The Speaker went on to suggest that the matter may be best dealt with by way of an apology.</p>	<p>The Deputy Chief Minister (Mr Berry) and Mr Humphries MLA, by leave, made statements in relation to the matter (MoP 1989-91/530; Assembly Debates (16.9.1991) 3463-5). No further action taken.</p>
<p>8 December 1992 Alleged breach of privilege concerning the circulation of a copy of the uncorrected proof <i>Hansard</i> (MoP 1992-94/235; Assembly Debates (8.12.1992) 3600).</p>	<p>Speaker stated that the matter did not merit precedence.</p>	<p>No action taken.</p>
<p>24 November 1993 Alleged breach of privilege concerning the premature and unauthorised release of information relating to the recommendations of the Select Committee on Estimates 1993-94. The information was contained in an article published in <i>The Canberra Times</i> on 12 November 1993 (MoP 1992-94/480; Assembly Debates (24.11.1993) 4083-4).</p>	<p>Speaker stated that the matter did merit precedence as the publication of draft reports of committees before their presentation to the House of Representatives have been pursued as matters of contempt, and the Assembly, its members and committees have the same powers, including privileges and immunities, as those held by the House of Representatives, its members and committees pursuant to section 24 of the <i>Australian Capital Territory (Self-Government) Act 1988</i> (Cwlth).</p>	<p>Motion was agreed to referring matter to the Standing Committee on Administration and Procedures (MoP 1992-94/480; Assembly Debates (24.11.1993) 4084). Report presented 16 December 1993; motion that report be adopted debated and adjourned (MoP 1992-94/523; Assembly Deb (16.12.1993) 4743); order of the day lapsed at the end of Second Assembly.</p>

APPENDIX 15: MATTERS RAISED AS MATTERS OF PRIVILEGE IN THE ASSEMBLY *CONTINUED*

Matter	Action by Speaker	Action by Assembly
<p>7 December 1993</p> <p>Possible breach of privilege concerning the premature and unauthorised release of information in the Government's response to the Estimates Committee 1993-94 report (MoP 1992-94/495; Assembly Debates (7.12.1993) 4342-3).</p>	<p>Speaker stated that the matter did merit precedence and that the Assembly, its members and committees have the same powers, including privileges and immunities, as those held by the House of Representatives, its members and committees pursuant to section 24 of the <i>Australian Capital Territory (Self-Government) Act 1988</i> (Cwlth).</p>	<p>Motion was agreed to referring matter to the Standing Committee on Administration and Procedures (MoP 1992-94/495; Assembly Debates (7.12.1993) 4343). Report presented 14 April 1994; motion that report be noted debated and agreed to (MoP 1992-94/559; Assembly Debates (14.4.1994) 838-42). A Government response to the report in the form of a ministerial statement was made on 15 June 1994 (MoP 1992-94/627; Assembly Debates (15.6.1994) 2019-20).</p>
<p>17 May 1994</p> <p>Alleged breach of privilege concerning a submission lodged by the ACT Opposition with the Board of Inquiry examining the ACTTAB/VITAB Agreement. The submission invited the inquiry to have regard to debates in the Assembly (MoP 1992-94/605; Assembly Debates (17.5.1994) 1549-52).</p>	<p>Speaker stated that the matter did merit precedence as freedom of speech and debates or proceedings in Parliament should not be impeached or questioned in any court or place out of Parliament.</p>	<p>No action taken.</p>

Matter	Action by Speaker	Action by Assembly
<p>19 May 1994 Alleged breach of privilege concerning a submission lodged by the Board of Management of the Australian Capital Territory Totalisator Administration Board to the Board of Inquiry examining the ACTTAB/MITAB Agreement. The submission invited the inquiry to have regard to debates in the Assembly (MoP 1992-94/615; Assembly Debates (19.5.1994) 1769-70).</p>	<p>Speaker stated that the matter did merit precedence as freedom of speech and debates or proceedings in Parliament should not be impeached or questioned in any court or place out of Parliament.</p>	<p>No action taken.</p>
<p>25 September 1997 Possible breach of privilege concerning the action by a member of the Standing Committee on Legal Affairs in making public a number of recommendations of the Committee's conclusions on the issue of the establishment of a correctional facility in the ACT (MoP 1995-97/819; Assembly Debates (25.9.1997) 3329-30).</p>	<p>Speaker stated that the matter did merit precedence as the publication of draft reports of committees before their presentation to the House of Representatives have been pursued as matters of contempt, and the Assembly, its members and committees have the same powers, including privileges and immunities, as those held by the House of Representatives pursuant to section 24 of the <i>Australian Capital Territory (Self-Government) Act 1988</i> (Cwlth).</p>	<p>No action taken.</p>
<p>16 February 1999 Possible breach of privilege concerning certain aspects of the conduct of the proceedings of the Select Committee on the Territory's Superannuation Commitments (MoP 1998-2001/305; Assembly Debates (16.2.1999) 152-6).</p>	<p>Speaker stated that the matter did not merit precedence.</p>	<p>Mr Wood, Mr Hird, Mr Moore and Mr Quinlan, by leave, made statements in relation to the matter (MoP 1998-2001/305; Assembly Debates (16.2.1999) 152-6).</p>

APPENDIX 15: MATTERS RAISED AS MATTERS OF PRIVILEGE IN THE ASSEMBLY *CONTINUED*

Matter	Action by Speaker	Action by Assembly
<p>23 May 2000 Possible breach of privilege raised by Mr Corbell MLA relating to an alleged improper influence on a witness in respect of evidence given to the Standing Committee on Planning and Urban Services on its inquiry into Gungahlin Drive (MoP 1998-2001/858; Assembly Debates (23.5.2000) 1596-7).</p>	<p>Speaker stated that the matter did not merit precedence.</p>	<p>Mr Corbell, by leave, made a statement in relation to the matter (MoP 1998-2001/859; Assembly Debates (23.5.2000) 1598-1600).</p> <p>Motion to appoint Select Committee on Privileges was agreed to after debate (MoP 1998-2001/879-80, 882-3; Assembly Debates (25.5.2000) 1776-94, 1834-46). Later, the motion was rescinded and reconsidered. Assembly resolved that the Standing Committee on Planning and Urban Services inquire into matter (MoP 1998-2001/889-93; Assembly Debates (25.5.2000) 1897-1903, 1905-24). Report presented 18 October 2000; motion that report be noted debated and agreed to (MoP 1998-2001/1025; Assembly Debates (18.10.2000) 3194-7).</p>

Matter	Action by Speaker	Action by Assembly
<p>9 August 2001 Possible breach of privilege in respect of the release to the public of confidential information discussed at a meeting of the Standing Committee on Planning and Urban Services on 7 August 2001 in relation to its report on Draft Variation No 138 (MoP 1998-2001/1589; Assembly Debates (9.8.2001) 2828-30).</p>	<p>Speaker stated that the matter did merit precedence as the premature publication or disclosure of committee proceedings have been pursued as matters of contempt.</p>	<p>Mr Hird, Mr Kaine and Mr Smyth addressed the Assembly in relation to the matter (MoP 1998-2001/1589; Assembly Debates (9.8.2001) 2829-30). No further action taken.</p>
<p>9 August 2001 Publication of the deliberations of the Standing Committee on Planning and Urban Services on the timing of the presentation of its proposed report on the duplication of Fairbairn Avenue (MoP 1998-2001/1589; Assembly Debates (9.8.2001) 2828-9).</p>	<p>Speaker stated that the matter did not merit precedence.</p>	<p>No action taken.</p>
<p>6 June 2002 Unauthorised receipt of emails from the office of Mr Wood MLA was a breach of privilege and whether a contempt was committed (MoP 2001-04/199-200, 201-3; Assembly Debates (6.6.2002) 2011-14, 2049-62).</p>		<p>Motion to appoint Select Committee on Privileges was passed by the Assembly on 6 June 2002 (MoP 2001-04/199-200, 201-203; Assembly Deb (6.6.2002) 2011-14, 2049-62). Report presented 14 November 2002; motion that report be noted adjourned (MoP 2001-04/381-2; Assembly Debates 14.11.2002/3605-3620); debate resumed, adjourned (MoP 2001-04/399-401; Assembly Debates 19.11.2002/3697-3709); debate resumed, motion agreed to (MoP 2001-04/427-8; Assembly Debates (21.11.2002) 3936-46).</p>

APPENDIX 15: MATTERS RAISED AS MATTERS OF PRIVILEGE IN THE ASSEMBLY CONTINUED

Matter	Action by Speaker	Action by Assembly
<p>18 June 2003 Matter of privilege raised by Mr Wood in relation to the unauthorised disclosure of the reports of the Select Committee on Estimates 2003-2004 and the Standing Committee on Public Accounts (MoP 2001-04/749; Assembly Debates (18.6.2003) 2024-5).</p>	<p>Speaker stated that the matter did merit precedence as the publication of draft reports of committees before their presentation to the House of Representatives and the Legislative Assembly have been pursued as matters of contempt, and the Assembly, its members and committees have the same powers, including privileges and immunities, as those held by the House of Representatives, its members and committees pursuant to section 24 of the <i>Australian Capital Territory (Self-Government) Act 1988</i> (Cwlth).</p>	<p>Motion to appoint a Select Committee on Privileges was agreed to by the Assembly on 26 June 2003. (The original motion moved was amended to include whether the refusal of Mr Corbell to answer questions of the Select Committee on Estimates and whether the creation and distribution of a document known as 'Budget Estimates 2003' by persons within ACT Health constituted contempt of the Assembly) (MoP 2001-04/749-50, 792, 802-4; Assembly Debates (18.6.03) 2025-32, (26.6.03) 2536-7, 2635-63). Report presented 18 November 2003; motion that report be noted debated and agreed to (MoP 2001-04/995; Assembly Debates (18.11.2003) 4163-70).</p>

Matter	Action by Speaker	Action by Assembly
<p>10 February 2004 Alleged breach of privilege or possible contempt raised by Mr Hargreaves MLA regarding the release of a flyer relating to a matter before the Standing Committee on Planning and Environment. (MoP 2001-04/1088; Assembly Debates (2.2.2004) 2)</p>	<p>Speaker stated that the matter did merit precedence.</p>	<p>Motion to appoint a Select Committee on Privileges was agreed to by the Assembly on 10 February 2004 (MoP 2001-04/1088; Assembly Debates (10.2.2004) 2-19). Report presented 30 March 2004; motion that report be noted debated and adjourned (MoP 2001-04/1248; Assembly Deb (30.3.2004) 1247-53); debate resumed, motion agreed to (MoP 2001-04/1296; Assembly Deb (1.4.2004) 1538).</p>
<p>4 May 2004 Alleged breach of privilege or possible contempt raised by Mr Smyth MLA in relation to comments made in the Chamber by Mrs Cross MLA on 1 April 2004 (MoP 2001-04/1313; Assembly Debates (4.5.2004) 1700).</p>	<p>Speaker stated that the matter did not merit precedence.</p>	<p>No action taken.</p>
<p>22 June 2004 Alleged breach of privilege raised by Mrs Burke in relation to the non-provision of an answer by the Minister for Planning to a question on notice (MoP 2001-04/1403; Assembly Debates (22.6.2004) 2259).</p>	<p>Speaker stated that the matter did not merit precedence.</p>	<p>No action taken.</p>

APPENDIX 15: MATTERS RAISED AS MATTERS OF PRIVILEGE IN THE ASSEMBLY *CONTINUED*

Matter	Action by Speaker	Action by Assembly
<p>7 April 2005 Alleged breach of privilege raised by Mrs Dunne MLA in relation to improper interference in the proposed chairmanship and membership of a Select Committee on Estimates. (MoP 2004-08/139; Assembly Debates (7.4.2005) 1485)</p>	<p>Speaker stated that the matter did not merit precedence.</p>	<p>Motion to suspend standing orders was moved by Mrs Dunne to allow her to move that the decision of the Speaker not to give precedence to the matter of privilege be disagreed with. The suspension of standing orders was negated after a vote of the Assembly (MoP 2004-08/139; Assembly Debates (7.4.2005) 1485-90.</p>
<p>16 August 2006 Alleged breach of privilege raised by Mr Smyth MLA and Mr Pratt MLA concerning certain aspects of the conduct of Ms MacDonald MLA, Ms Porter MLA and Mr Gentleman MLA concerning the absence of Ms MacDonald at a scheduled meeting of the estimates committee (MoP 2004-08/770; Assembly Debates (16.8.2006) 2210)</p>	<p>Speaker stated that the matter did not merit precedence as the evidence presented was not conclusive as to whether or not the committee had been misled.</p>	<p>No action taken.</p>
<p>21 August 2007 Alleged breach of privilege raised by Mr Pratt MLA in relation to the conduct of the Minister for Territory and Municipal Services during his appearance before the Select Committee on Estimates 2007-2008 on 26 June 2007 and the Minister's practice of only following up on matters raised by Mr Pratt if the names and address of constituents were provided (MoP 2004-08/1065-6; Assembly Debates (21.8.2007) 1681-2)</p>	<p>Speaker stated that the matter did merit precedence.</p>	<p>Motion to appoint a Select Committee on Privileges was moved and negated after a vote of the Assembly (MoP 2004-08/1066-7; Assembly Debates (21.8.2007) 1682-93)</p>

Matter	Action by Speaker	Action by Assembly
<p>17 June 2008 Alleged breach of privilege raised by Ms Gallagher MLA in relation to certain aspects of the conduct of Mr Smyth MLA in relation to the proof <i>Hansard</i> of the Select Committee on Estimates 2008-2009 (MoP 2004-08/1542; Assembly Debates (17.6.1008) 1866-7)</p>	<p>Speaker stated that the matter did not merit precedence but had raised concerns regarding a possible breach of the <i>Legislative Assembly (Broadcasting) Act 2001</i> and that he had requested the Clerk to seek legal advice. The Speaker indicated that he would report back to the Assembly on receipt of the legal advice.</p>	<p>No action taken.</p>
<p>1 July 2008 Alleged breach of privilege raised by Ms Porter MLA in relation to the private deliberations of the Select Committee on Estimates 2008-2009. (MoP 2004-08/1569; Assembly Debates (1.7.2008) 2427)</p>	<p>Speaker stated that he did not believe the matter warranted precedence under standing order 276(d).</p>	<p>No action taken.</p>
<p>1 July 2008 Alleged breach of privilege raised by Mr Corbell MLA in relation to the conduct of Mr Stefaniak, Chair of the Standing Committee on Legal Affairs, during the Committee's inquiry into ACT fire and emergency services arrangements. (MoP 2004-08/1569; Assembly Debates (1.7.2008) 2428)</p>	<p>Speaker stated that he was prepared to allow precedence to a motion under standing order 276(e).</p>	<p>Motion to appoint a Select Committee on Privileges was agreed to by the Assembly on 1 July 2008. (The original motion moved was amended to include how Mr Corbell became aware of the fact that the Committee had not authorised the letter) (MoP 2004-08/1570-1; Assembly Debates (1.7.2008) 2428-46). Report presented 26 August 2008; motion that report be noted debated and agreed to (MoP 2004-08/1750; Assembly Deb (26.8.2008) 3567-72).</p>