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Friday, 12 June 2026

Ms Elizabeth Lee MLA
Chair, Select Committee on Privileges 2026
Legislative Assembly for the Australian Capital Territory
196 London Circuit
CANBERRA ACT 2601

BY EMAIL: LAcommitteePrivileges2026@parliament.act.gov.au

Dear Chair

**SELECT COMMITTEE ON PRIVILEGES 2026 — INQUIRY INTO POSSIBLE CONTEMPT OF THE ASSEMBLY
RESPONSE ON BEHALF OF DR MARGOT MCNEILL TO THE COMMITTEE’S LETTER DATED 3 JUNE 2026**

- 1 We refer to the Committee’s letter dated 3 June 2026. Dr McNeill maintains the cooperative approach she has taken throughout this inquiry: she has produced every document the Committee ordered, has made detailed submissions, and now answers the Committee’s questions to the fullest extent she properly can. In these responses, **Submissions** means the submissions filed on her behalf on 22 May 2026, and **Items 1–6** are the documents produced under the Committee’s order of 14 May 2026, as listed in the index accompanying the Submissions.
- 2 We note the Committee’s reference to the comments of the Standing Committee on Public Accounts and Administration in Report 6 concerning the role of legal representatives. Standing order 280 expressly contemplates that a person facing an allegation of contempt may be accompanied by, and consult, counsel. The allegation referred to this Committee is, in substance, an allegation that Dr McNeill deliberately gave false evidence. It would be remarkable if a person facing an allegation of that gravity did not take advice. The responses below are Dr McNeill’s responses, conveyed through her advisers.

PRELIMINARY MATTERS

- 3 **Scope of the referral.** The Assembly’s resolution of 6 May 2026 referred a defined question: whether Dr McNeill is in contempt of the Assembly by giving false and misleading evidence to the PAA, failing to produce documents, and related matters. The evidence said to enliven that

question was identified in the letter of Mr Parton MLA dated 6 May 2026 and the transcript extract enclosed with it. Several of the Committee's present questions (in particular Questions 2, 4, 9, 10, 11 and 12 below) concern events occurring well after the evidence the subject of the referral — in some instances events post-dating the establishment of this Committee. Dr McNeill answers those questions in a spirit of cooperation. Consistently, however, with paragraphs 4, 5, 50 and 51 of the Submissions and with standing order 280, if the Committee proposes to treat any matter beyond the conduct particularised in the referral as a potential contempt, or as the foundation of any adverse finding, Dr McNeill requests written notice of the precise allegation and of the evidence relied upon, and a reasonable opportunity to respond, before any such course is taken.

- 4 **Legal professional privilege.** A number of the Committee's questions seek the production of, or information about, legal advice. So that the basis of Dr McNeill's position is transparent, we set it out once, and thereafter refer to this response below.
- a. The directions and communications upon which Dr McNeill's evidence to the PAA was founded were directions given to her by her employer, TAFE NSW, and by McCullough Robertson, the external solicitors retained by TAFE NSW to conduct the investigation. They are not advices from Dr McNeill's own legal advisers, and no question of her privilege arises in respect of them. Every such document in her possession has been produced to the Committee under its order: Items 1–6.
 - b. To the extent the questions seek to ascertain whether, when, or from whom Dr McNeill sought advice from her own legal advisers, or the content of any such advice, Dr McNeill claims legal professional privilege and does not waive it. The privilege is a substantive right of long standing, not a mere rule of evidence: see, for example, *Daniels Corporation International Pty Ltd v ACCC* (2002) 213 CLR 543. The consistent practice of Australian parliamentary committees — including the Senate and the House of Representatives, on whose procedures the Assembly's own standing orders are modelled — is to respect a witness's claim of legal professional privilege and not to press for the production of privileged material.
 - c. No adverse inference can fairly be drawn from a claim of privilege. That has been settled since *Wentworth v Lloyd* (1864) 10 HL Cas 589: to construe a claim of privilege against the person who makes it would be to deny the protection the privilege exists to provide, and would render it illusory. The principle applies with particular force where the allegation under inquiry is one of deliberate dishonesty, to which the criteria in standing order 278 and the approach to proof described at paragraphs 16 to 18 of the Submissions apply. A gap in proof of the matters the Committee must be satisfied of cannot be filled by a witness's assertion of a right the law confers on her.
 - d. Nothing in Dr McNeill's evidence effects any waiver. We address this directly because the form of the Committee's questions may proceed from a contrary assumption. When Mr Parton asked Dr McNeill on 1 April 2026 "on what date did you seek legal advice, or did you receive legal advice, that said that you cannot disclose the ongoing and current investigation" (Transcript, P29), the answer she gave was directed to, and described only, the directions she had received from TAFE NSW and its agents: the meeting and written notification of 15 October 2024, and her subsequent conversations with senior TAFE NSW personnel. Read fairly and in full, her evidence did not assert that she had received advice from her own lawyers as to disclosure, and did not deploy the substance of any such advice in support of her account. Waiver is imputed only where the conduct of the

privilege-holder is inconsistent with the maintenance of the confidentiality the privilege protects: *Mann v Carnell* (1999) 201 CLR 1 at [29]. No such inconsistency exists here. Nor can the remarks of a third party — including Ms Lundy's remarks in a radio interview — put privileged material in issue or effect a waiver of a privilege that belongs to Dr McNeill alone.

- 5 **The Supreme Court of New South Wales proceedings.** Proceedings between Dr McNeill and TAFE NSW are on foot in the Supreme Court of New South Wales, in which the investigation, the confidentiality directions and related events are directly in issue. Dr McNeill answers the Committee's questions notwithstanding, but respectfully asks the Committee to bear the pendency of those proceedings in mind, both as to the treatment of her answers and as to the extent to which she can be expected to canvass, in this forum, matters that the Court is to determine.

QUESTION 1 – *Ms Lundy's statements on ABC Radio on 19 March 2026*

- 6 Dr McNeill is not able to say what advice Ms Lundy "is referring to". The statements are Ms Lundy's; they were made in a radio interview, are conditional in form ("*if she'd been given legal advice...*"), and identify no advice. What Ms Lundy meant by them is a matter for Ms Lundy.
- 7 To the extent Ms Lundy may have had in mind the directions given to Dr McNeill by TAFE NSW and its solicitors, those documents have been produced in full: Items 1–6. To the extent the question seeks any advice from Dr McNeill's own legal advisers, we refer to paragraph 4 above: privilege is claimed and is not waived, and a third party's speculation can neither identify such advice nor waive privilege in it.

QUESTION 2 – *whether Dr McNeill sought her own legal advice on disclosure (during the recruitment process; after 15 September 2025)*

- 8 Dr McNeill respectfully declines to state whether, when, or from whom she sought advice from her own legal advisers concerning disclosure, and declines to produce any such advice, on the ground of legal professional privilege, which she claims and does not waive: paragraph 4 above. Consistently with established parliamentary practice, she asks the Committee to accept that claim, and submits that no inference adverse to her can fairly be drawn from it.
- 9 Three further matters should be noted. **First**, it is not clear how the events of 15 September 2025 onwards are relevant to the referred inquiry. **Second**, Dr McNeill has at no point — before the PAA or in this inquiry — relied upon advice from her own lawyers in support of her account. Her evidence concerned the directions imposed on her by TAFE NSW, all of which have been produced. **Third**, the question referred to this Committee, whether her evidence concerning those directions was knowingly false or misleading, does not turn on whether she separately sought advice of her own. The directions speak for themselves, and they are before the Committee.

QUESTION 3 – *whether Dr McNeill sought advice from TAFE NSW on disclosure*

- 10 **During the recruitment process:** yes, on at least three occasions, particularised in answer to Question 6 below and at paragraphs [17], [22] and [34(c)] of the Submissions. Each request was made orally and each was refused orally; there is accordingly no further document of that

character to produce. The written directions that framed those conversations have been produced: Items 1–3.

- 11 **After 15 September 2025:** the premise of the question requires correction. What was communicated to Dr McNeill on 15 and 16 September 2025 was not, in Dr McNeill's view, a determinative outcome. Dr McNeill was invited to, and did, respond to TAFE NSW on 14 November 2025. The final outcome, comprising the determination pursuant to the GSE Act, was not communicated until 11 December 2025. In any event, by 15 September 2025 (and, indeed by 17 June 2025), CIT (through Ms Lundy) was aware that Dr McNeill was the subject of an investigation by TAFE NSW.

QUESTION 4 – *the media reports of 14 May 2026*

- 12 We observe that this question concerns events of May 2026. This is nearly a year after the recruitment process and also concerns events after the evidence the subject of the referral in respect of which these questions are being asked, and after the referral itself. It is difficult to see how this question is relevant. It also seeks to traverse a commonly recognised protection afforded to media sources. In this context, we repeat paragraph 3 above.

QUESTION 5 – *paragraph 17(A) of the Submissions*

- 13 The question appears to proceed from a misreading of the sentence quoted. The phrase “including any recruitment process” describes the scope of the disclosure that the directions did not permit: Dr McNeill was directed not to disclose the existence or details of the internal process to any person, which necessarily extended to not disclosing it in the course of any recruitment process. The phrase does not assert that a discrete advice was delivered “during” a recruitment process.
- 14 As to how the directions were in fact conveyed during the period of the recruitment process: in writing, by the letters of 15 October 2024, 28 November 2024 and 6 February 2025 (Items 1–3); and orally, on the occasions set out in answer to Question 6 below. See also paragraphs [22] to [25] of the Submissions.

QUESTION 6 - *paragraph 34(a) of the Submissions: the three occasions*

- 15 The three occasions on which Dr McNeill asked whether she could disclose the investigation in the context of recruitment, the persons concerned, and the responses, were as follows:
 - a. **15 October 2024 — Ms Julie Tickle, Chief People Officer, TAFE NSW.** In a discussion on the day of the initial notification, in which Ms Tickle suggested that Dr McNeill might consider looking for other roles, Ms Tickle said words to the effect that Dr McNeill “*would not be able to talk about the PID process in any recruitment process*”. This statement was preceded by Dr McNeill having asked if she could discuss the matter, including in any recruitment process.
 - b. **31 January 2025 — Ms Chloe Read, Managing Director, TAFE NSW.** Dr McNeill asked whether she was able to disclose the matter during a recruitment process. Ms Read answered with words to the effect: “*No, it has to remain confidential.*”

- c. **On or about 8 May 2025 — Ms Tickle.** Dr McNeill asked whether she could disclose the investigation to CIT, CIT having requested references. Ms Tickle answered with words to the effect: *“No, you can’t disclose the investigation, but we will give references.”*

- 16 For completeness, and so that the Committee is not left to identify the point itself: in her oral evidence on 1 April 2026, Dr McNeill, speaking from unaided recollection across events spanning many months, attributed the May 2025 conversation to Ms Read and dated it 7 May. Having since reviewed her records, her recollection is that she also had a conversation with Ms Tickle, on or about 8 May 2025. The substance of the evidence, that she asked whether she could disclose, and was told she could not, is unaffected. The correction illustrates the very distinction drawn at paragraphs [39] to [41] of the Submissions between honest imprecision of recollection and falsity.
- 17 **As to written advice:** the written directions in force during the recruitment process (Items 1–3) prohibited disclosure of the matter to any person other than a nominated support person, union representative or legal representative; they did not in terms refer to recruitment. Confirmation specific to recruitment were given orally, on the occasions set out above. That is the position the Submissions have consistently stated: see paragraphs [17], [22] and [24].

QUESTION 7 – appearance before the PAA

- 18 The premise that Dr McNeill “refused to appear” should not pass without comment. Dr McNeill appeared before the PAA on 1 April 2026, gave evidence at length, and answered the questions taken on notice. It is wholly improper to suggest impropriety on the part of someone seeking to exercise their legal rights. Dr McNeill answered the subpoena as she was legally required to do and did not *“refuse to appear”*.
Further, we repeat and rely on the letter of 30 March 2026 to the Committee (**attached**), in which our client sought clarification regarding the scope of the Inquiry.
- 19 Finally, our client’s concerns as to appearance before the Inquiry were well founded. The committee has erred as to its conclusions and findings, including as to serious matters, in many respects. Dr McNeill fully reserves her rights in this regard.

QUESTION 8 – when the CIT Chair was first informed

- 20 On 17 June 2025, the day after receiving TAFE NSW’s letter of 16 June 2025 (Item 4), Dr McNeill made a confidential verbal disclosure to the then Board Chair, Ms Lundy, regarding the investigation: see QTON No. 18. The disclosure was made verbally, as the confidential basis of the permission contemplated.

QUESTION 9 - contact with Ms Lundy following TAFE NSW’s letter of 16 June 2025

- 21 The sequence was as follows. On or about 13 June 2025, Ms Lundy telephoned Dr McNeill to inform her that an anonymous email had been received by the ACT Integrity Commission, and indicated that she would contact TAFE NSW to confirm whether there was an active investigation. TAFE NSW then wrote, on 16 June 2025, to each of Dr McNeill and Ms Lundy (Items 4 and 5). On 17 June 2025, Dr McNeill made the confidential verbal disclosure to Ms Lundy described in answer to Question 8.

QUESTION 10 – *whether the confidentiality requirements continued after 11 December 2025*

- 22 The directions were expressed to apply while the matter remained on foot. Dr McNeill's understanding was that the strict directions given to her as an employee operated while the investigation process continued; that process concluded with the final outcome letter of 11 December 2025. Thereafter, she understood the subject matter to remain sensitive, engaging the confidentiality attaching to information obtained during the course of employment, a process conducted under the Public Interest Disclosures legislation of New South Wales, the privacy of third parties involved in that process, and matters now in issue in the Supreme Court proceedings. She has continued to treat it with corresponding care.

QUESTION 11 – *the alternative questions consequent on Question 10*

- 23 We repeat the observation at paragraph 3 above: the events the subject of this question post-date the referral and the conduct particularised in it.

QUESTION 12 — *dates of the ASQA forms*

- 24 The dates are as follows: 18 June 2025, 7 January 2026 and 19 March 2026.

CONCLUSION

- 25 Dr McNeill repeats and relies upon the Submissions. On the material before the Committee, the evidence she gave on 1 April 2026 was a substantially accurate account of the directions imposed upon her, corroborated by the documents she has produced. None of the elements required by standing orders 277(l)(iii) and 278 is capable of being established, and the answers above, given, again, cooperatively and promptly, confirm that position.
- 26 If, notwithstanding the foregoing, the Committee determines that hearings are necessary, or contemplates any finding adverse to Dr McNeill, she requests that the procedures in standing order 280 be observed in full, including written notice of the particulars of any allegation and of the evidence relied upon, a reasonable opportunity to respond, and the opportunity to be heard on any proposed findings before the Committee reports to the Assembly.
- 27 Please direct any further correspondence concerning Dr McNeill to this office.

Sincerely



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Monday, 30 March 2026

Ms Sophie Milne
Committee Secretary
Standing Committee on Public Accounts and Administration
196 London Circuit
CANBERRA ACT 2601
BY EMAIL: LcommitteePAA@parliament.act.gov.au

Dear Ms Milne

**INQUIRY INTO THE CIT CEO RECRUITMENT PROCESS ('INQUIRY')
DR MARGOT MCNEILL – INVITATION TO MAKE A SUBMISSION**

We refer to your letter dated 26 March 2026.

Respectfully, we remain concerned that the question of our client's compliance or otherwise with the *Financial Management Act 1996* (ACT) remains extant. On our reading of the legislation, and with reference to the matter identified at item (b) of the Terms of Reference, there is no sound basis for an inquiry into that matter – it is not possible for our client to have breached that legislation at the time she applied for her role. We also note that our client is entitled to procedural fairness and natural justice, and certain other legal protections, in respect of an allegation of breach of legislation. We respectfully say that the call for her to give evidence, in the manner proposed, is potentially antithetical to the protection and maintenance of those rights and protections.

Our client is, however, willing to consider attending the committee to give evidence at an appropriate time (see below), for the purpose of giving evidence in respect of items (a), (c), (d) and (e) of the Terms of Reference, and otherwise subject to the matters set out in this letter.

1 Supreme Court of NSW proceedings (2026/99564)

- 1.1 Dr McNeill has filed in the Supreme Court of NSW a summons in the Administrative Law list seeking judicial review of the decision of TAFE NSW to terminate her employment without giving her the opportunity to resign under s69(4)(a) of the *Government Sector Employment Act 2013* (NSW) (**NSWSC Proceedings**).
- 1.2 The matter is listed for a first directions hearing on 15 April 2026. The matter will be further programmed at that time.

2 Limitations on any submission

- 2.1 Dr McNeill is unable to comment on any matters that are subject of the NSWSC Proceedings, which includes all matters relating to the TAFE NSW allegations, the TAFE NSW investigation that occurred and certain events occurring concurrently with the recruitment process with CIT.
- 2.2 To the extent that some matters may already be in the public domain, Dr McNeill may be able to confirm such facts but not expand upon them.
- 2.3 Specifically, we confirm that Dr McNeill cannot respond to questions about, or that in any way touch upon, legal advice she has (or has not) sought or received. Our client does not waive client legal privilege over those matters and is willing to attend on the condition that there will be no attempt, during the inquiry, to have her waive such privilege.
- 2.4 We confirm that Dr McNeill will provide a prepared statement about the following matters (but only to the extent that it does not otherwise prejudice her position in respect of the matters earlier averred to this letter):
 - (a) the matters contained in Dr McNeill's written submission to the inquiry;
 - (b) Dr McNeill's personal experience and qualifications in the VET and education sectors;
 - (c) how Dr McNeill became aware of the recruitment process for the position of CEO at CIT;
 - (d) the Independent Review of the Recruitment Process for the Chief Executive Office, Canberra Institute of Technology performed by Carmel McGregor PSM dated March 2026;
 - (e) the initial steps Dr McNeill took to commence the application process for the position of CEO at CIT;
 - (f) the information Dr McNeill was asked to provide in her application, and the information she did provide in response to those requests.
- 2.5 When Dr McNeill attends the committee, Dr McNeill will consider answering questions on these topics only.

3 Limitations on appearance as a witness

- 3.1 Dr McNeill requests, pursuant to s246A(c) of the Standing Orders dated 2 September 2025 (**Standing Orders**), that she provided with a detailed "*statement of the matters expected to be dealt with during the witness's appearance*". Please advise when this statement will be provided.
- 3.2 We also note that Dr McNeill requests, under section 264A(g) of the Standing Orders, that all of her evidence be hearing in private session. The basis for this request is:
 - (a) The proceedings currently on foot in the Supreme Court of NSW, which significantly limits the scope of matters Dr McNeill can comment on, and places her in a position of uncertainty and risk of prejudicing those proceedings, in circumstances where she is not entitled to be legally represented before the Committee.

- (b) The broad terms of reference of the inquiry and lack of clarity as to any allegations in relation to her conduct, or how it may have breached the *Financial Management Act 1996*. While it is understood that parliamentary privilege is extended to Dr McNeill in relation to any evidence she may give, the media scrutiny on this matter raises serious concerns for Dr McNeill which would not be protected by parliamentary privilege.
 - (c) The Inquiry extends not only to the conduct of CIT, but to matters relating to Dr McNeill's career and reputation personally. In circumstances where no notice is given to Dr McNeill about the questions to be asked of her or specific allegations against her, there would be a significant lack of procedural fairness to require her to publicly respond to such matters.
- 3.3 Please confirm as soon as possible that Dr McNeill's attendance to provide evidence as a witness will be conducted as a private session. We request that, pursuant to s246A(g) of the Standing Order, if this request is not granted, that, before Dr McNeill's attendance that she be notified of the reasons for that decision.

As you will see, there are certain matters that should be clarified before Dr McNeill ultimately determines the question of her attendance. Upon receipt of confirmation of the requests made above, we will confirm Dr McNeill's response to the invitation. We also note that any appearance by Dr McNeill will be accompanied by Emily Shoemark, solicitor, on behalf of Snedden Hall & Gallop in accordance with Dr McNeill's rights under s 264A(k) of the Standing Orders

Sincerely



RICHARD FAULKES

QTON No. 18

**Legislative Assembly for the
Australian Capital Territory**Standing Committee on Public
Accounts and Administration

Inquiry into the CIT CEO recruitment process

Answer to question taken on notice

Asked by: Ms Clay MLA

Addressed to: Dr Margot McNeill

In relation to: October 25 conversation with Ms Lundy

Hearing: 1 April 2026

Uncorrected Proof Transcript pp 10-11

Transcript provided: 1 April 2026

Answer Due: 10 April 2026

Dr McNeill took on notice the following question(s):

MS CLAY: Thank you, Dr McNeill. I will continue with Ms Carrick's line. The 17 October anonymous complaint, we do have a letter from Kate Lundy to the minister. And Kate Lundy is quite clear and says that she discussed the matter with you, and you said the allegations were false. You have you have given us a different recollection of that conversation. You have said that your recollection with Kate Lundy is that you thought some of the allegations were false. What was your recollection of that? There was obviously a conversation between you and Kate Lundy before she wrote a letter to the minister. What do you remember of that conversation with Kate Lundy?

Dr McNeill: Well, I remember her talking about the anonymous complaint. And the substance of it, it just seemed to be—I do not know whether it is appropriate to use words like “exaggerated”, but that is how I felt it had been positioned. And so I will have to take the details on notice because I do go back to my statement that I am very conscious that I do not want to jeopardise the Supreme Court proceedings that have been filed in New South Wales. So I will take the details on notice but—

MS CLAY: Sure. And in that conversation you left Kate Lundy with the impression that there was no matter on foot at all?

Dr McNeill: The matter was still on foot. The investigation was still on foot.

MS CLAY: Yes. Did Kate Lundy know that? Did you tell Kate Lundy that the matter was definitely on foot but that that anonymous complaint, you thought, was not a good reflection of it?

Dr McNeill: Well, it was—

MS CLAY: Or did you give her the impression that there was not an investigation at all?

Dr McNeill: She knew that there was an investigation at that stage.

MS CLAY: Okay. Now, that sounds like a pretty significant conversation, I would imagine, between you and your chair of the board. Did you take a note of that conversation or was there any kind of email record between you and Kate Lundy about this conversation?

Dr McNeill: I will have to go back and have a look through my notes. I am not able to—

MS CLAY: Yes, that is okay. Can you take on notice whether you have any written record of that conversation?

Dr McNeill: Sure. And it was the date of?

MS CLAY: The letter that Kate sent was 17 October. So I would imagine your conversation with Kate leading up to that letter would have been, you know, a couple of days before that, something like that.

Dr McNeill: Sure.

MS CLAY: Did you talk to the rest of the board? Did you have a conversation like that that with the whole board or was it just with Kate?

Dr McNeill: I will have to take that on notice. From memory it was Kate, but I will take it on notice to just make sure but—

Dr McNeill: The answer to the Member's question is as follows:

On 17 June, I made a confidential verbal disclosure to the CIT Board Chair regarding the investigation following receipt of written permission to do so on a confidential basis.

On or about 24 September 2025 Ms Lundy informed me that a second anonymous letter had been received by the ACT Integrity Commission. Ms Lundy asked me if I had received an outcome from TAFE NSW or words to that effect. I replied no which was the truth as the investigation was not completed and there was no final outcome. We had a short conversation about the themes and tone of the letter which were not accurate.