



Chief Executive

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File No: XXXXXXXX

Ms Meredith Hunter
Chair
Select Committee on Privileges
Legislative Assembly for the ACT

Dear Ms Hunter

Thank you for your letter dated 22 July 2009 and the opportunity to comment on Mr Hanson's submission.

1. In response to Mr Hanson's detailed comments on the FOI process, I believe that it is not relevant for Mr Hanson to air his detailed grievances regarding the response of my department to Mr Seselja's FOI request before this committee. The FOI applicant has access to a range of mechanisms to pursue this, and has done so, but only in part.
2. The detailed nature of the attack that Mr Hanson makes in his submission goes well beyond the provision of background. Accordingly, I submit that the bulk of Mr Hanson's submission is irrelevant to the question to be determined by the committee.
3. Mr Hanson has used the forum of the committee to accuse me and another senior public servant of dishonesty and improper conduct which I absolutely deny. Mr Hanson's use of the proceedings before the committee to make such allegations is, I respectfully submit, a misuse of the process. I deny that at anytime I have been untruthful or misleading.
4. It is patently clear that my letter to Mr Hanson that forms the subject matter of the committee's deliberations contained no threat, veiled or otherwise.
5. At paragraph 97 of Mr Hanson's submission he states; *"Opposition and cross bench MLA's must be free to publically criticise the government and the executive robustly, without fear and interference and improper influence. Our democratic system is reliant upon it"*. I agree with this. However the relevance and applicability of his discussion on the nature of privilege to the matters at hand is questionable. That privilege extends to the conduct of the business of the Assembly within the house. It does not give Mr Hanson free reign outside the house to make statements in the belief that he is immune to criticism for such comments. Such comments are not covered by parliamentary privilege. Mr Hanson's action in publishing the media release is not covered by privilege, and concomitantly, comment in relation to such a media release cannot comprise a contempt.
6. I have stated that much of Mr Hanson's submission is outside of the terms of reference for this Select Committee on Privileges. Accordingly I have not provided a detailed response to each of his claims. Ultimately this is a matter for the Committee and /or the Assembly to determine.

7. Should the Committee determine that its Terms of Reference do encompass his detailed exploration and accusations regarding the FOI itself, then I would request the right to respond to them in detail.

Yours sincerely



Mark Cormack
Chief Executive

2f July 2009