

APPENDIX 16: COMMITTEE REPORTS ON MATTERS RAISED AS MATTERS OF PRIVILEGE IN THE ASSEMBLY

Report title	Committee	Date matter referred	Date report tabled	Findings / recommendations
Report on article in The Canberra Times dated 12 November 1993 concerning the draft report of the Select Committee on Estimates 1993-94	Standing Committee on Administration and Procedures	24 November 1993 (MoP 1992-94/480)	16 December 1993 (MoP 1992-94/523)	Although the committee considered that a contempt had been committed by a person or persons who made available, either directly or indirectly the findings and recommendations of the draft report, the Committee was unable to ascertain the identities of the person or persons who disclosed the information. In the absence of such information the Committee was unable to recommend that the Assembly take any further action. With regard to the journalist that published the article, the Committee considered that even though they had committed a contempt, it was not a primary contempt but a secondary one and that it would be unfair to recommend action be taken against the journalist involved as the Committee was unable to ascertain the identity of the person or persons who caused the primary contempt.

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Report on the Government Response to the Report of the Select Committee on Estimates 1993-94 on the Appropriation Bill 1993-94	Standing Committee on Administration and Procedures	7 December 1993 (MoP 1992-94/495)	14 April 1994 (MoP 1992-94/559)	The Committee considered that although a contempt had been committed by a person or persons, whose identification was unable to be ascertained, who made available either directly or indirectly the findings and recommendations of a copy of the draft report to Treasury departmental officers or the Treasurer's personal staff, it was unable to recommend that the Assembly take any further action in relation to that person or persons. With regard to the departmental officers who had been responsible for the preparation of the Government response the committee considered that although a contempt had been committed it was of a secondary nature.
Examination of allegations of possible improper influence of a witness	Standing Committee on Planning and Urban Services	25 May 2000 (MoP 1998-2001/879-80, 882-4, 889-93)	18 October 2000 (MoP 1998-2001/1025)	The committee was unable to conclude whether an improper influence did or did not occur in relation to evidence given to it, however, it considered that there was a case for strengthening the public hearing process of the parliament by reminding witnesses of their rights and responsibilities when giving evidence to a parliamentary committee.

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Unauthorised diversion and receipt of a Members' e-mails	Select Committee on Privileges	6 June 2002 (MoP 2001-04/199-200, 201-3)	14 November 2002 (MoP 2001-04/381-2)	The Committee found that a person's actions in knowingly receiving and without reasonable excuse retaining and using e-mails destined for a Member was an improper breach of interference with the Member's communication with his constituents and colleagues and thus his work as an MLA, and believed that the person's actions met the criteria of impropriety, seriousness and intent and was directly related to the Member's duty as a Member and having concluded that the person was guilty of contempt of the Assembly, recommended that the person make a prompt and unreserved apology for his conduct to the Assembly in writing through the Speaker.
Possible authorised dissemination of committee material, standing order 71 (Privilege), Minister's refusal to answer questions in committee hearing and distribution of ACT Health document	Select Committee on Privileges	26 June 2003 (MoP 2001-04/749-50, 792, 802-4)	18 November 2003 (MoP 2001-04/995)	The committee found that the Minister who had refused to provide answers to a select committee on a matter within his portfolio responsibility but had released the information publicly the next day was in contempt of the Assembly. The committee recommended no further action be taken and the Minister apologised to the Assembly and reiterated his apology to the committee.

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				Two officers of ACT Health who composed and distributed a memorandum throughout senior management of the department which suggested tactical approaches for officers appearing before the Select Committee on Estimates were found in contempt of the Assembly by the committee. Having been satisfied that proper steps had been undertaken within the department to discipline the officers, the committee recommended that no further action be taken.
Report on whether the actions of the Chair of the Standing Committee on Planning and Environment with regard to the distribution of a flyer in her name at the Belconnen Markets did constitute a contempt of the Assembly	Select Committee on Privileges	10 February 2004 (MoP 2001-04/1088)	30 March 2004 (MoP 2001-04/1248)	The committee found the Chair of the Standing Committee on Planning and Environment was in contempt of the Assembly as her actions with regard to the public distribution of a flyer in her name left no doubt as to the Chair's preferred outcome of an inquiry. The committee recommended that no further action be taken.

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Examination of alleged misuse of position by a Committee Chair and unauthorised dissemination of committee proceedings	Select Committee on Privileges	1 July 2008 (MoP 2004-08/1570-1)	26 August 2008 (MoP 2004-08/1750)	The committee found that the Chair of the Standing Committee on Legal Affairs acted without authority when making a request to a Minister, but did not commit a contempt. The committee also found that a Member had revealed private deliberations of the committee to a Minister but that this did not meet the criteria for contempt. They also found that a Minister did not commit a contempt when conveying details about committee proceedings to the Speaker. The committee recommended that, as far as practicable, where a committee is requesting a person, paper or record, that request should be made at a properly constituted meeting of a committee exercising power under standing order 239 and that the Chair and members of the Standing Committee on Legal Affairs be reminded of appropriate practices and processes to be observed in relation to actions taken on behalf of the committee. The committee also recommended that regular training be provided to all committee secretaries on committee practice and procedures and that the Guide for Committee Secretaries be updated.