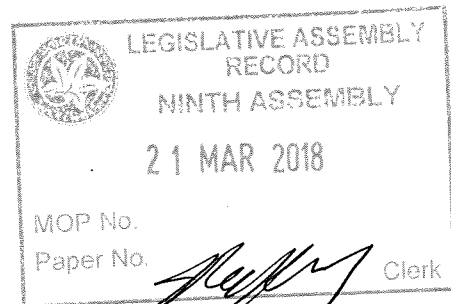




LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

OFFICE OF THE LEGISLATIVE ASSEMBLY



Ms Joy Burch MLA
Speaker
Legislative Assembly for the ACT
Civic Square, London Circuit
CANBERRA ACT 2601

Dear Madam Speaker

**Procedural advice—Events at Standing Committee on Economic Development and Tourism
Hearing of 6 November 2017**

You have requested procedural advice on a matter raised with you by Mr Andrew Wall MLA.

On 20 March 2018, Mr Wall wrote to you, drawing your attention to Report 2 from the Standing Committee on Economic Development and Tourism, particularly appendix C and D and the relevant transcripts from Hansard.

Mr Wall has asked that you determine whether or not the threats made by Mr Barr towards the Chair of the Committee may constitute a matter of contempt and therefore if the matter warrants precedence.

Appendix C is advice to Mr Hanson, Chair of the Committee (the Chair) from the Committee Secretary, Hamish Finlay dated 16 November 2017; Appendix D is advice to the Chair from the Clerk, Tom Duncan, dated 23 November 2017.

In his advice, the Clerk noted that if *“the Speaker were to see my advice on the matter based on the information available to me now I would advise that it does merit precedence. However, I should stress that it will ultimately be the Speaker’s decision.”*

The Clerk then provides an alternative option for the Committee to address the issue; that is, the Committee could resolve to write to the witness and ask whether the words spoken during the public hearing were indeed intended to be a threat against one of its Members, and if not, inviting the witness to withdraw or apologise for any action that might be construed as being a threat as set out in standing order 276.

Appendix E is a letter dated 22 November 2017 from yourself to the Chair, asking whether this matter has been raised or discussed within the Committee, and if so, whether there is an agreed position or information the committee can share.

Appendix F is an email from the Chair to yourself, dated 6 December 2017. This letter advises you that on receipt of your letter, the Committee arranged to meet on 27 November 2017 to discuss the matters raised. All Committee members received copies of the procedural advice contained in Appendices C and D.

The Chair advised you in the letter of 6 December 2017 that the Committee had agreed in principle to deal with the matter within its report on its Inquiry into Annual and Financial Reports 2016 – 2017, and then agreed to consider the exact form of words and discuss at its next meeting.

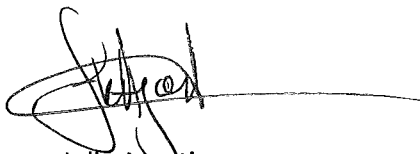
The Committee met again on 6 December 2017, and agreed to attach to its report both sets of procedural advice in full. It agreed that the text of the report will note the exchange of letters and will draw members' attention to the advice, but will otherwise make no comment.

Finally, the Chair advised you that *"The Committee considers this to be the appropriate course of action and does not believe further action is desirable."*

This is a clear and unequivocal statement indicating that the Committee has dealt with the matter, and that the Committee considers that no further action is required in respect of the matter. Indeed, no further action has been taken and the Committee's report was tabled yesterday. The Assembly agreed to a motion to take note of the report.

Mr Wall has asked you to determine whether or not the threats made constitute a matter of contempt and therefore if the matter warrants precedence. As outlined in this advice, the Committee has dealt with the matter in accordance with advice previously provided by the Clerk and the Assembly has taken note of the report. It is therefore my advice that the matter does not warrant precedence under Standing Order 276.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Julia Agostino', with a long horizontal line extending to the right.

Julia Agostino
Acting Clerk of the Legislative Assembly

21 March 2018