



**Legislative Assembly for the
Australian Capital Territory**

Select Committee on Privileges 2026

Inquiry into possible contempt of an Assembly Committee

Legislative Assembly for the Australian Capital Territory
Select Committee on Privileges 2026

Approved for publication

Report 1
11th Assembly
August 2026

About the committee

Establishing resolution

At its meeting on Wednesday, 6 May 2026 the Assembly passed the following resolution: “That:

- (1) pursuant to standing order 276, a Select Committee on Privileges 2026 be established to examine whether, in relation to the Standing Committee on Public Accounts and Administration’s inquiry into the CIT CEO recruitment process, Dr McNeill is in contempt of the Assembly by giving false and misleading evidence to the Committee, failing to produce documents and any other related matters;
- (2) the Committee shall report back to the Assembly by 10 June 2026; and
- (3) the Committee shall be composed of:
 - (a) one member nominated by the Government;
 - (b) one member nominated by the Opposition; and
 - (c) one member nominated by the ACT Greens;to be notified to the Speaker within one hour of the passing of this motion.”.

The following Members have been appointed as Members of the Committee:

Mr Braddock;

Mr Werner-Gibbings; and

Ms Lee.

You can read the full establishing resolution [on our website](#).

Committee members

Ms Elizabeth Lee MLA, Chair

Mr Andrew Braddock MLA, Deputy Chair

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About this inquiry

At its meeting on Wednesday, 6 May 2026 the Assembly passed the following resolution:

“That:

- (4) pursuant to standing order 276, a Select Committee on Privileges 2026 be established to examine whether, in relation to the Standing Committee on Public Accounts and Administration’s inquiry into the CIT CEO recruitment process, Dr McNeill is in contempt of the Assembly by giving false and misleading evidence to the Committee, failing to produce documents and any other related matters;
- (5) the Committee shall report back to the Assembly by 10 June 2026; and
- (6) the Committee shall be composed of:
 - (a) one member nominated by the Government;
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 - (c) one member nominated by the ACT Greens;to be notified to the Speaker within one hour of the passing of this motion.”.

The following Members have been appointed as Members of the Committee:

Mr Braddock;

Mr Werner-Gibbings; and

Ms Lee.

The Committee sought and was granted an extension for this inquiry on 6 May 2026, with the new reporting date being 15 September 2026.

Contents

About the committee	i
Establishing resolution	i
Committee members	i
Secretariat	i
Contact us	i
About this inquiry	ii
Acronyms & abbreviations	iv
Findings and recommendations	v
1. Background to the privileges of the Legislative Assembly	1
Powers, privileges and immunities of Assembly	1
Contempt	2
2. Background to the inquiry	5
Inquiry by the Standing Committee on Public Accounts and Administration	6
Post inquiry media releases	7
3. Findings and recommendations	8
Possible contempt of knowingly giving false or misleading information	8
Production of documents	10
Role of counsel in Committee proceedings	12
Appendix A: Submissions	14
Appendix B: Correspondence between the Committee and Dr McNeill's representatives	15

Acronyms & abbreviations

Acronym or Abbreviation	Long form
ABC	Australian Broadcasting Corporation
ACT	Australian Capital Territory
CEO	Chief Executive Officer
CIT	Canberra Institute of Technology
MLA	Member of the Legislative Assembly
NSW	New South Wales
PAA	Public Accounts and Administration
TAFE	Technical and Further Education

Findings and recommendations

Finding 1

As a result of Dr McNeill's continued refusal to engage with the Assembly's Committees in a cooperative manner, the Committee was unable to, with any confidence, find whether or not Dr McNeil was in contempt of the Assembly pursuant to standing orders 277 and 278.

Finding 2

Dr McNeill's overly litigious and combative approach to the Committee's inquiries raises concerns about whether her conduct is inconsistent with public sector values and undermines the integrity and reputation of the service, contrary to section 9 of the *Public Sector Management Act 1994*.

Recommendation 1

The Committee recommends that the Public Sector Standards Commissioner, by referral from the Board of CIT if necessary, investigate whether Dr McNeill's conduct is inconsistent with the *Public Sector Management Act 1994* and the Public Sector Code of Conduct.

1. Background to the privileges of the Legislative Assembly

Powers, privileges and immunities of Assembly

- 1.1. The powers and privileges of the ACT Legislative Assembly derive from the *Australian Capital Territory (Self Government) Act 1988* (Cwlth) which states at section 24 that:

In this section:

powers includes privileges and immunities, but does not include legislative powers.

Without limiting the generality of section 22 [**i.e., the power to make laws**], the Assembly may also make laws: [emphasis added]

- (a) declaring the powers of the Assembly and of its members and committees, but so that the powers so declared do not exceed the powers for the time being of the House of Representatives¹; and
- (b) providing for the manner in which powers so declared may be exercised or upheld.

Until the Assembly makes a law with respect to its powers, the Assembly and its members and committees have the same powers as the powers for the time being of the House of Representatives.

Nothing in this section empowers the Assembly to imprison or fine a person.

- 1.2. The Assembly has not made a law under this section. Thus, the powers and immunities of the Assembly are the same as those of the House of Representatives, with the exception that it has no power to imprison or fine a person who might be found to be in contempt of the Assembly or its Committees.
- 1.3. The powers of the Assembly include those necessary to assert and to protect its privileges. The privileges of the Legislative Assembly comprise those immunities and powers necessary for the conduct of the business of the legislature. Immunities are exemptions from the ordinary law which enable Members to carry out their duties. Arguably the best known of these is the exemption from the laws of defamation or libel regarding the proceedings of the Assembly and its Committees. This is considered essential for the protection of Members' (and witnesses') freedom of speech in the Assembly. Section 14 of the *Parliamentary Privileges Act 1987* (Cwlth) lists other immunities, such as immunity from attending court and freedom from arrest (in civil matters) within imminent meetings of the House or its Committees.

¹ The privileges of the House of Representatives derive in turn from those of the British House of Commons as at 1901 via section 49 of the Australian Constitution.

- 1.4. Section 16 of that Act provides a definition of what constitutes “proceedings in Parliament”, which is:

“all words spoken and acts done in the course of, or for the purposes of or incidental to, the transacting of the business of a House or of a committee, and, without limiting the generality of the foregoing, includes:

- (a) the giving of evidence before a House or a committee, and evidence so given;
- (b) the presentation or submission of a document to a House or a committee;
- (c) the preparation of a document for purposes of or incidental to the transacting of any such business; and
- (d) the formulation, making or publication of a document, including a report, by or pursuant to an order of a House or a committee and the document so formulated, made or published.”.

All persons participating in “proceedings” as defined above are covered by “privilege”.

- 1.5. Thus, proceedings in Parliament not only refer to its meetings and those of its Committees, but also the evidence of witnesses before Committees and documents prepared by third parties for use by Members in the course of their parliamentary duties.

Contempt

- 1.6. The powers of the Assembly to examine and, if necessary, to punish, contempts are analogous to that of the courts to punish contempts of court and reflect the need of a legislature “to protect themselves from acts which directly or indirectly impede them in the performance of their functions.”² They are the powers necessary to enable the institution and its members to discharge their responsibilities. Note that “the power [to punish contempts] does not depend on the acts judged and punished being violations of particular immunities”.³

- 1.7. While Parliaments have great freedom and flexibility to judge matters of privilege and contempt, the *Parliamentary Privileges Act 1987* and the proceedings of the Commonwealth Parliament provide relevant guidance. Significantly, under “what amounts to a statutory definition”⁴, contempt of Parliament is qualified in the *Parliamentary Privileges Act 1987* at section 4:

Essential element of offences

4. Conduct (including the use of words) does not constitute an offence against a House unless it amounts, or is intended or likely to amount, to an improper interference with the free exercise by a House or a committee of its authority or functions, or with the free performance by a member of a member’s duties as a member.”.

² Odgers’ *Australian Senate Practice*, 14th edition, p. 83.

³ Odgers’, op cit, p. 83.

⁴ Odgers’, op cit, p. 84.

- 1.8. Consequently, the Houses of the Commonwealth Parliament, while treating contempt seriously have tended to exercise their powers “with great circumspection”. The Senate Privileges Committee has generally confined its investigations to “serious matters potentially involving significant obstruction of the Senate...” and “... now regards a culpable intention on the part of the person concerned as essential for the establishment of contempt.”⁵ Similarly, the practice of the House of Representatives is to “exercise or invoke its powers in respect of matters of contempt and privilege sparingly...” and “...the Joint Select Committee on Parliamentary Privilege recommended the adoption by the House of a policy of restraint in these matters. Although this recommendation has not been formally adopted by the House, the Committee of Privileges and Speakers have had regard to the policy.”⁶
- 1.9. In determining whether a charge of contempt can be sustained, many jurisdictions have adopted the civil law test of “on the balance of probabilities”, but one of a high degree of probability.⁷
- 1.10. It is reasonable to conclude from the above that for an action to constitute a finding of contempt it should include (a) an **improper** interference with the free exercise by a Committee of its authority or functions; and (b) an **intention** by the person responsible for the action to improperly interfere with the free performance of a Committee’s responsibilities.
- 1.11. The Assembly’s standing orders make this clear as standing order 278 reads:
- Contempt – Criteria to be taken into account when dealing with matters of contempt
278. The Assembly will take into account the following criteria when determining whether matters possibly involving contempt should be referred to a Select Committee on Privilege and whether a contempt has been committed, and requires the committee to take these criteria into account when inquiring into any matter referred to it:
- (a) the principle that the Assembly’s power to adjudge and deal with contempts should be used only where it is necessary to provide reasonable protection for the Assembly and its committees and for Members against improper acts tending substantially to obstruct them in the performance of their functions, and should not be used in respect of matters which appear to be of a trivial nature or unworthy of the attention of the Assembly;
 - (b) the existence of any remedy other than that power for any act which may be held to be a contempt; and
 - (c) whether a person who committed any act which may be held to be a contempt:
 - (i) knowingly committed that act, or

⁵ Odgers’, op cit, p. 88.

⁶ Pettifer, *House of Representatives Practice*, 7th edition, p. 780.

⁷ For example, UK House of Commons, Commonwealth Parliament, New Zealand, Queensland, Victoria.

- (ii) had any reasonable excuse for the commission of that act.
(Inserted 6 March 2008)

1.12. Standing order 277 contains guidance on acts that may be considered contempt and, relevant to this inquiry, includes:

- (l) Offences by witnesses etc

A witness before the Assembly or a committee shall not:

- (i) without reasonable excuse, refuse to make an oath or affirmation or give some similar undertaking to tell the truth when required to do so;
- (ii) without reasonable excuse, refuse to answer any relevant question put to the witness when required to do so; or
- (iii) give any evidence which the witness knows to be false or misleading in a material particular, or which the witness does not believe on reasonable grounds to be true or substantially true in every material particular.

- (m) A person shall not, without reasonable excuse:

- (i) refuse or fail to attend before the Assembly or a committee when ordered to do so; or
- (ii) refuse or fail to produce documents, or to allow the inspection of documents, in accordance with an order of the Assembly or of a committee.

2. Background to the inquiry

- 2.1. After having been given precedence by the Speaker, a motion was carried by the Assembly on 6 May 2026 to establish a Select Committee on Privileges 2026 to examine whether, in relation to the Standing Committee on Public Accounts and Administration's inquiry into the CIT CEO recruitment process, Dr McNeill is in contempt of the Assembly by giving false and misleading evidence to the Committee, failing to produce documents and any other related matters.
- 2.2. The Committee was required to report back by 10 June 2026 but on 28 May 2026 the Assembly amended the reporting date to 15 September 2026.
- 2.3. The Committee met on 11 May 2026 and resolved to invite submissions from:
 - The Board of the Canberra Institute of Technology (CIT);
 - Dr Margot McNeill, CEO, CIT;
 - TAFE NSW;
 - The Standing Committee on Public Accounts and Administration; and
 - The Minister for Skills, Training and Industrial Relations.
- 2.4. To provide context to its request the Committee attached to its invitation the correspondence from the Leader of the Opposition tabled by the Speaker on 6 May 2026, which included excerpts of the Hansard from the hearing of the Standing Committee on Public Accounts and Administration on 1 April 2026 and a copy of the ABC News article *Calls for CIT CEO Margot McNeill to resign following damning report released by ACT Legislative Assembly* dated 5 May 2026.
- 2.5. All those written to provided responses. The Committee posed additional questions to Dr McNeill on 3 June, to which her representatives responded on 12 June. This response prompted the Committee to write again to TAFE NSW and to former Chair of the CIT Board, Ms Kate Lundy. Responses to this were limited with TAFE NSW citing ongoing legal action and Ms Lundy pointing to her evidence on record. A further exchange of correspondence with Dr McNeill followed with the Committee writing to Dr McNeill on 8 July and 20 July and receiving responses from her representatives on 17 July and 21 July respectively.
- 2.6. Most [submissions and correspondence](#) received were authorised for publication, although some documents were not authorised for publication due to perceived or potential concerns of the risk of jeopardising legal proceedings.
- 2.7. The Committee chose not to hold public hearings, deciding that given that the issue of credibility was at the core of the inquiry written evidence was preferable over oral evidence.

Inquiry by the Standing Committee on Public Accounts and Administration

- 2.8. On Thursday 19 March 2026, the Assembly passed a motion which requested the Standing Committee on Public Accounts and Administration (“PAA Committee”) to inquire into the recruitment process of the current CIT CEO and report by 4 May 2026.
- 2.9. The PAA Committee decided to hold the inquiry on 24 March 2026.
- 2.10. The PAA Committee inquiry’s terms of reference were:
- Pursuant to the resolution of the Assembly of the 19 March 2026, the Committee will inquire into the recruitment process for CIT CEO Dr Margot McNeill, in particular: a) the effectiveness of the due diligence processes of the Board of CIT in the recruitment of Dr McNeil; b) whether Dr McNeill has breached the *Financial Management Act 1996* in failing to disclose she was under investigation for ‘serious misconduct’ at the time she applied for the role; c) whether the Board has breached its duties under the *Financial Management Act 1996* in relation to the recruitment of Dr McNeill; d) whether the Minister for Skills, Training and Industrial Relations has discharged his obligation in his duty of oversight of the Board; and e) any other related matters.
- 2.11. As the PAA Committee noted in its report:
- The 2025 recruitment for the next CIT CEO was of significant public interest. The previous CEO, Ms Leanne Cover, had been found guilty of serious corrupt conduct by the ACT Integrity Commissioner following an investigation into procurement activities.⁸
- 2.12. The PAA Committee received one submission, which it published, and held a public hearing on 30 March 2026. A further hearing was held in camera on 1 April 2026. At this hearing Dr McNeill gave evidence to the Committee. Following consultation with Dr McNeill the PAA Committee resolved on 14 April 2026 to publish the transcript of that second hearing.
- 2.13. The PAA Committee had questions taken on notice or placed on notice and these, along with answers received, were published on the [Committee’s website](#).
- 2.14. The PAA Committee received documents as evidence some of which it published on its website and others it received in confidence and considered not to be in the public interest to publish.⁹
- 2.15. The PAA Committee released its report on 4 May 2026. The report contained seven recommendations and 11 findings, including some findings that reflected upon Dr McNeill’s conduct.
- 2.16. The PAA Committee also found that the governance arrangements of the CIT Board are not fit for purpose.

⁸ PAA Committee Report 6, p. 11 [PAA-Report-6-Inquiry-into-the-CIT-CEO-recruitment-process-Report-tabled.pdf](#).

⁹ PAA Committee Report 6, p. 2 [PAA-Report-6-Inquiry-into-the-CIT-CEO-recruitment-process-Report-tabled.pdf](#).

Post inquiry media releases

- 2.17. One day after the release of the report, on 5 May 2026, the ABC, amongst other local media outlets, released an article on its website in which it covered the report and reaction to it. The article includes a quote from a statement by TAFE NSW:

TAFE NSW gave Dr McNeill permission to disclose any facts or circumstances connected with her employment at TAFE NSW and at no point specifically directed Dr McNeill not to disclose the existence of the investigation to CIT.

- 2.18. It was the above quote in particular which, due to its incompatibility with statements given by Dr McNeill before the PAA Committee, appears to have raised concerns of a possible contempt of misleading the PAA Committee, specifically that Dr McNeill may have given “any evidence which the witness knows to be false or misleading in a material particular, or which the witness does not believe on reasonable grounds to be true or substantially true in every material particular”.

3. Findings and recommendations

Possible contempt of knowingly giving false or misleading information

- 3.1. The Committee considered the question of whether Dr McNeill committed a contempt by knowingly giving false or misleading information to the PAA Committee regarding whether she was placed under confidentiality requirements by TAFE NSW.
- 3.2. Dr McNeill, on 1 April 2026 gave evidence to the PAA Committee in a public hearing. She made statements about confidentiality requirements as follows:
- a) that she had complied with:
express confidentiality directions which I had been advised on multiple occasions, both verbally and in writing, did not permit me to disclose the existence or details of an internal process that was underway, including any recruitment process¹⁰;
 - b) that at the initial meeting on 15 October 2024, she:
was reminded repeatedly during that meeting that I was not allowed to disclose the existence of, or any of the aspects of, the investigation that was being initiated by TAFE New South Wales¹¹;
 - c) that in a conversation with Chloe Read, Managing Director, TAFE NSW, on or about 7 May 2025:
again, she said no very firmly: I was not able to disclose.¹²
 - d) When asked if she had received instructions not to disclose information:
on 6 February there was another written statement about that.¹³
 - e) that she had been:
expressly directed not to disclose the existence of the investigation or any of the process involved.¹⁴
- 3.3. The above evidence stands in contrast to the statements of TAFE NSW that:
TAFE NSW gave Dr McNeill permission to disclose any facts or circumstances connected with her employment at TAFE NSW and at no point specifically directed Dr McNeill not to disclose the existence of the investigation to CIT.¹⁵
- 3.4. The PAA Committee found that on 16 June 2025 TAFE NSW gave Dr McNeill permission to disclose information to the CIT Board, but Dr McNeill's above statements refer to the period prior to this.

¹⁰ Dr Margo McNeill, CEO, CIT, *Transcript of Evidence*, Standing Committee on Public Accounts and Administration, p. 28.

¹¹ Dr McNeill, CIT, *Transcript of Evidence*, p. 29.

¹² Dr McNeill, CIT, *Transcript of Evidence*, p.29.

¹³ Dr McNeill, CIT, *Transcript of Evidence*, p. 30.

¹⁴ Dr McNeill, CIT, *Transcript of Evidence*, p. 34.

¹⁵ See paragraph 2.17.

- 3.5. Dr McNeill has refused to provide any legal advice she relied upon citing legal professional privilege ([see discussion from paragraph 3.16](#)). TAFE NSW, citing ongoing legal action, has refused to provide any information that could verify their media statement, and to corroborate or refute the evidence provided by Dr McNeill to the PAA Committee. In the absence of this information this Committee is unable to test whether the statements concerned were misleading or not, and therefore, whether it amounts to contempt of the Assembly pursuant to standing order 277.
- 3.6. Dr McNeill supplied to the PAA Committee, and the PAA Committee subsequently supplied to this committee, documents purporting to demonstrate that she had, on more than one occasion, been instructed to keep the investigation confidential. These documents impose what appear to be standard and general confidentiality obligations and the Committee cannot say with any confidence whether the specific question of confidentiality during the CIT recruitment was discussed, or whether Dr McNeill specifically sought authorisation to disclose it to the CIT Board.
- 3.7. On 12 May 2026, a Region article reported on “emails sighted by Region support Dr McNeill’s version of events in her dealings with her former employer relating to the serious misconduct investigation set in train by a number of employee complaints”. The article also contained an excerpt from what they describe as a letter from Stephen Brady, Managing Director of TAFE NSW, dated 24 October 2024, to Dr McNeill:
- As a TAFE NSW employee, you must keep this matter confidential. This means you must not discuss or disclose the matter more generally to any person other than a support person and/or legal representative if you choose to have one. This is on the basis that a support person and/or legal representative is expected to treat and maintain confidentiality of this matter as well.
- 3.8. On 14 May 2026, an ABC article reported that “ABC has also seen a letter from TAFE NSW lawyers from February 2025, which warned Dr McNeill that disciplinary action, including the termination of her employment, could be taken if she was involved in a breach of confidentiality”.
- 3.9. In paragraph 4 of the Committee’s letter to Dr McNeill dated 3 June 2026, the Committee specifically asked Dr McNeill whether she had provided the emails sighted by and referred to in these media articles to those media outlets. Dr McNeill refused to answer questions from the Committee about whether she had supplied those documents to the media.
- 3.10. The Committee considers that it is contemptuous (in the ordinary sense), given the effort made by the PAA Committee to respect the confidentiality requested by the parties, that someone chose to provide those documents to the media following the publication of the PAA’s Committee report.
- 3.11. The PAA Committee made a finding that “Dr McNeill should have disclosed the information about the misconduct investigation or findings to the CIT Board in a timely manner and that she did not”. Dr McNeill contests this finding but this Committee has received no evidence that sheds light on any ongoing confidentiality requirements post the conclusion of TAFE NSW’s investigation, or after her employment with TAFE NSW had concluded.

Production of documents

- 3.12. During the course of the PAA Committee inquiry various documents were requested by, and provided to, that Committee. By the time the PAA Committee tabled its report there was still some material that had been requested by the Committee that was not provided. That included, but was not limited to, legal advice to Dr McNeill which advised her not to disclose the investigation¹⁶ and the nature of misconduct findings against her¹⁷. Dr McNeill refused to provide those documents to the PAA Committee, or to this Committee.
- 3.13. Consideration was given to compelling the production of documents held by TAFE NSW. The Committee decided against this course of action as TAFE NSW is outside the ACT and subject to scrutiny by the Parliament of New South Wales.
- 3.14. Standing order 227, which contains guidance on acts that may be considered contempt, contains the following provision:
- m) A person shall not, without reasonable excuse:
 - (i) refuse or fail to attend before the Assembly or a committee when ordered to do so; or
 - (ii) refuse or fail to produce documents, or to allow the inspection of documents, in accordance with an order of the Assembly or of a committee.
- 3.15. Consistent with the practice of the Assembly, the PAA Committee invited Dr McNeill to provide the documents. It is rare that Assembly Committees order the production of documents, preferring to encourage cooperation by witnesses. This Committee did order Dr McNeill to “provide any documents in your possession in which TAFE NSW or its representatives purport to restrict your ability to discuss any investigation or proceedings regarding possible misconduct with the Board of CIT or other parties.” This Committee received some documents.
- 3.16. This Committee followed up on the documents that were outstanding and some further information was provided to it by Dr McNeill. Dr McNeill again refused to provide ([see discussion from paragraph 3.19](#)) legal advice which apparently advised her not to disclose the investigation and the nature of misconduct findings against her.
- 3.17. It was put to the Committee by Dr McNeill’s representatives that it was the practice of Australian parliaments to accept assertions of professional legal privilege and not press for the production of privileged material. This is not correct. The practice of Australian parliaments is not to recognise claims of legal professional privilege. *Odgers Australian Senate Practice* notes:
- It has never been accepted in the Senate, nor in any comparable representative assembly, that legal professional privilege provides grounds for a refusal of information in a parliamentary forum.¹⁸
- 3.18. The New South Wales Legislative Council deals with such claims regularly and its guide to practice notes:
- The House is not bound, as is a court, to uphold a claim of legal professional privilege simply because it is a valid claim, but rather to evaluate whether it is in the public interest for the document to be made public.¹⁹

¹⁶ See PAA QTON 13 Answer - CIT CEO - Written legal advice - PARTON

¹⁷ See PAA QTON 14 Answer - CIT CEO - Findings from TAFE NSW - PARTON & CARRICK

¹⁸ *Odger’s Australian Senate Practice*, 14th edition, p. 668.

¹⁹ *New South Wales Legislative Council Practice*, 2nd Edition, p. 698.

3.19. On 8 July 2026 the Committee wrote to Dr McNeill ordering the production of any advice relating to whether to disclose information to the CIT Board regarding the existence and/or nature of misconduct investigations by TAFE NSW. The Committee requested a response by 15 July. On 17 July Dr McNeill's representatives responded stating that their client was still considering the impact of the order on the question of legal professional privilege and would provide a more fulsome response by 24 July. The Committee wrote again on 20 July and ordered a response by 5pm on 22 July. On 21 July 2026 Dr McNeill's representatives wrote stating that their client had no documents to produce in response to the order.

3.20. Dr McNeill's representatives pointed to sections from transcripts of the PAA Committee's hearings to note that Dr McNeill did not give evidence that she had received advice.

For example:

MR PARTON: Dr McNeill, 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 that was being undertaken by TAFE New South Wales in the context of the CIT recruitment process?

Dr McNeill: Yes, certainly, Mr Parton. The initial meeting happened on 15 October. I was reminded repeatedly during that meeting that I was not allowed to disclose the existence of, or any of the aspects of, the investigation that was being initiated by TAFE New South Wales.

When I started applying for roles—because there is a lot of detail—one of the conversations after that meeting was that I might consider looking for other roles while my career was still at a high. So, I took that advice on face value, and I started looking for roles. I had the initial conversation with Helen, and I was interested in other roles as well at the time; that was in the January.²⁰

3.21. The Committee finds Dr McNeill's claim of legal professional privilege as per her legal representatives' letter dated 12 June 2026 confusing at best, and deliberately obstructive at worst.

3.22. At paragraph 4b, Dr McNeill's legal representative asserts: "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."

3.23. At paragraph 4d of the same letter, Dr McNeill's legal representatives refer to the answer Dr McNeill provided to the question from Mr Parton during the PAA hearing ([as extracted in paragraph 3.17](#)) and states: "...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 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."

²⁰ Dr McNeill, CIT, *Transcript of Evidence*, p. 3.

- 3.24. Based on the submissions contained in Dr McNeill’s legal representatives’ letter of 12 June 2026, the Committee understood that Dr McNeill was asserting a claim of legal professional privilege over legal advice that Dr McNeill had relied on to justify her decision not to disclose she was under investigation by TAFE NSW to the CIT Board; and that this advice was separate from and different to the “advice” she referred in her answer to the question from Mr Parton during the PAA hearing; the transcript of which is extracted at [paragraph 3.20](#).
- 3.25. First, as set out in the Committee’s order for production dated 8 July 2026, the Committee rejects assertions by Dr McNeill’s legal representatives that a claim of legal professional privilege is a valid reason for not complying with an order of a parliamentary Committee.
- 3.26. Second, if, as asserted by Dr McNeill in her legal representatives’ response dated 21 July 2026, there are no documents to be produced subject to the order for production dated 8 July 2026, the logical question follows as to on what “advice” Dr McNeill was seeking to claim legal professional privilege on 12 June 2026.

Role of counsel in Committee proceedings

- 3.27. The Committee notes the following comments in the PAA Committee report:²¹

The Committee also wishes to comment on the use of legal representation by witnesses. Witnesses have a right to legal counsel during a hearing, for assistance when answering questions.

At all other times, legal representatives have no official standing with the Committee, as procedures of parliament are not judicial processes. One consequence of this is that client legal privilege does not apply (except during a hearing, as above).

The Companion to the Standing Orders notes that representation by paid advisors could make committee processes unnecessarily legalistic and bias access to committees to those with the resources to retain such advice. Furthermore, Committees generally prefer to hear from witnesses in their own words.

In all cases, legal representatives are expected to advise their clients to cooperate fully with parliamentary committees and answer questions honestly and openly. Such advice is consistent with the standards of behaviour expected of highly qualified professionals with probity obligations.

- 3.28. Dr McNeill continued to rely heavily on legal representation during this inquiry, and it resulted in the overly legalistic approach that the PAA Committee raised concerns about. Tiresome and unwarranted attempts to instruct and threaten this Committee about its powers and scope of inquiry were neither helpful nor welcome. The assertion of legal professional privilege over apparently non-existent documents was also fundamentally unhelpful and could be perceived as an attempt to mislead, distract, and obstruct the Committee’s attempts to seek further information and documents to assist with its inquiry. Despite Dr McNeill’s insistence and consistent attempt to treat this inquiry as a litigious process, the Committee has no desire to enter into a further “tit for tat” exchange with Dr McNeill’s legal representatives. This inquiry is not a litigious process; nor is it a matter of a legal dispute between the ACT Legislative Assembly, and Dr McNeill.

²¹ PAA Committee Report 6, p. 3 [PAA-Report-6-Inquiry-into-the-CIT-CEO-recruitment-process-Report-tabled.pdf](#).

- 3.29. The Committee expects that in dealing with Committees of the ACT Legislative Assembly, that senior public officials engage in a way that discharges their duties under the *Public Sector Management Act 1994* and the Public Sector Code of Conduct. As CEO, Dr McNeill would be expected to represent CIT before Assembly Committees during Estimates and Annual Reports hearings at a minimum. The way in which these events have undermined Committee members' confidence in Dr McNeill's possible responses should be a concern for CIT and the ACTPS as institutions.

Finding 1

As a result of Dr McNeill's continued refusal to engage with the Assembly's committees in a cooperative manner, the Committee was unable to, with any confidence, find whether or not Dr McNeill was in contempt of the Assembly pursuant to standing orders 277 and 278.

Finding 2

Dr McNeill's overly litigious and combative approach to the Committee's inquiries is inconsistent with the Assembly's expectations for public sector leaders and raises concerns about whether her conduct is inconsistent with public sector values and undermines the integrity and reputation of the service, contrary to section 9 of the *Public Sector Management Act 1994*.

Recommendation 1

The Committee recommends that the Public Sector Standards Commissioner, by referral from the Board of CIT if necessary, investigate whether Dr McNeill's conduct is inconsistent with the *Public Sector Management Act 1994* and the Public Sector Code of Conduct.

Elizabeth Lee MLA

Chair

5 August 2026

Appendix A: Submissions

No.	Submission by	Received	Published
1	Standing Committee on Public Accounts and Administration	19/05/2026	15/06/2026
2	CIT Board, Tom Rogers	21/05/2026	15/06/2026
3	Minister for Skills, Training and Industrial Relations	22/05/2026	15/05/2026
4	TAFE NSW	22/05/2026	15/05/2026
5	Snedden Hall & Gallop Lawyers - Dr McNeill	22/05/2026	30/07/2026
6	Snedden Hall & Gallop Lawyers - Dr McNeill	12/06/2026	30/07/2026

Appendix B: Correspondence between the Committee and Dr McNeill's representatives²²

Annexure	Correspondence by	Sent	Received	Authorised for Publication
A	Chair, Select Committee on Privileges 2026	14 May 2026		30/07/26
B	Snedden Hall & Gallop Lawyers on behalf of Dr McNeill		22/05/26	30/07/26
C	Chair, Select Committee on Privileges 2026	3 June 2026		30/07/26
D	Snedden Hall & Gallop Lawyers on behalf of Dr McNeill		12/06/26	30/07/26
E	Chair, Select Committee on Privileges 2026	8 July 2026		30/07/26
F	Snedden Hall & Gallop Lawyers on behalf of Dr McNeill		17/07/26	30/07/26
G	Chair, Select Committee on Privileges 2026	20 July 2026		30/07/26
H	Snedden Hall & Gallop Lawyers on behalf of Dr McNeill		21/07/26	30/07/26

²² See paragraph 2.6



**Legislative Assembly for the
Australian Capital Territory**

Select Committee on Privileges 2026

Dr Margot McNeill
CEO
Canberra Institute of Technology
By email: Margot.McNeill@cit.edu.au

Dear Dr McNeill

Inquiry—Possible contempt of the Assembly—Evidence given by Dr McNeill during Inquiry into the CIT CEO recruitment process

On 6 May 2026, the Assembly established a Select Committee on Privileges 2026 to examine potential parliamentary privilege issues relating to the Standing Committee on Public Accounts and Administration's inquiry into the CIT CEO recruitment process and in particular whether:

"Dr McNeill is in contempt of the Assembly by giving false and misleading evidence to the Committee, failing to produce documents and any other related matters."

Section 24 of the *Australian Capital Territory (Self-Government) Act 1988* (Cwth) provides the Assembly with the same privileges and immunities as the House of Representatives. Under standing order 277 of the Assembly, a breach of those privileges may be regarded as a contempt. In determining whether any action or failure to act amounts to a contempt of the Assembly, the Committee will consider whether the action or failure to act has occurred, if it was done so knowingly, and whether there is a reasonable excuse.

To assist in its deliberations, the Committee orders you to provide any documents in your possession in which TAFE NSW or its representatives purport to restrict your ability to discuss any investigation or proceedings regarding possible misconduct with the Board of CIT or other parties.

The production of documents ordered by the committee form part of proceedings of parliament and are therefore covered by parliamentary privilege. Action by you to produce the documents cannot be used against you to support action in a court or tribunal.

Failure to comply with an order to produce documents to the committee may, without reasonable excuse, itself constitute contempt of the Assembly.

Further, the Committee invites you to provide, by 22 May 2026, any information, including documents and/or a written submission, which you believe is pertinent to the privilege issues under consideration.

The Committee has made no determination at this time as to whether hearings will be necessary.

To assist you in responding to this letter please find attached:

- a) a copy of standing order 280: Procedures for protection of witnesses before a Privileges Committee; and

- b) the letter to the Speaker raising the matter of privilege including committee Hansard excerpt and media reporting.

The full details of the terms of reference can be viewed on the Committee's website at www.parliament.act.gov.au.

Yours sincerely



Elizabeth Lee MLA
Chair

14 May 2026



Managing Director
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80998 RF

Friday, 22 May 2026

Chair
Select Committee on Privileges 2026
196 London Circuit,
Canberra ACT 2601

BY EMAIL: LACommitteePrivileges2026@parliament.act.gov.au

Dear Ms Elizabeth Lee MLA

**SELECT COMMITTEE ON PRIVILEGES 2026
INQUIRY INTO POSSIBLE CONTEMPT OF THE ASSEMBLY
SUBMISSIONS AND DOCUMENTS ON BEHALF OF DR MARGOT MCNEILL**

We act for Dr Margot McNeill in respect of providing documents and submissions in respect of your letter of 14 May 2026.

Please find enclosed:

1. Submissions made on behalf of Dr McNeill;
2. Index of documents produced by Dr McNeill.

We are instructed to request that the Select Committee provide a copy of any further correspondence with Dr McNeill to our office.

Yours faithfully,

A handwritten signature in black ink, appearing to be 'R Faulks', written over a light blue horizontal line.

RICHARD FAULKES



Dr Margot McNeill
CEO
Canberra Institute of Technology
Margot.McNeill@cit.edu.au

Cc: rfaulks@shglawyers.com.au

Dear Dr McNeill

Inquiry—Possible contempt of the Assembly—Evidence given by Dr McNeill during Inquiry into the CIT CEO recruitment process

Thank you for the response of 22 May 2026 provided through your legal advisers, although we note the comments of the Standing Committee on Public Accounts and Administration (PAA) in its Report 6 of the Eleventh Assembly on the role of legal representatives in committee proceedings.

The Committee will fully consider the submissions made and the documents you have provided.

The Select Committee on Privileges has not yet decided whether public hearings are necessary to bring its inquiry to a close. To assist in its deliberations and clarify the evidence provided to the PAA, the Committee puts the following questions to you:

1. On 19 March 2026 on ABC Radio, the former Chair of CIT, Kate Lundy said, when asked why you did not disclose to the Board the investigation:

Well, I think that that's up to her. And if she'd been given legal advice not to disclose it by TAFE, New South Wales and by her own legal advice, she's in a tight spot.

What legal advice is Ms Lundy referring to, and will you provide that legal advice to the committee?

Ms Lundy goes on to say:

If there's questions about what Margot McNeill should have and shouldn't have said prior to the employment that's the subject to the legal advice she received in her judgment, which we respect, because the other side of the coin in this which I think is really an important one.

What legal advice is Ms Lundy referring to, and will you provide that legal advice to the committee?

2. Did you actively seek your own legal advice on whether you could disclose that you were the subject of an investigation by TAFE NSW to the CIT Board and/or the recruiter:
 - a. during the recruitment process, and if so, will you provide a copy of that advice to the committee?

- b. after the finding made by TAFE NSW on 15 September 2025 that your conduct was contrary to TAFE NSW's Code of Conduct; and if so, will you provide a copy of that advice to the committee?
- 3. Did you actively seek advice from TAFE NSW on whether you could disclose that you were the subject of an investigation by TAFE NSW to the CIT Board and/or the recruiter:
 - a. during the recruitment process, and if so, will you provide a copy of that advice to the committee?
 - b. after the finding made by TAFE NSW on 15 September 2025 that your conduct was contrary to TAFE NSW's Code of Conduct; and if so, will you provide a copy of that advice to the committee?
- 4. On 14 May 2026, both ABC and Region report sighting advice from TAFE NSW (dated October 2024, February 2025 and June 2025) that you were told to keep the TAFE NSW investigation matter confidential.

Did you provide copies of those letters, or show copies of those letters to those media outlets? And if so, when?

- 5. Para 17 (a) of your submission says:

*that she complied with "express confidentiality directions which I had been advised on multiple occasions, both verbally and in writing, did not permit me to disclose the existence or details of an internal process that was underway, **including any recruitment process**" and this statement was given in evidence to the PAA hearing of 1 April 2026.*

How was advice provided to you during "any recruitment process"? Was it provided in writing or given verbally? If in writing, when was that advice provided, and will you provide a copy of that advice to the committee?

- 6. In paragraph 34 (a) of your response to the committee, your lawyers submit that you:

"asked, on at least three occasions, whether she could disclose the investigation in the context of recruitment, and was told each time that she could not."

On what date did each of those three conversations take place, with whom did those conversations take place, and what were the responses to your questions?

Was any written advice provided, at any time stating that you could not disclose any information in the context of recruitment, and if so, please provide that written advice to the committee?

- 7. Why did you refuse to appear before the PAA at a hearing when invited?
- 8. The TAFE NSW letter dated 16 June 2025 states that they have confirmed that you are able to disclose any relevant facts or circumstances connected with your employment to CIT on a confidential basis. On what date did you first inform the CIT Chair, or any Board member

that you were the subject of a misconduct investigation by TAFE NSW? Was this advice provided verbally or in writing? If in writing, please provide a copy of that advice.

9. TAFE NSW also wrote to Dr Lundy on 16 June 2025 stating that they had written to you advising that you are able to disclose any relevant facts or circumstances connected with your employment with TAFE NSW on a confidential basis. Did Dr Lundy contact you to discuss this matter, or did you proactively contact Dr Lundy to disclose the information, and if so, on what date, and what was the nature of those discussions?
10. Were you of the view that the confidentiality requirements stipulated by TAFE NSW continued to apply after your employment with TAFE NSW had been terminated on 11 December 2025?
 - a) If yes - Why did you provide the information to media outlets? (on 14 May 2026, both ABC and Region report sighting advice from TAFE NSW (dated October 2024, February 2025 and June 2025) that you were told to keep the TAFE NSW investigation matter confidential?)
 - b) If no – why did you not provide that information to the PAA’s inquiry despite it being requested in [QON No. 006](#) ?

11. Please provide the dates for the AQSA forms provided in the attached answer https://www.parliament.act.gov.au/_data/assets/pdf_file/0009/3048759/Att-20-QTON-21-Answer-CIT-CEO-ASQA-forms-CLAY.pdf

The Committee would appreciate your response by 12 June 2026 to facilitate bringing this matter to a close.

Yours sincerely



Elizabeth Lee MLA
Chair

3 June 2026



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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: LAccommitteePrivileges2026@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

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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



RICHARD FAULKES



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Dear Dr McNeill

Inquiry—Possible contempt of the Assembly—Evidence given by Dr McNeill during Inquiry into the CIT CEO recruitment process

The Committee notes your response of 12 June 2026 provided through your legal advisers.

The Committee has considered your answers to the questions put and the preliminary matters raised.

The Committee is aware of possible prejudice to legal proceedings through the publication of legal advice and that would be a factor in any consideration given to whether or not to publish such advice. It is not, however, a bar to an order for production.

What weight, if any, to be given to any such advice from an evidentiary perspective will be determined by the Committee upon receipt.

The Committee orders you to produce, pursuant to standing order 239, any advice relating to whether to disclose information to the CIT Board regarding the existence and/or nature of misconduct investigations by TAFE NSW.

The Committee rejects the assertions made in your letter of 12 June 2026. The practice of Australian parliaments is not to recognise claims of legal professional privilege. *Odgers Australian Senate Practice* notes¹:

It has never been accepted in the Senate, nor in any comparable representative assembly, that legal professional privilege provides grounds for a refusal of information in a parliamentary forum.

The New South Wales Legislative Council deals with such claims regularly and its guide to practice notes²:

The House is not bound, as is a court, to uphold a claim of legal professional privilege simply because it is a valid claim, but rather to evaluate whether it is in the public interest for the document to be made public.

¹ *Odger's Australian Senate Practice*, 14th edition, p. 668.

² *New South Wales Legislative Council Practice*, 2nd Edition, p. 698.



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Friday, 17 July 2026

Chair
Select Committee on Privileges 2026
196 London Circuit,
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BY EMAIL: LACommitteePrivileges2026@parliament.act.gov.au

Dear Ms Elizabeth Lee MLA

**SELECT COMMITTEE ON PRIVILEGES 2026
INQUIRY INTO POSSIBLE CONTEMPT OF THE ASSEMBLY**

We refer to your letter of 8 July 2026.

We acknowledge the question of legal professional privilege is an important one in this context.

Our client is still considering the impact of your letter on such matters, and anticipates providing a more fulsome response by 24 July 2026.

Sincerely

A handwritten signature in black ink, appearing to be 'R Faulks', written over a light blue horizontal line.

RICHARD FAULKS



**Legislative Assembly for the
Australian Capital Territory**

Select Committee on Privileges 2026

Dr Margot McNeill
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Cc: rfaulks@shglawyers.com.au

Dear Dr McNeill

Margot

**Inquiry—Possible contempt of the Assembly—Evidence given by Dr McNeill during Inquiry
into the CIT CEO recruitment process**

The Committee notes your representatives' letter of 17 July 2026 which failed to respond to the order of 8 July.

The Committee orders your response by 5pm on Wednesday 22 July 2026.

Yours sincerely

Elizabeth Lee

Elizabeth Lee MLA
Chair

20 July 2026



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Tuesday, 21 July 2026

Chair
Select Committee on Privileges 2026
196 London Circuit,
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BY EMAIL: LCommitteePrivileges2026@parliament.act.gov.au

Dear Ms Elizabeth Lee MLA

**SELECT COMMITTEE ON PRIVILEGES 2026
INQUIRY INTO POSSIBLE CONTEMPT OF THE ASSEMBLY**

We refer to your letter of 8 July 2026.

That letter, and earlier correspondence, states “the Committee orders you to produce, pursuant to standing order 239, any advice in relation to whether to disclose information to the CIT Board regarding the existence and/or nature of misconduct investigations by TAFE NSW” (the **Production Order**).

Our client has no documents to produce in response to the Production Order.

Our client notes that the Committee has evidence of the various instructions and directions that our client received concerning disclosure.

Our client requests that the Committee review the following aspects of the transcript, and the evidence actually given by Dr McNeil, very carefully: Transcript page 3 paragraphs 6-10; page 8 paragraph 1; page 16 paragraphs 8-12. The Committee should be careful to avoid suggesting or acting on an assumption that Dr McNeil gave certain evidence on the topic of advice, when she in fact did not.

Sincerely

A handwritten signature in black ink, appearing to read 'R Faulks'.

RICHARD FAULKES