



Matt Thistlethwaite Senator for NSW

Monday 5 November 2012

Senator the Hon John Hogg
President of the Senate
Australian Senate
Parliament House
Canberra ACT 2600



Dear Mr President

John

I write as the former chair of the Select Committee on Electricity Prices to raise a matter of privilege under standing order 81.

In chapter 7 of the committee's report as tabled on 1 November 2012, the committee drew attention to an instance of unauthorised disclosure of the chair's draft report. The committee's report was pre-empted by an article written by Lenore Taylor and published in the *Sydney Morning Herald* online edition on 31 October 2012 and which included video excerpts of Ms Taylor speaking about the contents of the report. At that point the committee became aware of the article, it was yet to have its final meeting to adopt the draft report.

The committee considered the matter at meetings on 31 October and resolved to investigate the source of the unauthorised disclosure. The steps it took are outlined in chapter 7 of its report, a copy of which is attached.

The committee considered responses received to its inquiries and concluded that, although it was not able to discover the source of the unauthorised disclosure, the disclosure of the chair's draft was a serious breach of the committee's confidence.

The committee has followed the resolution of the Senate of 17 September 2007 to the extent that it was able to before it ceased to exist on the presentation of its final report. The committee noted the sorts of unauthorised disclosures that should not be raised as matters of privilege but considered that this unauthorised disclosure fell within those categories of disclosure for which the contempt jurisdiction of the Senate should be reserved. In particular, the committee considered that the unauthorised disclosure not only impeded its freedom to deliberate but reflected adversely on the value of the committee's inquiry.

Although the resolution of 17 September 2007 contemplates that a committee affected by an unauthorised disclosure should consult with the Committee of Privileges as to whether a matter should be pursued, the Select Committee on Electricity Prices was unable to take this step before it ceased to exist. This is a particular difficulty for select committees whose final report is affected by an unauthorised disclosure.

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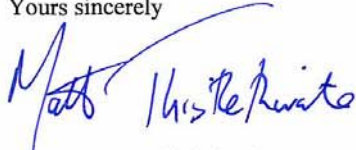
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I therefore ask that you consider this matter with a view to granting precedence for a motion to refer to the Privileges Committee the issue of whether an unauthorised disclosure of the draft report of the Select Committee on Electricity Prices occurred and whether any contempt was committed in that regard.

Yours sincerely

A handwritten signature in blue ink that reads "Matt Thistlethwaite". The signature is written in a cursive style with a large, sweeping initial "M".

Senator Matt Thistlethwaite