

Appendix 2 – excerpt from select committee report

Unauthorised disclosure of the Chair's draft

Introduction

7.1 On 31 October 2012, the committee became aware of a possible unauthorised disclosure of the Chair's draft because of an article published by Lenore Taylor in *The Sydney Morning Herald*, 'Switch off and get paid', referring to the contents of the draft report.

7.2 The committee, in accordance with *Procedural Orders of Continuing Effect No 3 — Unauthorised disclosure of committee proceedings, documents or evidence*, has sought to discover the source of the disclosure.

Background

7.3 On the evening of 29 October 2012, the Chair's draft was provided to certain senators via email by the Committee Secretary.

7.4 On 31 October 2012, an article and video by Lenore Taylor titled 'Switch off and get paid' were published on the website of *The Sydney Morning Herald*.¹ The article referred to the contents of the Chair's draft, in particular 'government-backed recommendations from a special inquiry to be tabled in the Senate tomorrow'.² The article went on to summarise some of the recommendations in the Chair's draft.

7.5 In light of Ms Taylor's article, the committee considered that an unauthorised disclosure had occurred and resolved to investigate the source of this disclosure.

Investigation of unauthorised disclosure of a committee document

7.6 The committee wrote to the persons whom the committee understood to have been provided with the Chair's draft prior to its scheduled tabling in the Senate and subsequent publication on 1 November 2012 asking if they could explain the disclosure. Those persons were:

- committee members and their staff; and
- the Committee Secretary and staff of the secretariat.

7.7 The committee also wrote to the Hon Martin Ferguson AM MP, Minister for Resources and Energy, and the Hon Greg Combet AM MP, Minister for Climate Change and Energy Efficiency asking if they or their staff could explain the unauthorised disclosure.

7.8 The committee received responses from the following:

1 Lenore Taylor, 'Switch off and get paid', *The Sydney Morning Herald*, 31 October 2012.

2 Lenore Taylor, 'Switch off and get paid', *The Sydney Morning Herald*, 31 October 2012.

- Senators Thistlethwaite, Cormann, Edwards, Gallacher, McEwen, Milne, Thorp and Williams;
- Mr Matthew Marozzi and Ms Suzie Trifunovic from the office of Senator Gallacher;
- the Secretary, Senate Select Committee on Electricity Prices;
- the Hon Martin Ferguson AM MP, Minister for Resources and Energy, and the Hon Greg Combet AM MP, the Minister for Climate Change and Energy Efficiency.

7.9 The committee notes that, in responding, Senator Milne called for the committee to also investigate a possible unauthorised disclosure related to an Australian Broadcasting Corporation (ABC) radio report by Fran Kelly on 1 November 2012. As the committee did not wish to delay tabling of its important report on electricity prices, the committee resolved not to investigate this possible unauthorised disclosure.

7.10 On the basis of the responses received, the committee has not been able to discover the source of the unauthorised disclosure.

Conclusion

7.11 The committee has considered the responses received and noted the terms of *Procedural Orders of Continuing Effect No 4 — Unauthorised disclosure of committee proceedings*. The committee concludes that the disclosure of the Chair's draft was a serious breach of the committee's confidence. Therefore, the committee has determined to raise the unauthorised disclosure of the Chair's draft as a matter of privilege under standing order 81.

Senator Matthew Thistlethwaite
Chair