

Appendix 4 – Correspondence



AUSTRALIAN SENATE

COMMITTEE OF PRIVILEGES

PARLIAMENT HOUSE
CANBERRA ACT 2600
TEL: (02) 6277 3360
FAX: (02) 6277 3199
E-mail: priv.sen@aph.gov.au

pvltsenmt_18313

29 November 2012

PERSONAL AND CONFIDENTIAL

Senator M Thistlethwaite
Suite S1 35
The Senate
Parliament House
Canberra ACT 2600

Dear Thistlethwaite

As you know, on 21 November 2012 the Senate referred the following matter to the Committee of Privileges for inquiry and report:

Whether there was any unauthorised disclosure of the draft report of the Select Committee on Electricity Prices and, if so, whether any contempt was committed in that regard.

The statement by the President of the Senate, Senator the Hon John Hogg, made on 20 November 2012 and associated documents tabled on that day are enclosed for your information.

The Privileges Committee has obtained the records of the Select Committee's investigation under authority of the Senate.

The Committee of Privileges has decided to invite you to make any comments you may have, and provide any relevant documents, on issues arising from the matter. Specifically, the committee would appreciate a written response from you to the following questions:

- Did you disclose to any person, not authorised by the committee to receive it, a copy of the draft report of the Select Committee on Electricity Prices?
- Do you have any evidence of the unauthorised disclosure of a copy of the draft report and, if so, could you give particulars?

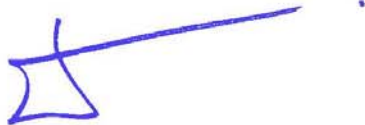
- Do you have any other comment to make in relation to the matters raised in chapter 7 of the report of the select committee and the investigation by that committee of the apparent unauthorised disclosure?
- In your assessment, did the unauthorised disclosure of the draft report amount to an act tending substantially to interfere with the work of the committee, or actually causing substantial interference, either at the time of the unauthorised disclosure or subsequently and, if so, how?

The committee would also appreciate your account, as the former Chair of the Select Committee, of the decisions taken and processes followed by the committee in investigating the unauthorised disclosure of the report.

The committee would like to receive your response as early as possible but, in any case, no later than 14 December 2012. It would be of help to the committee if you were to forward your response to the Secretary to the Committee, Mr Richard Pye, Parliament House, Canberra, ACT 2600.

While all responses received are confidential until the committee authorises their release, the committee normally assumes that they will be made public at an appropriate stage of an inquiry, unless there are compelling reasons not to publish them in whole or in part. If you need any further information on the matter, you may care to contact the secretary on (02) 6277 3360 or by email: priv.sen@aph.gov.au

Yours sincerely



(Gary Humphries)



AUSTRALIAN SENATE

COMMITTEE OF PRIVILEGES

PARLIAMENT HOUSE
CANBERRA ACT 2600
TEL: (02) 6277 3360
FAX: (02) 6277 3199
E-mail: priv.sen@aph.gov.au

pvletothfk_18313

3 December 2012

PERSONAL AND CONFIDENTIAL

Ms Fran Kelly
ABC Breakfast Radio
PO Box 9994
Sydney NSW 0001

via email kelly.fran@abc.net.au

Dear Ms Kelly

As you may be aware, on 21 November 2012 the Senate referred the following matter to the Committee of Privileges for inquiry and report:

Whether there was any unauthorised disclosure of the draft report of the Select Committee on Electricity Prices and, if so, whether any contempt was committed in that regard.

A statement by the President of the Senate, Senator the Hon John Hogg, made on 20 November 2012 and associated documents tabled on that day are enclosed for your information.

The Senate may treat the unauthorised disclosure of a report of a Senate committee as a contempt of the Senate. The Privileges Committee is asked to investigate the circumstances surrounding the unauthorised disclosure of a draft report of the Senate Select Committee on Electricity Pricing.

Paragraph 7.9 of that reports states:

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.

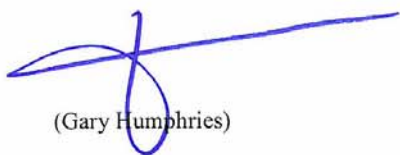
On the basis of that reference, the Privileges Committee has resolved to invite you to make any comments you may have, and provide any relevant documents, on issues arising from the matter. Specifically, the committee would appreciate a written response from you to the following questions:

- Did you disclose to any person, not authorised by the committee to receive it, a copy of, or material from, the draft report of the Select Committee on Electricity Prices?
- Do you have any evidence of the unauthorised disclosure of the draft report and, if so, could you give particulars?
- Do you have any other comment to make in relation to the matters raised in chapter 7 of the report of the select committee and the investigation by that committee of the apparent unauthorised disclosure?

The committee would like to receive your response as early as possible but, in any case, no later than 14 December 2012. It would be of help to the committee if you were to forward your response to the Secretary to the Committee, Mr Richard Pye, Parliament House, Canberra, ACT 2600.

While all responses received are confidential until the committee authorises their release, the committee normally assumes that they will be made public at an appropriate stage of an inquiry, unless there are compelling reasons not to publish them in whole or in part. If you need any further information on the matter, you may care to contact the secretary on (02) 6277 3360 or by email: priv.sen@aph.gov.au

Yours sincerely



(Gary Humphries)



AUSTRALIAN SENATE

COMMITTEE OF PRIVILEGES

PARLIAMENT HOUSE
CANBERRA ACT 2600
TEL: (02) 6277 3360
FAX: (02) 6277 3199
E-mail: priv.sen@aph.gov.au

pvletotht_18313

3 December 2012

PERSONAL AND CONFIDENTIAL

Ms Lenore Taylor
Press Gallery
Suite S2 115
Parliament House
Canberra ACT 2600

via email lenore.taylor@fairfaxmedia.com.au

Dear Ms Taylor

As you may be aware, on 21 November 2012 the Senate referred the following matter to the Committee of Privileges for inquiry and report:

Whether there was any unauthorised disclosure of the draft report of the Select Committee on Electricity Prices and, if so, whether any contempt was committed in that regard.

A statement by the President of the Senate, Senator the Hon John Hogg, made on 20 November 2012 and associated documents tabled on that day are enclosed for your information.

The Senate may treat the unauthorised disclosure of a report of a Senate committee as a contempt of the Senate. The Privileges Committee is asked to investigate the circumstances surrounding the unauthorised disclosure of a draft report of the Senate Select Committee on Electricity Pricing.

Paragraphs 7.3 – 7.5 of that reports state:

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*. 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'. 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.

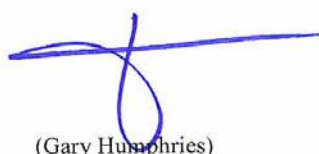
On the basis of that reference, the Privileges Committee has resolved to invite you to make any comments you may have, and provide any relevant documents, on issues arising from the matter. Specifically, the committee would appreciate a written response from you to the following questions:

- Did you disclose to any person, not authorised by the committee to receive it, a copy of, or material from, the draft report of the Select Committee on Electricity Prices?
- Do you have any evidence of the unauthorised disclosure of the draft report and, if so, could you give particulars?
- Do you have any other comment to make in relation to the matters raised in chapter 7 of the report of the select committee and the investigation by that committee of the apparent unauthorised disclosure?

The committee would like to receive your response as early as possible but, in any case, no later than 14 December 2012. It would be of help to the committee if you were to forward your response to the Secretary to the Committee, Mr Richard Pye, Parliament House, Canberra, ACT 2600.

While all responses received are confidential until the committee authorises their release, the committee normally assumes that they will be made public at an appropriate stage of an inquiry, unless there are compelling reasons not to publish them in whole or in part. If you need any further information on the matter, you may care to contact the secretary on (02) 6277 3360 or by email: priv.sen@aph.gov.au

Yours sincerely



(Gary Humphries)



AUSTRALIAN SENATE

COMMITTEE OF PRIVILEGES

PARLIAMENT HOUSE
CANBERRA ACT 2600
TEL: (02) 6277 3360
FAX: (02) 6277 3199
E-mail: priv.sen@aph.gov.au

pvlsetsenrb_18313

29 November 2012

PERSONAL AND CONFIDENTIAL

LETTER SENT TO ALL MEMBERS OF THE FORMER SELECT COMMITTEE

Dear Senator

As you may be aware, on 21 November 2012 the Senate referred the following matter to the Committee of Privileges for inquiry and report:

Whether there was any unauthorised disclosure of the draft report of the Select Committee on Electricity Prices and, if so, whether any contempt was committed in that regard.

A statement by the President of the Senate, Senator the Hon John Hogg, made on 20 November 2012 and associated documents tabled on that day are enclosed for your information.

The select committee investigated the matter by writing to committee members and reported its conclusions in chapter 7 of its report. The Privileges Committee has obtained the records of that investigation under authority of the Senate.

The Committee of Privileges has decided to invite you to make any comments you may have, and provide any relevant documents, on issues arising from the matter. Specifically, the committee would appreciate a written response from you to the following questions:

- Did you disclose to any person, not authorised by the committee to receive it, a copy of the draft report of the Select Committee on Electricity Prices?
- Do you have any evidence of the unauthorised disclosure of a copy of the draft report and, if so, could you give particulars?

- Do you have any other comment to make in relation to the matters raised in chapter 7 of the report of the select committee and the investigation by that committee of the apparent unauthorised disclosure?
- In your assessment, did the unauthorised disclosure of the draft report amount to an act tending substantially to interfere with the work of the committee, or actually causing substantial interference, either at the time of the unauthorised disclosure or subsequently and, if so, how?

The committee would like to receive your response as early as possible but, in any case, no later than 14 December 2012. It would be of help to the committee if you were to forward your response to the Secretary to the Committee, Mr Richard Pye, Parliament House, Canberra, ACT 2600.

While all responses received are confidential until the committee authorises their release, the committee normally assumes that they will be made public at an appropriate stage of an inquiry, unless there are compelling reasons not to publish them in whole or in part. If you need any further information on the matter, you may care to contact the secretary on (02) 6277 3360 or by email: priv.sen@aph.gov.au

Yours sincerely



(Gary Humphries)



AUSTRALIAN SENATE

COMMITTEE OF PRIVILEGES

PARLIAMENT HOUSE
CANBERRA ACT 2600
TEL: (02) 6277 3360
FAX: (02) 6277 3199
E-mail: priv.sen@aph.gov.au

pvletmingc_18313

3 December 2012

PERSONAL AND CONFIDENTIAL

The Hon G Combet AM
Minister for Climate Change and Energy Efficiency
Minister for Industry and Innovation
House of Representatives
Parliament House
Canberra ACT 2600

Dear Minister

As you may be aware, on 21 November 2012 the Senate referred the following matter to the Committee of Privileges for inquiry and report:

Whether there was any unauthorised disclosure of the draft report of the Select Committee on Electricity Prices and, if so, whether any contempt was committed in that regard.

A statement by the President of the Senate, Senator the Hon John Hogg, made on 20 November 2012 and associated documents tabled on that day are enclosed for your information.

The Senate may treat the unauthorised disclosure of a report of a Senate committee as a contempt of the Senate. The Privileges Committee is asked to investigate the circumstances surrounding the unauthorised disclosure of a draft report of the Senate Select Committee on Electricity Pricing.

Paragraph 7.7 of that reports states:

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.

The context of the committee's decision to write to you is not immediately apparent.

On the basis of that reference, the Privileges Committee has resolved to invite you to make any comments you may have, and provide any relevant documents, on issues arising from the matter. Specifically, the committee would appreciate a written response from you to the following questions:

- Did you disclose to any person, not authorised by the committee to receive it, a copy of, or material from, the draft report of the Select Committee on Electricity Prices?
- Do you have any evidence of the unauthorised disclosure of the draft report of the Select Committee on Electricity Prices and, if so, could you give particulars?
- Do you have any other comment to make in relation to the matters raised in chapter 7 of the report of the select committee and the investigation by that committee of the apparent unauthorised disclosure?

The committee would like to receive your response as early as possible but, in any case, no later than 17 December 2012. It would be of help to the committee if you were to forward your response to the Secretary to the Committee, Mr Richard Pye, Parliament House, Canberra, ACT 2600.

While all responses received are confidential until the committee authorises their release, the committee normally assumes that they will be made public at an appropriate stage of an inquiry, unless there are compelling reasons not to publish them in whole or in part. If you need any further information on the matter, you may care to contact the secretary on (02) 6277 3360 or by email: priv.sen@aph.gov.au

Yours sincerely



(Gary Humphries)



AUSTRALIAN SENATE

COMMITTEE OF PRIVILEGES

PARLIAMENT HOUSE
CANBERRA ACT 2600
TEL: (02) 6277 3360
FAX: (02) 6277 3199
E-mail: priv.sen@aph.gov.au

pvletminmf_18313

3 December 2012

PERSONAL AND CONFIDENTIAL

The Hon M Ferguson AM
Minister for Resources and Energy
Minister for Tourism
House of Representatives
Parliament House
Canberra ACT 2600

Dear Minister

As you may be aware, on 21 November 2012 the Senate referred the following matter to the Committee of Privileges for inquiry and report:

Whether there was any unauthorised disclosure of the draft report of the Select Committee on Electricity Prices and, if so, whether any contempt was committed in that regard.

A statement by the President of the Senate, Senator the Hon John Hogg, made on 20 November 2012 and associated documents tabled on that day are enclosed for your information.

The Senate may treat the unauthorised disclosure of a report of a Senate committee as a contempt of the Senate. The Privileges Committee is asked to investigate the circumstances surrounding the unauthorised disclosure of a draft report of the Senate Select Committee on Electricity Pricing.

Paragraph 7.7 of that reports states:

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.

The context of the committee's decision to write to you is not immediately apparent.


On the basis of that reference, the Privileges Committee has resolved to invite you to make any comments you may have, and provide any relevant documents, on issues arising from the matter. Specifically, the committee would appreciate a written response from you to the following questions:

- Did you disclose to any person, not authorised by the committee to receive it, a copy of, or material from, the draft report of the Select Committee on Electricity Prices?
- Do you have any evidence of the unauthorised disclosure of a copy of the draft report of the Select Committee on Electricity Prices and, if so, could you give particulars?
- Do you have any other comment to make in relation to the matters raised in chapter 7 of the report of the select committee and the investigation by that committee of the apparent unauthorised disclosure?

The committee would like to receive your response as early as possible but, in any case, no later than 17 December 2012. It would be of help to the committee if you were to forward your response to the Secretary to the Committee, Mr Richard Pye, Parliament House, Canberra, ACT 2600.

While all responses received are confidential until the committee authorises their release, the committee normally assumes that they will be made public at an appropriate stage of an inquiry, unless there are compelling reasons not to publish them in whole or in part. If you need any further information on the matter, you may care to contact the secretary on (02) 6277 3360 or by email: priv.sen@aph.gov.au

Yours sincerely



(Gary Humphries)



Senator Alex Gallacher

Labor Senator for South Australia

3/69 Fullarton Road
KENT TOWN SA 5067
Tel: +61 8 8431 1755
Fax: +61 8 8431 1622

Parliament House
CANBERRA ACT 2600
Tel: +61 2 6277 3450
Fax: +61 2 6277 5966

Postal Address
PO Box 2141
KENT TOWN SA 5067

senator.gallacher@aph.gov.au

Senator Gary Humphries
Chair of Committee of Privileges
Parliament House
CANBERRA

3rd of December 2012

Dear Chair,

Thank you for your letter outlining the unfortunate situation where there was an unauthorised disclosure of the draft report from the Select Committee on Electricity Prices.

I can assure you that I have not disclosed any documents nor discussed the chair's draft to anybody outside the committee or the electorate office. I am disappointed that an individual has broken the trust of the committee by disclosing the chair's draft to the media.

I also do not have any evidence of the unauthorised disclosure and I have no further comment that can assist the investigation.

I do believe the unauthorised disclosure of the draft report did amount to an act tending substantially to interfere with the work of the committee and acted to cause substantial interference, as the process of draft to final report is a meticulous operation. A draft report circulated outside the committee can potentially misrepresent the wording and context to the final report's desired outcome.

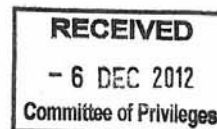
Yours Sincerely,

Alex Gallacher
Senator for South Australia





SENATOR ANNE McEWEN
LABOR SENATOR FOR SOUTH AUSTRALIA
CHIEF GOVERNMENT WHIP IN THE SENATE



3 December 2012

Richard Pye
Secretary
Senate Committee of Privileges
Parliament House
CANBERRA ACT 2600

Dear Richard

I am in receipt of the letter dated 29 November 2012 from Senator Gary Humphries regarding the Committee Inquiry into alleged unauthorised disclosure of the draft report of the Select Committee on Electricity Prices.

In answer to Senator Humphries' questions I respond:

- 1 To my knowledge I did not disclose to any person, not authorised by the Committee to receive it, a copy of the draft report of the Select Committee on Electricity Prices.
- 2 I do not have any evidence of the unauthorised disclosure of a copy of the draft report.
- 3 I have no comment to make in relation to the matters raised in Chapter 7 of the report of the Select Committee and the investigation by the Committee of apparent unauthorised disclosure.
- 4 In my assessment the apparent unauthorised disclosure did not substantially interfere with the work of the Committee. The Committee had substantially concluded its deliberations at the time of the disclosure.

Yours sincerely

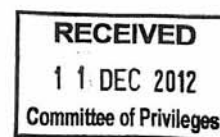
Anne McEwen
SENATOR FOR SOUTH AUSTRALIA

ADELAIDE OFFICE
PO BOX 55, TORRENSVILLE PLAZA SA 5031
101 HENLEY BEACH ROAD
MILE END SA 5031
TEL: 08 8352 7477
FAX: 08 8234 1165

CANBERRA OFFICE
PARLIAMENT HOUSE
CANBERRA ACT 2600
TEL: 02 6277 3434
FAX: 02 6277 3425
EMAIL: Senator.McEwen@aph.gov.au



SENATOR THE HON. RON BOSWELL
THE NATIONALS
SENATOR FOR QUEENSLAND



07 December 2012

Mr Richard Pye
Committee Secretary
Senate Standing Committee of Privileges
PO Box 6100
Parliament House
Canberra ACT 2600

Dear Secretary,

I refer to a letter from the Chairman of the Standing Committee of Privileges dated the 29th of November 2012.

I did not take part in any Committee discussions on the Select Committee on Electricity Prices. I was a participating member on two occasions.

I did not disclose to any persons a copy of the Draft Report of the Select Committee.

I have no evidence of the unauthorised disclosure of a copy of the Draft Report.

I have no other comment to make.

Regards,

A handwritten signature in blue ink, appearing to read 'R. Boswell'.

Senator the Hon Ron Boswell
Senator for Queensland

Suite S1-44 Parliament House
CANBERRA ACT 2600
Tel: (02) 6277 3046
Fax: (02) 6277 5724
Email: senator.boswell@aph.gov.au

www.ronboswell.com

GPO Box 228, BRISBANE QLD 4001

Level 36, Waterfront Place
1 Eagle Street
BRISBANE QLD 4000
Tel: (07) 3001 8150
Fax: (07) 3001 8151

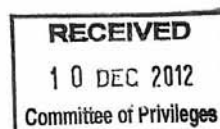


Senator Sean Edwards



5 December 2012

PERSONAL AND CONFIDENTIAL



Mr Richard Pye
Secretary to the Committee of Privileges
PARLIAMENT HOUSE
CANBERRA ACT 2600

Dear Mr Pye,

I refer to Mr Gary Humphries' letter dated 29 November 2012 regarding the unauthorised disclosure of the draft report of the Select Committee on Electricity Prices.

I outline below my response to your questions contained in the above mentioned letter.

- I did not disclose to any person, not authorised by the committee to receive it, a copy of the draft report of the Select Committee on Electricity Prices;
- I did not, nor do I currently have any evidence of the unauthorised disclosure of a copy of the draft report;
- I do not wish to make any further comments in relation to the matters raised in chapter 7 of the report of the select committee and the investigation by that committee of the apparent unauthorised disclosure; and
- I believe that although the unauthorised disclosure of the draft report was unethical and a clear breach of convention, it did not interfere with the work of the committee.

I have no objections to the publishing of my responses as the committee may see appropriate.

Kind regards,

Senator Sean Edwards
Liberal Senator for South Australia

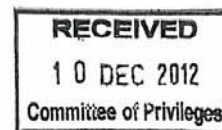
Senator for South Australia

Level 13, 100 King William Street, Adelaide SA 5000
Telephone: (08) 8205 1070
SA Country Callers: 1300 738 260
Facsimile: (08) 8205 1075

Parliament House, Canberra, ACT 2600
Telephone: (02) 6277 3385
Facsimile: (02) 6277 5960
Email: senator.edwards@aph.gov.au



SENATOR CHRISTINE MILNE
Australian Greens Senator for Tasmania



Mr Richard Pye
Secretary
Senate Committee of Privileges
Parliament House
CANBERRA ACT 2600

10 December 2012

Dear Secretary

In response to a letter from the Chair, Senator Humphries, regarding an unauthorised disclosure of the draft report of the Select Committee on Electricity Prices I provide the following comments.

I did not disclose, nor can explain the disclosure of, the Chair's draft report. Furthermore, I am assured that none of my staff disclosed the Chair's draft report.

The article published by Lenore Taylor in the Sydney Morning Herald on 31 October states "the report is similar to the package to be put first to energy ministers on November 3, to a special business advisory forum on December 6 and to the Council of Australian Governments the next day." In order to draw this comparison, Ms Taylor would need to have been told both what the package for November contained and the proposed recommendations from the Committee. The Minister for Resources and Energy, or his office, would likely have had access to this information. It is highly doubtful that the non Ministerial backbench members of the Select Committee would have had, over one month in advance of its intended announcement to premiers and energy ministers, access to this information.

The Select Committee's agreement to contact Ministerial offices in the first instance of our investigation, and the readiness with which the Committee agreed, demonstrates that in the eyes of Committee members it is not unusual or abnormal for Minister's to receive copies of the Chair's draft report before they are considered by the Committee.

It has become the norm for the Executive to involve themselves in the work of Senate Committees and to seek to influence the outcomes of inquiries. This Executive interference undermines the integrity of the Senate Committee system and reflects a significant cultural shift away from the independence of the Senate's processes.

I do believe that the unauthorised disclosure of the draft report substantially interfered with the work of Committee. The publication of the article allowed the Executive to frame the public debate and left Committee members with the knowledge that whatever work they had done the recommendations were framed by the Minister of the day. It also meant that the Committee in considering the Chair's draft report was unlikely to go further than the Government would accept as the Government Chair and ALP backbench members would not contradict their Minister. In my experience, the consideration by a Committee of a Chair's draft report can result in significant debate and amendment to the draft document in order to reach majority consensus. That deliberative process was hindered by the unauthorised disclosure of the report.



I urge the Committee of Privileges to also consider in its investigations additional disclosure on the ABC Fran Kelly program, in a story 'Pioneering Energy Technology Heads Overseas' aired at 7:41am. The audio of the program can be found here:
<http://www.abc.net.au/radionational/programs/breakfast/pioneering-energy-technology-heads-overseas/4345272> This radio program is another example of unauthorised disclosure prior to the tabling of the report.

The blatant unauthorised disclosure of the Chairs draft report before being considered by the Committee is extremely serious. I urge the Privileges Committee to reinstate the accepted practice that the Chair's draft report is for the Committee and confidential to the Committee and should be beyond Ministerial intervention.

Yours sincerely

A handwritten signature in black ink, appearing to read "Christine Milne".

Senator Christine Milne
Leader of the Australian Greens



Senator Larissa Waters
Australian Greens Senator for Queensland



Senator Gary Humphries
Committee of Privileges
Via email: priv.sen@aph.gov.au

10 December 2012

Dear Senator Humphries,

I write in response to your letter to my office, dated 29 November 2012, relating to an unauthorised disclosure of the Chair's draft report from the Select Committee on Electricity Prices.

I did not disclose, nor can explain the disclosure of, the Chair's draft report. Furthermore, I am assured that none of my staff disclosed the Chair's draft report.

I strongly recognise that committee confidentiality is an important element of the Senate process and hope the matter is resolved promptly.

Kind regards,

SENATOR LARISSA WATERS
Australian Greens Senator for Queensland



SENATOR SCOTT LUDLAM
AUSTRALIAN GREENS
SENATOR FOR WESTERN AUSTRALIA

Mr Richard Pye
Secretary
Senate Committee of Privileges
Parliament House
CANBERRA ACT 2600

11 December 2012

Dear Secretary

Senator Humphries, Chair of the Committee of Privileges, wrote on 29 November 2012 seeking my response to the unauthorised disclosure of a copy of the Select Committee on Electricity Prices draft report.

I did not disclose, nor can explain the disclosure of, the Chair's draft report. Furthermore, I am assured that none of my staff disclosed the Chair's draft report.

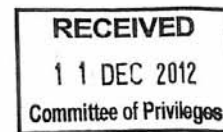
I do believe that the unauthorised disclosure of the Chair's draft report substantially interfered with the work of the committee. The publication of the news reports prior to the committee's consideration of the report must have impeded the committee's ability to freely deliberate and may have prevented the committee in considering alternate recommendations or other amendments.

The interference of the Executive, the media or others in committee work has serious implications for the effectiveness and reputation of the Senate Committee system.

Sincerely

A handwritten signature in black ink, consisting of a large, stylized 'S' followed by a long horizontal stroke that loops back under the 'S'.

Senator Scott Ludlam



December 11, 21012

Mr Richard Pye,
Parliament House
Canberra. ACT
2600

In response to the letter from the secretary of the committee of privileges, Senator Gary Humphries, I must inform you that I cannot disclose the source or sources of my story. This is a basic issue of journalistic ethics. If I can help you in any other way please let me know,

Yours sincerely,

A handwritten signature in blue ink that reads "L R Taylor".

Lenore Taylor.



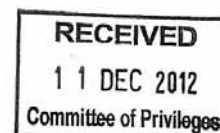
Parliament of
Australia

Senator the Hon. Lin Thorp
Labor Senator for Tasmania



07 December 2012

Mr Richard Pye
Parliament House
Canberra, ACT 2600



Dear Richard,

I did not disclose to any person, not authorised by the committee to receive a copy of the draft report of the Select Committee on Electricity Prices.

I have no evidence of the unauthorised disclosure of a copy of the draft report.

I have no other comment to make in relation to the matters raised in chapter 7 of the report of the select committee and the investigation by that committee of the apparent unauthorised disclosure.

In my assessment, the unauthorised disclosure of the draft report amounted to an act tending substantially to interfere with the work of the committee and resulted in reducing the impact of the report.

Yours Sincerely,

Lin Thorp
Labor Senator for Tasmania

188 Collins Street, TAS 7000
GPO Box 519, HOBART, TAS 7001
Telephone: (03) 62 341 471
Fax: (03) 62 314 579

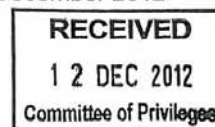
Parliament House, CANBERRA ACT 2600
Telephone: (02) 62 773 736
Fax: (02) 62 775 812

Senator.Thorp@aph.gov.au



Matt Thistlethwaite Senator for NSW

12 December 2012



Gary Humphries
Chair
Senate Committee of Privileges
c/o Richard Pye
Parliament House
CANBERRA ACT 2600

Dear Mr Humphries, *Gary*

Thank you for your letter of 29 November 2012 regarding the Committee of Privileges Inquiry into the unauthorised disclosure of the draft report of the Select Committee on Electricity Prices.

Regarding the questions posed in your letter I respond as follows:

1. I did not disclose to any persons not authorised by the Committee to receive it, the draft report of the Select Committee on Electricity Prices.
2. I do not have any evidence of the unauthorised disclosure of the draft report.
3. Chapter 7 of the final report of the Select Committee outlines the circumstances in which the committee became aware of a possible unauthorised disclosure of the draft report and the actions taken by the committee to investigate this in accordance with *Procedural Orders of Continuing Effect No. 3. Unauthorised disclosure of committee proceedings.*

As stated in the clause 7.10 of the report the committee was unable to determine the source of the unauthorised disclosure.

At the final meeting of the committee on 1 November 2012 Senator Milne informed the committee of an ABC radio report by Fran Kelly on 1 November 2012 that Senator Milne believed may have involved the unauthorised disclosure of the committee draft report. No other members of the committee present at that meeting were aware of the Fran Kelly report.

/2

Office: Commonwealth Parliamentary Offices, Suite 4, Level 12, 70 Phillip Street, Sydney NSW 2000

Mail: GPO Box 36, Sydney NSW 2001

Phone: (02) 9241 7730 **Fax:** (02) 9247 8387 **Email:** senator.thistlethwaite@aph.gov.au



At that final meeting Senator Milne requested that the committee undertake a further inquiry into the possible unauthorised disclosure of the Committee draft report relating to the Fran Kelly report.

According to the resolution of the Senate establishing the Select Committee of Electricity Prices the committee was to be dissolved upon the tabling of the committee's final report in the Senate. This was scheduled to occur on 1 November 2012.

In respect of Senator Milne request for a further investigation in to the Fran Kelly report the committee determined that it did not wish to delay the tabling of the committees' report later that day therefore it would not undertake a further investigation as requested by Senator Milne, but that it would refer the matter to the Senate's Committee of Privilege for investigation.

That is the basis on which this matter comes before your committee.

4. I do not believe that the unauthorised disclosure of the draft report substantially interfered with the work of the committee. My final draft report was circulated to the committee members via email from the Committee Secretariat at 8:05pm on 29 October 2012. The Lenore Taylor article appeared in the Sydney Morning Herald on 31 October 2012. The Committee met to consider the Chairs draft report at 9:30am on 31 October 2012. The Chair's draft report was adopted at that meeting with minor amendments. No recommendations in the draft report were deleted and no new recommendations were added. The final draft report incorporating the amendments agreed to by the committee earlier that day was circulated by the Committee Secretariat at 7:21pm on 31 October 2012, and agreed to without amendment on the following day, 1 November 2012. On this basis I fail to see how the unauthorised disclosure affected the committees work.

Should you require further information please contact my office.

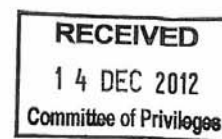
Yours Sincerely



Matt Thistlethwaite
Senator for New South Wales



SENATOR MATHIAS CORMANN
Liberal Senator for Western Australia
Shadow Assistant Treasurer
Shadow Minister for Financial Services and Superannuation



Senator Gary Humphries
 Chair
 Privileges Committee
 Parliament House
 CANBERRA ACT 2600

Dear Chair

Thank you for your letter in relation to the unauthorised disclosure of proceedings from the Senate Select Committee on Electricity Prices and the subsequent investigation by the Privileges Committee.

I wish to reiterate that neither I nor any of my staff have any knowledge regarding the disclosure of the Chair's draft report.

In regards to your specific questions:

- ***'Did you disclose to any person, not authorised by the committee to receive it, a copy of the draft report of the Select Committee on Electricity Prices?'***

No.

- ***'Do you have any evidence of the unauthorised disclosure of a copy of the draft report and, if so, could you give particulars?'***

No.

- ***'Do you have any other comment to make in relation to the matters raised in Chapter 7 of the report of the select committee and the investigation by that committee of the apparent unauthorised disclosure?'***

No.

PERTH
 Level 38, Exchange Plaza
 2 The Esplanade, Perth
 Telephone: (08) 9325 4227
 Facsimile: (08) 9325 6857
 Toll Free: 1300 301 728

POSTAL
 GPO Box B58
 PERTH WA 6838
 Email: senator.cormann@aph.gov.au
 www.mathiascormann.com.au

CANBERRA
 Parliament House
 Canberra ACT 2600
 Telephone: (02) 6277 3457
 Facsimile: (02) 6277 5928

- *'In your assessment, did the unauthorised disclosure of the draft report amount to an act tending substantially to interfere with the work of the committee, or actually causing substantial interference, either at the time of the unauthorised disclosure or subsequently and, if so, how?'*

I was unaware that the breach had occurred until after the full report (including dissenting report) had been finalised and was ready for and due to be tabled. I can obviously not speak for the committee as a whole, but the breach did not impact on my contribution to the committee.

Kind regards



Mathias Cormann
Senator for Western Australia

11 December 2012



THE HON MARTIN FERGUSON AM MP
MINISTER FOR RESOURCES AND ENERGY
MINISTER FOR TOURISM



PO BOX 6022
PARLIAMENT HOUSE
CANBERRA ACT 2600

Senator Gary Humphries
Senate Standing Committee of Privileges
Parliament House
Canberra ACT 2600

12 December 2012

Dear Senator Humphries *Gary,*

I refer to your letter of 3 December 2012, regarding the Senate Standing Committee of Privileges inquiry into whether there was any unauthorised disclosure of the draft report of the Select Committee on Electricity Prices.

I did not disclose to any person a copy of, or material from, the draft report.

I do not have any evidence of the unauthorised disclosure of a copy of the draft report.

I do not have any further comment to make in relation to matters raised in chapter 7 of the report of the select committee or the investigation by that committee of the apparent unauthorised disclosure.

As requested, I have forwarded a copy of my response to Mr Richard Pye, Secretary of the Senate Standing Committee of Privileges.

Yours sincerely

Martin Ferguson

Telephone: (02) 6277 7930 Facsimile: (02) 6273 0434



NICK XENOPHON
Independent Senator for South Australia
AUSTRALIAN SENATE

Our ref: NC-H/SW

Senator Gary Humphries
Chair
Committee of Privileges
PARLIAMENT HOUSE
CANBERRA, ACT 2600

Dear Chair,

I write in response to your letter of November 29. My responses to your questions are as follows:

Did you disclose to any person, not authorised by the Committee to receive it, a copy of the draft report of the Select Committee on Electricity Prices?

- No.

Do you have any evidence of the unauthorised disclosure of a copy of the draft report and, if so, could you give particulars?

- I have no evidence of the unauthorised disclosure of the draft report.

Do you have any other comment to make in relation to the matters raised in Chapter 7 of the report of the select committee and the investigation by the committee of the apparent unauthorised disclosure?

- No.

In your assessment, did the unauthorised disclosure of the draft report amount to an act tending to substantially interfere with the work of the committee, or actually causing substantial interference, either at the time of the unauthorised disclosure or subsequently, and if so, how?

- Unauthorised disclosure of a report in itself undermines the work of the committee. There is an appropriate process for reports to be released and public comment and debate to ensue. An unauthorised disclosure undermines that process.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Nick Xenophon'.

NICK XENOPHON

7 / 2 / 2013

Electorate Office
Level 2 / 31 Ebenezer Place
Adelaide, South Australia 5000
Tel: (08) 8232 1144
Fax: (08) 8232 3744
Email: senator.xenophon@aph.gov.au

Parliament House
CANBERRA A.C.T. 2600
Tel: (02) 6277 3500
Fax: (02) 6277 3000