

# STANDING COMMITTEE ON RURAL AND REGIONAL AFFAIRS AND TRANSPORT

## UNAUTHORISED DISCLOSURE OF COMMITTEE PROCEEDINGS

### REPORT TO THE SENATE

The Standing Committee on Rural and Regional Affairs and Transport conducted an inquiry into options for additional water supplies for South East Queensland.

At a private meeting on Wednesday 15 August 2007 the committee adopted a report and agreed to table the report on Thursday 16 August 2007. The report was tabled in the Senate at 10.32 am on that day.

On the morning of 16 August 2007, and prior to the report being tabled, Senator Barnaby Joyce was interviewed by an ABC radio journalist. Also prior to the report being tabled, the Courier Mail carried two articles about the inquiry which revealed details of the report and two AAP reports carried comments which also provided details of the committee's conclusions. Senator Joyce advised the committee that he had spoken to the Courier Mail but that he did not provide the report.

The committee met at 3.00pm on Thursday 16 August 2007 and considered the matter in light of the Senate's sessional order of 6 October 2005. Sub-paragraph (3)1.(a) of the sessional order provides that:

Unless there are particular circumstances involving actual or potential substantial interference with the work of a committee or of the Senate, the following kinds of unauthorised disclosure should not be raised as matters of privilege:

- (a) disclosure of a committee report in the time between the substantial conclusion of the committee's deliberations on the report and its presentation to the Senate;

The committee therefore agreed that the unauthorised disclosure should not be raised as a matter of privilege.

The committee also considered the matter in light of paragraph 3.51 of the *122<sup>nd</sup> Report of the Committee of Privileges*, June 2005 which states

Unauthorised disclosure and publication of the deliberations and draft reports of a committee, regardless of the stage at which disclosure occurs, should be a matter for internal discipline unless the disclosure and publication of those deliberations or draft reports:

- (a) also discloses actual or identifiable in camera evidence; or
- (b) discloses deliberations which may have an adverse effect on, or raise the expectations of, individuals who are the subject of or may be affected by the observations or recommendations in a committee's report.

The committee determined that the matter of the unauthorised disclosure of the report falls within the category as one for internal discipline.

The committee noted that, by his own admission, Senator Joyce had breached Standing Order 37 which provides that evidence taken by a committee should not be disclosed prior to reporting that evidence to the Senate. The committee, having drawn Senator Joyce's attention to the importance of Standing Order 37, reprimanded him and resolved to report the matter to the Senate.

**Senator the Hon. Bill Heffernan**  
**Chair**