

2024

(No. 29)



PARLIAMENT OF TASMANIA

Joint Select Committee on Energy Matters

Special Report on the use of excerpts from a Committee hearing broadcast

MEMBERS OF THE COMMITTEE

Legislative Council

Hon. Mr *Edmunds* (Deputy Chair)
Hon. Ms *Forrest* (Chair)
Hon. Mr *Harriss*
Hon. Ms *Thomas* (from 30 October 2024)
Hon. Mr *Vincent* (until 30 October 2024)

House of Assembly

Mr *Bayley*
Ms *Finlay*
Mr *Garland*
Mr *Shelton*

1. The Joint Select Committee on Energy Matters (the Committee) is currently inquiring into energy prices and related matters in Tasmania.

Hearing

2. On 28 October 2024 the Committee held a public hearing in relation to its inquiry at Parliament House in Hobart. Following the hearing, the broadcast of the hearing was published on the Parliament's website.

Principles

3. The Committee notes that on 14 September 2023, the then Speaker of the House of Assembly made the following reference in a statement to the House of Assembly in relation to the possible misrepresentation of official House proceedings:

'I refer Members to Erskine May's Parliamentary Practice which states that "deliberate or reckless misrepresentation of the House's proceedings remains a contempt and is unlikely to attract qualified privilege. This principle also applies to the posting of online clips of proceedings which are misdescribed or out of context"'.¹

4. The deliberate publishing of a false or misleading report of a House or a committee could be considered a contempt of Parliament.

Use of hearing footage

5. The publication of the broadcast of the proceedings of this Committee is provided for by House of Assembly Standing Order 354.
6. Consequentially, the publication of the broadcast of the 28 October hearing proceedings on the Parliament's website is covered by Parliamentary privilege.
7. The Committee understands that some excerpts from the broadcast of the 28 October hearing were, at a later time, published on the Facebook page of Mr Craig Garland MP, Member for Braddon, and Member of the Committee.
8. The Committee understands that the broadcast excerpts published on Mr Garland's Facebook page had been altered from the original video as published on the Parliament's website.
9. The alterations included the insertion of extraneous material, and some content sequencing was altered disrupting the contiguous nature of the evidence.
10. On 7 November, the Chair contacted Mr Garland to draw his attention to the broadcast excerpts on his Facebook page and requested that the footage be removed.
11. The Committee understands that the excerpts from the broadcast of the 28 October hearing were removed from the Facebook page on the evening of 8 November.
12. The Committee considered this matter at a deliberative meeting called by the Chair on 12 November.

¹ Votes and Proceedings, House of Assembly, 14 September 2023, p. 3.

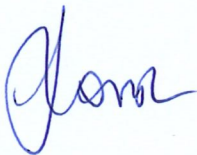
13. At the 12 November meeting, Mr Garland acknowledged that footage had been published on his Facebook page, and formally apologised to the Committee for the publication of the altered broadcast excerpts on his Facebook page.
14. At the 12 November meeting, the Committee resolved to prepare a Special Report on this matter for the consideration of both Houses.

Findings

15. The publication of altered excerpts of the broadcast of a committee's proceedings on a Member's social media page is unlikely to attract qualified parliamentary privilege.
16. Maintaining the confidence and trust of participants in parliamentary committee processes is crucial, particularly in relation to witnesses who appear before a committee at hearing.
17. The Committee accepts Mr Garland's advice that there was no deliberate intent to mislead by using an altered version of the hearing footage. The Committee notes that Mr Garland has indicated that he (along with his office) was unaware of the principle that deliberate or reckless misrepresentation of a Committee's proceedings (including posting of online clips of proceedings which are misdescribed or out of context) could be a contempt and would likely not attract qualified parliamentary privilege.
18. Mr Garland has formally apologised to the Committee and acknowledged his error and that of his office.
19. While any possible contempt of parliament could be referred to the Privileges and Conduct Committee of the House of Assembly, in this matter the Committee is satisfied that a formal apology to the Committee and to the House of Assembly, addressing this matter, would be a sufficient resolution.
20. A letter of apology to any witnesses involved in the altered broadcast excerpts will also be sent on behalf of the Committee by the Chair.

Recommendation

21. The Committee recommends that Mr Garland provide a formal apology to the House of Assembly in relation to the use of altered committee hearing broadcast footage.



Hon. Ruth Forrest MLC
Chair

14/11/24