



PARLIAMENTARY STANDING COMMITTEE OF PUBLIC ACCOUNTS

SPECIAL REPORT

**UNAUTHORISED DISCLOSURE OF
COMMITTEE DELIBERATIONS**

Members of the Public Accounts Committee

Legislative Council

Hon Ivan Dean MLC (Chair)

Hon Ruth Forrest MLC

Hon Michael Gaffney MLC

House of Assembly

Mr Scott Bacon MP

Ms Sarah Courtney MP (Deputy Chair)

Mrs Joan Rylah MP

1. The Public Accounts Committee (the Committee) is currently inquiring into the financial position and performance of Government owned energy entities in Tasmania.

Unauthorised Disclosure 1

2. In August 2016, the Committee dealt internally with a claim of the improper disclosure of confidential correspondence that had been provided to the Committee during the course of the inquiry.
3. The information discussed within the media following hearings of the Committee on 4 August 2016 was:
 - i. Reference to information included in a Hydro Tasmania response to Questions on Notice which had not been published by the Committee; and
 - ii. Reference to a non-confidential letter, which Mr Bacon had read out at Hydro Tasmania's appearance at a publicly broadcast hearing on 4 August 2016, with the claim that a copy of the letter was produced at the time by the interviewer. This letter had not been published by the Committee.
4. On 1 September 2016, the Chair of the Committee issued the following statement, which outlined what action had been taken in response to the incident:

“There has been a claim of a breach of protocol in the treatment of documents provided to the Committee. The Committee took advice on the correct proceedings in such a situation. I have spoken to each Member of the Committee and each has advised me that they have not been responsible for any unauthorised disclosure. I am confident that this event has not compromised the ability of the Committee to complete its Inquiry in accordance with its terms of reference.”

5. As a result of the incident, the Chair also reinforced with each Member of the Committee, the importance of maintaining confidentiality and their obligations regarding Parliamentary Privilege. The incident was not referred to the Houses of the Parliament of Tasmania.

Unauthorised Disclosure 2

6. On 21 March 2017, an article appeared on the ABC News, reported by Mr Richard Baines, which directly referred to the confidential deliberations of the Committee.
7. The information that was disclosed in the news report was confidential and privileged, and related to a resolution of the Committee to issue a summons to the Honourable Peter Gutwein MP, Treasurer for the production of a document.

8. As a result of the media reporting, the Chair of the Committee scheduled an urgent meeting of the Committee to discuss the incident. The meeting took place on 21 March 2017.
9. After seeking advice the Committee, at its meeting of 23 March 2017, unanimously resolved to prepare a Special Report for consideration by both Houses of the Parliament of Tasmania. It resolved to do so without taking any further action on the basis that both Houses should consider the issue of this breach independently of the Committee.
10. In preparing this Special Report, the Committee believes the issue of the alleged previous breaches is relevant for the consideration of both Houses.

B. Findings

The Committee finds –

1. That its deliberations relating to the issue of a summons were improperly disclosed to a third party, which resulted in the information being reported by the ABC on 21 March 2017.
2. That prima facie, the disclosure of the information appears to be in contravention of House of Assembly Standing Order 355.
3. That this disclosure follows previous alleged disclosures of information.

C. Recommendation

1. The Committee recommends that the House of Assembly and the Legislative Council consider what action they wish to take in response to the Committee's findings, which may include –
 - i. Noting the report; and
 - ii. Consider what action, if any, should be taken in relation to the Findings of the Committee.



Hon Ivan Dean MLC
Chair