



PARLIAMENT OF TASMANIA

HOUSE OF ASSEMBLY

STANDING COMMITTEE OF PRIVILEGES

REPORT ON IN CAMERA EVIDENCE DISSEMINATED
FROM THE OFFICE OF
MR KIM BOOTH MP

*Brought up by the Minister for Health and
Ordered by the House of Assembly to be printed.*

MEMBERS OF THE COMMITTEE

The Speaker (Chairperson)
The Minister for Health
The Minister for Education
Ms Archer
Mr Groom

INTRODUCTION

The Standing Committee of Privileges is established at the commencement of each Parliament in accordance with the provisions of Standing Order No. 385.

“385. A Committee of Privileges, to consist of five Members, shall be appointed at the commencement of each Parliament to enquire into and report upon complaints of breach of Privilege which may be referred to it by the House.”

On Thursday 9 June 2011 in-camera evidence was given to the Select Committee on Scottsdale Sawmills. A transcript of the in-camera evidence was then inadvertently uploaded to the Parliamentary website and subsequently distributed to an electronic mailing list by a staff member of the Chairman of the Select Committee, Mr Kim Booth.

On Tuesday 5 July the Select Committee on Scottsdale Sawmills presented an interim Report (Parliamentary Paper No. 21 of 2011) to the House which contained a recommendation that the following matter be referred by the House to the Privileges Committee for investigation and report:

That the Chair of the [Scottsdale Sawmills] Committee explain the circumstances under which privileged in camera evidence was disseminated from his office.”

On the same day the House of Assembly agreed to the recommendation and passed the Order to refer the matter to the Privileges Committee. It was also noted that the Scottsdale Sawmills Committee had deliberated on how the information had been posted on the Parliament’s website and had passed the following Resolution:

“*Resolved*, That the [Scottsdale Sawmills] Committee accepts the advice of the Secretary [of the Scottsdale Sawmills] Committee with regard to the inadvertent posting of in camera evidence and retains full confidence in him.”

The Privileges Committee was informed that the procedures with regard to posting Committee transcripts on the internet had been reviewed and strengthened as a result of that review and were supported by the Speaker and the Clerk of the House.

The Committee acknowledges that public confidence in the procedures for ensuring the protection of in-camera evidence is critical to the proper functioning of the committee system and therefore the Committee strongly supports the additional measures adopted in response to this incident.

The Committee also strongly supports the decision made by the Select Committee to afford the third party whose in-camera evidence was made public the opportunity to be heard further on the consequences to them from the publication of that evidence.

INQUIRY

The Committee deliberated on the matter referred to it by the House and decided to take evidence from the Chair of the Scottsdale Sawmills Committee, Mr Kim Booth MP for Bass, his assistant who is employed in his Launceston Office and the Chief of Staff of the Tasmanian Greens, Ms Cathryn Hughes.

The Committee was informed of the sequence of events that took place on Monday 13 June regarding the sending out from Mr Booth's office of transcripts of evidence which also included the in camera evidence. The Committee was informed that all the evidence sent out was obtained from the Parliament's web page and was believed to be able to be publically released.

Mr Booth told the Committee he had approved the distribution of the transcripts by a staff member by way of an email sent to an electronic mailing list at 11.24 am that morning and had also subsequently forwarded the transcript himself by email to a member of the public at

9.08 pm that evening. However, Mr Booth's evidence was that he did not become aware that the transcript included in-camera evidence that was not for publication until after 9.08pm. He told the Committee that as soon as he realised the transcripts included evidence that was not for publication he notified the Secretary of the Committee and requested that the information be removed from the website. Mr Booth sent an email to the Secretary of the Committee to inform him of the issue at 9.31pm. Mr Booth assured the Committee that at no time did he distribute or facilitate the distribution of the transcripts knowing that they contained in-camera evidence that was not for publication.

The transcripts of evidence are appended to this Report.

RECOMMENDATION

The Committee completed its investigation into the matter referred.

Following its investigation into the dissemination of the Scottsdale Sawmills Committee in camera transcript the Committee recommends that no further action be taken.

M. R. Polley MP

Chair of the Committee

October 2011

Appendix

THE HOUSE OF ASSEMBLY PRIVILEGES COMMITTEE MET IN THE SPEAKER'S ROOM ON WEDNESDAY 6 JULY 2011

Mr KIM BOOTH MP WAS CALLED AND EXAMINED

CHAIR (Mr Polley) - Mr Booth, I have explained that you have been to see me and that we had a discussion about this. We have also been through the new rules that now apply for the distribution of any transcripts. If you could perhaps make a statement from your point of view, and then the members are open to ask you questions about what happened once your office received the transcript of the evidence and of the in camera evidence.

Mr BOOTH - Okay. As is normal in my office, and I think in most parliamentary offices, *Hansard* is sent around to various people who are interested. The evidence we had of the Scottsdale log supply inquiry the week before, I think, had been very interesting and something that I sent out anyway. I have my staff doing that regularly, if there is available evidence. In this matter I had asked the secretary of our committee when the evidence would be available - this was in the week prior to the thirteenth - and he said, 'It will be up in the next day or so', or whatever, and so I conveyed that to my staff member who - and I don't think it is fair to mention a name in the *Hansard* -

Ms O'BYRNE - At this stage she may not be required to give evidence.

Mr BOOTH - Anyway, it is the normal practice for -

Mr GROOM - You can keep referring to her as a staff member.

Mr BOOTH - The responsibility of that staff member is to get the *Hansard* when it is available and send it out to our mail list. I have a mail list, particularly to do with forestry matters, which probably means that it is spread right across every forest contractor in the State. This is what she apparently did. I had asked her to do that, probably on the Thursday or the Friday prior to the 13th, which is when I discovered that it actually contained information on the web that obviously could not have been released because we had been requested by Mr L'Estrange specifically that this part of the evidence not be released.

Ms ARCHER - Sorry, what day did you say?

Mr BOOTH - When I discovered it?

Ms ARCHER - Yes.

Mr BOOTH - The 13th.

Mr GROOM - Was that the Friday?

Ms ARCHER - The 13th was Monday.

Mr BOOTH - That was Monday. I asked the secretary the previous week about it -

Ms ARCHER - The Thursday or Friday?

Mr BOOTH - Yes, it would have been either the Thursday or Friday, I guess, it might have even been Wednesday, I'm not sure, but anyway it was in the previous week. I asked my office person to do what that person does and get that when it came on the web, after it had been told it would be. Then on the 13th, which was a Monday, I had been away during the day - it was a public holiday - I came back, I was sitting there looking at my e-mails and I read a release that had been sent out on the forest list, which is what I had asked her to do - the forest contractors thing, that was actually contained within another e-mail which was something like 'Forest Contractors stand with Booth'. I think that was the thing it was contained in. She had included a transcript, a link to the parliamentary web site, and the attachments of the published *Hansard* of that day.

I noticed that it had something like 'in camera' - I think it said 'in camera', from memory, on the document that she had sent out. So I immediately rang my staff member, quite shocked, to see that that was there and presumed that she must have got this from an e-mail to my office. In other words, got it off my computer from an e-mail that I wasn't aware of at that stage, and subsequently found in fact that it had never been sent, and wouldn't be sent, which was the in camera evidence from the committee.

She told me, 'No, I got it off the web'. So she had simply taken that off the web, sent it out in good faith, and sent it out to my office as well, as one of the recipients of that. At a later stage I then opened up the attachments and read them and discovered to my horror that they were not evidence that Mr L'Estrange may have agreed because there was, and if I can just step back, a discussion at that committee and the committee wrote to Mr L'Estrange asking if he actually wanted all that evidence to be kept in camera. Given that *Hansard* had published all this, it was not unreasonable to rely on *Hansard* to provide evidence for *Hansard* transcripts of the evidence. Then I opened the attachments and discovered that in fact it was all of the evidence, not just stuff that he might have agreed to release. Whereupon I immediately looked to see if I had the secretary's phone number - which I didn't have in my phone - so I did the next best thing that I could, which was at 9.30, I sent out an e-mail - I don't know whether the committee has that?

CHAIR - No, we haven't got that.

Ms O'BYRNE - We will have to get a copy of the e-mail and also a copy of the work that went out from your office.

Mr BOOTH - Sure.

At 9.31 p.m., I sent out to Peter Bennison -

'Urgent. Scottsdale Sawmill's committee transcript.

Hi Peter,

There seems to have been some sort of confusion with regard to the minutes. I have discovered that the in camera minutes are published as well. The *Hansard* has been broadly distributed already, unfortunately. Will you urgently have the in camera minutes redacted, please. Mr L'Estrange will need to be advised as well.

I am not sure what else can be done from the committee's point of view but no doubt you will advise'.

That was sent to our secretary.

CHAIR - What time was that?

Mr BOOTH - 9.31.

CHAIR - On the Monday night of the long weekend?

Mr BOOTH - On the Monday night, the 13th.

I understand that at that stage the transcript had been on the web site since sometime prior to that. I'm not sure when it was but it was at least three to four days, presumably put up on the Friday, by mistake.

CHAIR - Do you have copies of the stuff that was actually sent out from the office with you?

Mr BOOTH - Yes.

CHAIR - That was actually sent out by your secretary. Could you leave that for the committee's consideration.

Mr BOOTH - The only copy I have is of the one that I sent out from my phone, which is the forwarded message from my secretary, so I can give you that.

Mr McKIM - From your staff member?

Mr BOOTH - No, my staff member sent out from her e-mail at some stage in the afternoon -

Ms O'BYRNE - Of the?

Mr BOOTH - Of the 13th. She had gone in on the 13th, on a public holiday - she is very dedicated and goes in often, at night or during the weekend to do stuff, and she had been in and done what I had asked her to do.

Ms O'BYRNE - So the distribution of the document was on the Monday?

Mr BOOTH - Yes, on the 13th. One thing I do want to point out here is that the distribution of this document occurred whilst it was on the parliamentary Hansard. It was published by Parliament and that information was simply taken off with a link - and you can read this, it has actually got a link to the whole of the State forest contractors and a link to the parliamentary committee House web site, and that was sent out by her.

Mr GROOM - Can I just be clear about the time? On the Monday your staff member distributed the e-mail with the link to the *Hansard* - at what time?

Ms O'BYRNE - What does it say on the referred e-mail that you have?

Mr BOOTH - It looks like, from this, 11.24 a.m. So on the Monday morning, at 11.24, was the first -

Mr GROOM - And that went to your mail list?

Mr BOOTH - That went to a large mail list.

Mr GROOM - And then when you referred to this on the iPhone, what's that, are you saying -

Mr BOOTH - Because there was some mention made that somehow I'd published this myself, I checked to see. In fact I did forward this at 9.08 p.m. from my phone and at that stage -

Mr McKIM - On the Monday?

Mr BOOTH - On the Monday, 13th - the same night - but at that stage, when I became aware of what was in the *Hansard*, I immediately tried, as I have said - I've explained it - to contact the secretary - e-mailed him.

Ms O'BYRNE - So at 9.08, without looking at the documentation, you sent an e-mail saying this is -

Mr BOOTH - I just forwarded it to this bloke -

Ms O'BYRNE - To other people?

Mr BOOTH - Yes, but I was having a conversation with him about forest contractors, which he's interested in, and that is what the release was about.

Mr GROOM - Sorry, who is that?

Mr BOOTH - Alec Marr.

Ms ARCHER - Do you draft the media releases yourself, or do you just approve them - what's the situation with your media releases, because I presume that is what you're referring to?

Mr BOOTH - It depends what it is. My secretary has a mail list that is constantly updated and so in terms of that delegation, I suppose, or doing her job, she often will send out response to an e-mail from a constituent - 'On behalf of Mr Booth, I'd like to do' - but it is always done on behalf of me, so it is my responsibility in that regard. But in regard to -

Ms ARCHER - That particular media release?

Mr BOOTH - The first I saw of this e-mail - I can't say for sure about 'Forestry contractor stands with Booth, wrecks a package,' because I am pretty sure that that would have been one that I actually looked at. But the message itself, which was -

'Hello everyone, please find below the latest communication with Tasmanian Greens. Last Thursday native forest logging contractor, Mr Charles Davis, spoke on behalf of the silent majority when he said that the native forest industry is in disarray, chaos and without a major restructure there is no future' -

et cetera.

Ms ARCHER - My question relates to the media release. Would you have approved the contents of the wording of the media release?

Mr BOOTH - What I am saying to you is that I think -

Ms ARCHER - That the *Hansard* was attached to because that is how I understand it happened.

Ms O'BYRNE - We will probably need to see a copy of the document that was sent out.

Mr BOOTH - That's the document I handed out, if you want to have a look at it.

Ms ARCHER - I am interested to know if you actually drafted that, or approved it?

Mr BOOTH - No, Elise, I approve everything because my staff do things in the same terms as every other member of parliament. I am sure that you have staff who do things for you.

Ms ARCHER - Absolutely.

Mr BOOTH - So if you are asking had I seen that particular document prior to receiving it on my phone - or my computer, effectively, it's the same thing - no, I had not seen it. I could find you half a dozen of those things that are compiled by my staff to be sent out on those mail lists. So, no, I hadn't seen that.

Ms ARCHER - So will we find in that contents of that media release that it will refer to in camera evidence, in the media release itself?

Mr BOOTH - No. I don't know - no, I'm sure it wouldn't. I suppose the point I would like to make here is that as soon as I became aware of the contents of that *Hansard*, and I was only aware because I knew of the conversations that Mr L'Estrange had had with our committee, that there was evidence that in fact should not have gone out. So what I did at that point in time was immediately take steps to make sure that it wasn't further distributed, to make sure that Mr L'Estrange was notified immediately of it - we had already made a decision, the committee, pursuant to the evidence we'd received - not the in camera stuff, but the other stuff - to invite Mr Gordon. I understand he had already

been invited to make a response, not to the in camera stuff but to the public evidence. But in that e-mail I just read out I think I said that Mr L'Estrange needs to be advised as well of what has happened and I understand the secretary did phone Mr L'Estrange that next day, which would have been the 14th. I then wrote to the Speaker -

Ms O'BYRNE - Before you did that, did you recall the e-mail?

Mr BOOTH - No, I didn't.

Ms O'BYRNE - Did you provide notification to the people who had received it that the information was not appropriate for them to have.

Mr BOOTH - No, because at that stage - I took no action in that sense. I sought advice from the secretary on that basis. I've actually said about redacting the e-mail that had already been broadly distributed and sought advice from the secretary as to what I should do with regard to that. It was one of those things that - I don't know, it was still up on the parliamentary web site at that stage.

Mr GROOM - I just want to clarify a few things. So you sent an e-mail to Alec Marr at 9 o'clock - is that the only person that you actually e-mailed it to?

Mr BOOTH - Other than my chief of staff, Cath Hughes. That was the only other person I forwarded that to.

Mr GROOM - When did you send it to your chief of staff?

Mr BOOTH - After I'd got home at some stage, I'd forwarded it to her. But I didn't know what was in it when I forwarded it to her, I wanted to discuss the forest - obviously with the chief of staff you discuss a lot of things to do with -

Mr GROOM - Yes, but I am just trying to work out the sequence - was that before 9 o'clock?

Mr BOOTH - I am not sure whether it was before 9 o'clock, it was definitely before I discovered what was in the -

Mr GROOM - So it was before 9.30?

Mr BOOTH - Yes. There was no e-mail post-9.30, or even before that. The only distribution of what was on the *Hansard* was done prior to - my staff had no idea what was in it, so to that degree they couldn't have known. I didn't either.

Mr GROOM - The next question I have is in relation to the first e-mail that went out, the one at 11.24, when had you spoken to that staff member?

Mr BOOTH - With regard to that e-mail?

Mr GROOM - At what point before that e-mail had you last spoken to that staff member?

Mr BOOTH - That's a little hard. In relation to the transcript, I think the last time I spoke to her about that would have been either on the Thursday or Friday, subsequent to speaking to the secretary, that the information would be on the web. The only thing that we discussed was 'Can you get that *Hansard* and send it around the lists'.

Mr GROOM - So, before it had gone up?

Mr BOOTH - Yes.

Mr GROOM - So you didn't actually speak to that staff member by phone after it had gone up, and before that e-mail went out - the 11.24 e-mail?

Mr BOOTH - No. No, not at all. I'm sure that between the Thursday and Friday, when I think I asked her to send it out, I had no doubt heaps of conversations. I have a lot of conversations with staff, but not about this *Hansard*. No, there was no reason for me to do so.

Mr GROOM - So you hadn't discussed it at any level?

Mr BOOTH - No.

Mr GROOM - With the Alec Marr e-mail at 9.08, when had you last spoken to him, did you speak to him around that time?

Mr BOOTH - Yes, I think I was talking to him when I forwarded that e-mail to him. But I didn't know what was in that attachment. It was the published *Hansard* so I had no reason to think that there was anything wrong with it and Mr Marr and I talk from time to time. He's had a great interest in country sawmillers and forest contractors -

Mr GROOM - You didn't discuss with him at all any of the information which you knew was in camera?

Mr BOOTH - No, I didn't know that the *Hansard* that was up should not have been up until I opened it up and had a look and discovered that in fact it was stuff that I knew shouldn't be up there.

Mr GROOM - When exactly was that?

Mr BOOTH - Within a very -

Mr GROOM - You said you sent the e-mail to Peter about 9.30, 9.31, how long before that what that have been?

Mr BOOTH - It might have been five or 10 minutes, definitely way after 9.08, I'm sure of that.

CHAIR - In relation to the matter - I have already explained to the committee that you sought a meeting with myself by way of a letter, and also the clerk. I have been through how I discussed the whole issue with you. We had no idea at that time that the committee itself would refer it to here. I was quite satisfied with the explanation that

was given to me at that meeting. All members must keep in mind of course that the bottomline of all this is that, except if there is any other evidence to prove otherwise, one must accept an honourable member's word. We went right through it, explained to the chairman of the committee that we had produced these new guidelines, and also explained to him that the secretary, who has a long career, was enormously embarrassed by it all. I have already been through that bit so unless members have any particular queries about that meeting at this time, I think if members have had enough questioning -

Mr McKIM - Mr Booth, I think I understand from the evidence you have given what the answer to these questions will be, but I just want to get it really clear on the record. Would you at any time disseminate this information with the knowledge that it had in camera evidence in the information?

Mr BOOTH - No. In fact to the contrary, I made steps to make sure it wasn't disseminated, I took steps to try to get it pulled off the web when I realised the gravity of it. So, no, absolutely not.

Mr McKIM - Further to that, did you at any time instruct a staff member to disseminate it, knowing that there was in camera evidence in it?

Mr BOOTH - No, in fact I immediately also took steps to notify staff not to distribute it. I guess ordinarily it wouldn't have occurred because it is a mail merge, I understand that this stuff was sent out on. So one button push is however many people on the -

Ms O'BYRNE - I have one other question. In addition to the message that was sent by the staff person, which we have a copy of now, and in addition to the one that you have entered - Alec Marr - which prompted you to open the documents and see what was there, you sent one to another staff person, and I know you mentioned her name but I don't know that we should have that on the record at this point. The message that was sent to your chief of staff, what happened to that?

Mr BOOTH - Nothing.

Ms O'BYRNE - Did it stop at that point, or was it further disseminated?

Mr BOOTH - You would have to ask that person, I don't know and I haven't asked that question. One thing I can absolutely say, she became aware of it after I discovered it - which was either a copy of the e-mail to the secretary or certainly the next day because we wrote this letter to the Speaker and I explained the situation. He was very aware of it and in fact I know that person would never do anything like that. There are a couple of things I suppose I should say. I am absolutely, totally confident, and I know that the actions taken by my staff are absolutely appropriate, they acted under my instructions and I had no idea that this thing was on the web at the time. How could I have? They sent it out in good faith. As soon as I discovered that there was a problem, I took every possible step I could to try to fix the problem. I understand that now, as a result of that, as Mr Speaker has detailed, that there has been some steps taken, and I am totally satisfied that the publication of it on the parliamentary website in the first place, as the chair of the committee as I had to be, was just an absolute accident, and there is no blame to anybody in regard to that.

Ms O'BYRNE - One more, and I promise I think I've resolved all my questions. On the Wednesday or the Thursday you notified your staff person that this information would be available at some stage and when it came out to take whatever your normal course of action is. Did you do that in person or did you do it by e-mail? Is there an e-mail that has a note saying, 'Can you keep an eye out for this and check it out?'

Mr BOOTH - No, I don't believe there is, I just asked her to do it which is -

Ms O'BYRNE - A conversation at some stage, that way.

Mr BOOTH - Yes, I had a conversation with the secretary -

Ms O'BYRNE - But it was definitely before it was posted on the web?

Mr BOOTH - Yes, absolutely, totally. It was a result of a conversation with the secretary, 'When is that *Hansard* going to be up?' 'It will be up in the next day', I think he said or 'It's ready to go', or whatever, so I just told my secretary to get hold of it and send it out.

Mr BOOTH WITHDREW.

A STAFF MEMBER OF Mr KIM BOOTH WAS CALLED AND EXAMINED.

CHAIR - Mr Booth has explained to the committee, as he explained to me some time before at a private meeting with the Clerk and myself about the circumstances surrounding the publication going out from the office. Nothing is in dispute about the fact that it actually went out from the office, what is of concern is how it went out, and perhaps in your own words you could explain that and then the committee can ask questions.

STAFF MEMBER - Sure. I think the week prior to when I sent it out, Kim asked me to go onto the committee web page and when the transcript was up from the Launceston session of the Scottsdale committee, to send it out to our contact list of people who have mentioned that they are interested in issues around forestry. They keep an excellent database, so I usually just copy and paste the names into the BCC list - there are probably about 50 or so contacts on that list.

On the Monday morning I went on to the committee website, there were two transcripts from the Launceston session of the Scottsdale committee, so I downloaded both of them and attached to them to the e-mail that I sent out informing people of the latest updates. There was also a media release about the contractors forest practice issues and I attached the transcripts and I also provided a link for anybody who was interested to go onto the committee website to look at the other transcripts that were up there and available.

Ms ARCHER - You just mentioned the media release, who drafted the media release?

STAFF MEMBER - The media release was about a different issue - I can't remember, I can provide you with it if you wanted it. It was a forestry contractors' media release, so I just did a summary because there had been quite a few things that had happened in the two weeks prior -

Ms ARCHER - Was that an old media release?

STAFF MEMBER - No, it was a recent media release but the committee hearing had been - I think it took about a week; it certainly was the Monday - the Scottsdale committee I think had had a hearing the week before. I was just updating with the recent media release and providing transcripts. Does that make sense?

Ms ARCHER - Can you remember how recent the media release was, and who drafted it, and whether Mr Booth approves it if he doesn't draft it himself?

STAFF MEMBER - The process for our media releases is that usually our media officer and chief of staff, Cath Hughes, will draft the media release. The MP will always check over it and confirm that everything in it is appropriate and what he wants to say, and then it will be sent out, usually to Cath's contacts, and then we have it obviously in the database.

Ms ARCHER - So you were picking up on something that has come out of, I suppose, Greens head office, if we could refer to it as that?

STAFF MEMBER - All our media releases are confirmed by chief of staff and the MP. We will never get anything that doesn't go through that process; it is always checked.

Mr McKIM - When you sent those transcripts out - I think they were links actually, weren't they?

STAFF MEMBER - No, I attached the transcripts, and I also sent a link.

Mr McKIM - Okay, so it's both. When you sent them out did you know that there was in camera evidence?

STAFF MEMBER - One of the transcripts had 'in camera' on it but I assumed that since it was on the committee website that it was public.

Mr McKIM - Okay.

CHAIR - I can understand that occurring in the sense that this is the first time this has ever happened so I suppose my staff members would do a similar thing.

Mr McKIM - If I could just follow that through because it is quite important. What you are saying is that even though the words 'in camera' were on there, you made the assumption because - and I think quite reasonably, but I'm just asking - it had been published on the Parliament's website, that it was a public document and therefore there was no problem with your disseminating it.

STAFF MEMBER - Exactly.

Ms O'BYRNE - That was part of my question to the other one. From the time that Kim asked you to do your normal e-mail until the time you sent it out on Monday morning, did you discuss with him, or anyone, the contents of what you found - there was no discussion about this matter in that period?

STAFF MEMBER - No.

Ms ARCHER - Did you have an understanding of what 'in camera' meant when you saw that?

STAFF MEMBER - Yes.

Ms ARCHER - I just want to get a feel for whether you thought it was a bit odd and whether you thought you should check with anyone. Again I know that everybody has asked you - maybe such that it was public - but did you ever have that second thought that maybe I should check?

STAFF MEMBER - No, like I said, I assumed it was public - hindsight being a marvellous thing.

Ms ARCHER - Yes, that's why I asked the question.

Mr GROOM - I just have a general question, and I think you have answered the question, you didn't have any discussion with Kim either immediately before or after that in relation to the content of it?

STAFF MEMBER - Later that night, I think when Kim was checking through his e-mails, he rang me and said, 'Where did you get this transcript, it's in camera?'

Mr GROOM - What time was that?

STAFF MEMBER - I was cooking dinner, so it was around 7.30ish, but I'm not sure of the exact time.

Mr GROOM - What did he say?

STAFF MEMBER - He was concerned that I had got the transcript from his e-mail or some other place and when I told him that I got it off the committee website, he said to leave it with him.

Mr GROOM - But it was clear to him, from your perspective, that at that point he understood that the content of that included in camera evidence.

STAFF MEMBER - Like I said, of the two attached files, one had 'in camera' on it. So you could clearly see from the e-mail I sent out there were two files attached from the Scottsdale committee and one said 'in camera'. So I assume that Kim was quite concerned at seeing 'in camera' written on that attached document.

Ms O'BYRNE - So a slightly panicked phone call around dinner time, 7.30ish, on Monday?

STAFF MEMBER - Yes, usually we'll try not to ring around it.

Ms ARCHER - Could it have been later than that when he called you?

STAFF MEMBER - Like I say, it was a while ago and I don't have a record of those phone calls. I was cooking dinner, so sometime between 7 or 8.

CHAIR - Thank you very much for your time.

THE STAFF MEMBER WITHDREW.

**THE HOUSE OF ASSEMBLY PRIVILEGES COMMITTEE MET IN THE
SPEAKER'S ROOM ON THURSDAY 7 JULY 2011**

Ms CATH HUGHES, CHIEF OF STAFF, TASMANIAN GREENS WAS CALLED,
MADE THE STATUTORY DECLARATION AND WAS EXAMINED.

CHAIR - Cath, welcome to the committee; members will have a number of questions they want to put to you. You would be aware of what we are investigating - that is, the dispersion of in camera evidence from Mr Booth's office. I ask members to ask any general questions.

Ms O'BYRNE - I would like Cath to explain what she knows.

Ms HUGHES - It happened a while ago. My first awareness of there being an issue I think was the parliamentary sitting day after the Queen's birthday long weekend - that Monday - and the reason I recall that is because that Monday I had been working in the office all day for a party room meeting. I am pretty sure it was some time the next day that Kim informed us that apparently he had discovered that some in camera evidence from the Scottsdale Sawmills Committee inquiry had been placed on the website, but that he had already informed the relevant clerk, Peter Bennison, of its removal. That discussion also covered the fact that late Monday evening, and because it was a public holiday I had been out that evening and had missed a call from Kim that night, so I didn't return it at 11 o'clock in the evening when I discovered the phone message. So when I checked with him the next morning and said, 'Sorry I didn't get back to you', he said, 'The issue's progressed' and he had in the meantime been in touch with the Clerk. I am pretty sure it was the next day - I can't imagine why I would have left it another day to acknowledge the fact that I didn't return his phone call the previous night.

Then I think it would have been that same week that obviously it became apparent that our EA in Kim's office had sent out an outreach e-mail communication that had the erroneous information on it. Apparently that was how Kim had first discovered in it and therefore he had informed Mr Bennison that Monday evening, I think, or Tuesday morning, so that was the nature of the conversation I first had with him. Then there seemed to be ongoing concerns - they couldn't tell how far it had been distributed, whether other people had found it on the website, or was it because of the e-mail correspondence that had been issued. So therefore Kim asked me to draft a letter to the Speaker requesting an immediate meeting, which was sent sometime on the 16th or 17th - it was around Budget day, anyway - and that's basically been the extent of my involvement.

Ms O'BYRNE - It's a fairly long time ago, but can you remember when Kim left the message for you? Would it have been earlier in the evening, later in the evening - obviously you didn't see it until quite late?

Ms HUGHES - No, it was a voice message which I didn't download until about 11 o'clock that night, from memory. He was referring to an e-mail that he had sent me between 8 and 8.30, so the phone message would have been around that same time. Also because I was at home at 11 o'clock at night I didn't check my e-mails

and then once Kim had briefed us on what he had since discovered about material that should not have been distributed, I deliberately left the e-mail unopened. So I personally have not sighted anything that was in camera.

Mr McKIM - You said that you think Kim had e-mailed you between 8 and 8.30 that Monday night.

Ms HUGHES - That was the message, the phone message referred to the fact that he had sent me an e-mail around that time.

Mr McKIM - Okay. The committee has an e-mail from Kim to you of 8.20, so that would concur with that chronology that you've told the committee.

Ms HUGHES - Yes.

Mr GROOM - I have one question and that is, to the best of your memory, can you tell us what the phone message said?

Ms HUGHES - Yes - he apologised for ringing so late but said he would be busy with Parliament the next day. He said he had sent me an e-mail about some information to do with the forest contractors or the Scottsdale sawlogs. It wasn't flagging that he thought there was an issue with anything, it just seemed like 'Oh, this is potentially something to follow up in Parliament' or in some way that way. It seemed it was run-of-the-mill, the sort of thing I have from all the MPs - heads up, lodging it in your brain now, I've sent you something that we might need to follow up on in the course of parliamentary work.

Mr GROOM - So he didn't express any sense of urgency in terms of you calling him back or following it up, or anything like that?

Ms HUGHES - No, not that I can recall, and to be honest I was thinking, 'I've just spent all day working, I'm sure this can wait until our meeting tomorrow morning', given that it was 11 o'clock at night anyway. It wasn't conveyed in a sense of - when we had the discussion the next morning there was much more the sense of something's gone awry here and procedurally we need to put it back together. That was not the tenor of the phone message.

Ms O'BYRNE - It was just the one message?

Ms HUGHES - Yes.

Mr GROOM - And there was no further e-mail follow-up that night?

Ms HUGHES - No. I didn't have my computer at home so, no, I didn't respond to the e-mail and got no further e-mail correspondence.

CHAIR - Thank you very much Cath, we wish you all the best with your recovery.

THE WITNESS WITHDREW.

Mr SPEAKER – As you have given evidence before there is no need to be sworn.

Mr BOOTH – I apologise, I was going to send a written response because I received the letter from the committee and it raised an issue of apparent ambiguity in the evidence, and I was completely surprised that that was the case because it was not my recollection of the evidence that I had given, that I had even stated a time when I spoke, nor had it implied that I spoke to Amy. I could not find the letter that I got from Mr Donnelly to confirm precisely what that ambiguity was but I had intended, as I said, to respond in writing.

Yesterday I was provided a copy of the transcript, because I spoke to Mr Donnelly about my surprise, and he said, 'You are entitled to have a look at your transcript'. If you actually have a look at the transcript, I do not really have anything to say because there is no ambiguity, it is very clear. What I said, and I will read it to you – I talked about the e-mail being sent out and how –

'I noticed that it had something like "in camera" - I think it said "in camera", from memory, on the document that she had sent out. So I immediately rang my staff member, quite shocked, to see that that was there and presumed that she must have got this from an e-mail to my office - in other words, got it off my computer from an e-mail that I wasn't aware of at that stage. I subsequently found in fact that it had never been sent, and wouldn't be sent, which was the in camera evidence from the committee.

She told me, "No, I got it off the web". So she had simply taken that off the web, sent it out in good faith, and sent it out to my office as well, as one of the recipients of that. At a later stage I then opened up the attachments' -

So that is very clear in the evidence that I did not say that I looked at that at that point in time but at a later stage I opened the attachments, read them and discovered to my horror that they were not evidence that Mr L'Estrange may have agreed because - if I could just step back to a discussion of that committee, which is the evidence we are talking about in that committee - the committee wrote to Mr L'Estrange asking if he actually wanted all that evidence be kept in camera. Given that *Hansard* had published all this, it was not unreasonable to rely on *Hansard* to provide evidence for *Hansard* transcripts of evidence.

There might be a typo in this, if you want to check the *Hansard*. It says -

'Then I opened the attachments'

but I think I said 'when I opened the attachments' -

'and discovered that in fact it was all of the evidence, not just stuff that he might have agreed to release. Whereupon I immediately looked to see if I had the secretary's phone number - which I didn't have in my phone - so I did the next best thing that I could, which was at 9.30, I sent out an e-mail' -

I think that makes it very clear that in fact there was never any ambiguity, but I suppose you did not have the transcript in front of you when that matter was raised by the committee.

Mr GROOM - It has been a little while since I have looked at this, but from what I can recall the discrepancy was that the e-mail had gone out at just after nine -

Mr BOOTH - Yes.

Mr GROOM - What was subsequently discovered when we heard further evidence from your staff member was that there was a phone call around dinner time -

Mr BOOTH - I think it was 7.48 p.m.

Mr McKIM - 7.43.

Mr GROOM - Yes, 7.43 - which was consistent with her evidence. She wasn't sure but she thought it was around that time.

So correct me if I am wrong, but my recollection of that evidence was that she indicated that you seemed concerned in that.

Mr BOOTH - I was concerned.

Mr GROOM - So you were aware of the fact, in the course of that conversation, that there had been a distribution of in camera evidence?

Mr BOOTH - Yes, when I saw the e-mail and noticed that there were attachments, because there was a hyperlink and attachments on the bottom, one of which I think said 'in camera', I was horrified because I thought that this was evidence that had come through my e-mail. I could not imagine -

Mr GROOM - I understand what you are saying.

Mr BOOTH - So then I rang Amy and said, 'Where did you get that, did you get that off my e-mail?' because I thought she might have gone to my computer. The committee does not generally send stuff to staff members, and I am pretty sure that that would not occur actually so I thought she must have done that. When she said, 'No, no, she got it off *Hansard*' - I cannot remember the exact conversation in that regard but she told me she got it off the web. So I said, 'That's all right, don't worry'. My state of mind at that time was that it was simply

that Greg L'Estrange had been happy for the evidence that had been given in camera - to be left in there.

I subsequently sat down to read my e-mails - I can remember sitting in the position I was sitting in actually when I discovered it - opened it and read it and discovered that it had all the evidence in it and so it was quite obvious that this was not evidence because Mr L'Estrange had been very specific about only parts of the evidence - there was quite a lot of evidence taken in that committee in camera and when we took that evidence I asked him whether - because we went way beyond just how much Gunns owed, I said, 'There's a lot of evidence' - I cannot remember exactly the words - that I think would be good to have in the public domain - there were parts of that evidence that he would be happy to have made public. I said, 'I have to make it clear that we have agreed to take this evidence in camera, even though it is up to the committee I would not release that but if there is evidence there that you are happy for us to take into the public domain' - Michael Ferguson said, 'Probably we should write to Mr L'Estrange and ask him if that's okay', which the committee subsequently did.

So I was very aware that that had happened. You have asked me all these questions, and it is all there. It is very clear what happened with the incident and what I thought was the situation. Subsequently I have talked to the clerks about what happens with evidence that is in committee but the person is happy to allow it to be printed - well, it no longer goes under the thing in camera, even though it is taken in camera. It just goes under general open evidence.

That is all I have to say really, I had no idea when I sent it out, as I have said in here, of what it contained until I sat and read it.

Mr GROOM - Can I be really clear about it. I have learned something in hearing you, which is that the concern that you had at the time you had the earlier conversation was in fact whether or not the information that had been attached was private information, as a committee member, or whether it had been taken off the web.

Ms O'BYRNE - You were concerned that it was your e-mail?

Mr BOOTH - I was concerned it was my e-mail -

Mr GROOM - That is what I mean.

Mr BOOTH - I had no idea. When I found that it was published by Parliament on the *Hansard*, then I of course assumed that what was -

Mr GROOM - It was all fair discussion. Right, that was your point, and then you subsequently became aware that in fact that was not the case, that there had been an error and that inappropriate information had been uploaded onto the web.

Mr BOOTH - Yes.

Mr GROOM - So I have it in my head - at exactly what point did that happen, at what point did you join the dots?

Mr BOOTH - Only after I read it, which was very shortly before I contacted Peter and sent out an e-mail. I realised that -

Mr GROOM - Yes, after the Alec Marr e-mail?

Mr BOOTH - Yes, Alec Marr was 9.08, or something like that - and I think I have explained that he was interested in forestry - it did not even come to my mind actually when I sent it, because there was an attachment on the bottom. The main thing that I sent to Alec Marr was to do with forest contractors, so it was not something that I had even was thinking about or discussing, because I did not know what was in it anyway at that stage.

I think the really unfortunate thing here is not that I sent it out to Alec Marr, it is the fact that it went out in the first place and it had gone out to a substantial body of almost every forest contractor in Tasmania who is on my list, because I had the Forest Contractors Association e-mail merge and I am always sending out stuff so they know what I am doing, and that is the reality.

Mr SPEAKER - What you are essentially saying is that initially you thought it had come through on your system -

Mr BOOTH - That's correct.

Mr SPEAKER - but then when you had the discussion you found that it was the web and naturally you assumed if it is on the web it was all okay. Of course that is where the mistake started inadvertently, it got on the web, we know how it got there and I can understand that when you had that discussion when it was said, 'No, it's not off your personal system, it's come off the web', I can understand why you would be in a lax frame of mind because of that.

Mr BOOTH - That is exactly right, which is why we then went through the procedure to make sure this - as the chair it was terribly embarrassing for me that this stuff had got out, not who sent it out or the fact that it got up on *Hansard*, it was a genuine, once-in-a-million posting accident, I suppose - mistake or whatever - but processes have been put in place so it will never happen again. I hope this never happens again when *Hansard* has something - I do not believe it ever has and I think it is quite defensible in that regard that as far as *Hansard* goes, I have no criticism of them because it is just a human error.

Ms ARCHER - What was your understanding as to how many files there were attached to the e-mail? If it was all public information, would it have been the norm to have it separated out into numerous files?

Mr BOOTH - What do you mean what was my understanding?

Ms ARCHER - Can you remember how many files were attached to the e-mail that went out from your office?

Mr BOOTH - I do now. There were two. You have the document there yourself.

I have already stated - I am actually starting to get a bit annoyed about this line of questioning because I have told you exactly what happened. The reason -

Ms ARCHER - No, I don't accept that because -

Mr BOOTH - You will hear me because the reason that this came up -

Ms ARCHER - They are called two separate things.

Mr BOOTH - in the first place where it came to my mind was that it was raised by a Liberal in this other committee that I was accused of having sent this out after I had spoken - after I had sent the e-mail, which is actually not the truth. I discovered then that I had actually sent it from my e-mail myself - I thought at that stage -

Ms ARCHER - This committee doesn't sit along party lines and I object to the inference that because I am Liberal that I am pursuing it politically.

Mr BOOTH - Have you seen these attachments because I have given you the e-mail? If you have a copy of it from some other source then it has been published by somebody outside of this House -

Ms ARCHER - As a committee member I am quite entitled to ask you a question about the attachments.

Mr SPEAKER - Order. I suggest at this stage you ask the question, you respond in whichever way you feel appropriate, and then we will move onto somebody else to ask questions.

Ms ARCHER - I would still like an answer to that question.

Mr SPEAKER - Sorry.

Ms ARCHER - I would like to know Mr Booth's understanding of why those files came to be named the way they were.

Mr BOOTH - I have no idea why they were named. I didn't create the document and I presume that is how they were named on the web. You will have to ask Hansard that.

Mr SPEAKER - Any questions?

Ms O'BYRNE - I just wanted to double-check about when you rang Cath Hughes, because you didn't get hold of Cath electronically - this is also memory for me and I didn't write notes at the time - you left a message for Cath that you needed to speak to her about the information that had been distributed and she would understand why.

Mr BOOTH - No, that was on the e-mail I sent her.

Ms O'BYRNE - I just wanted to double-check, I am just asking you to go through the time line so that it is clear in my mind.

Mr BOOTH - That was on the e-mail I sent to Cath that I wanted to talk to her about it. We had had actually had a PGPM meeting that day - Parliamentary Greens Party Meeting - so we discussed stuff for the media and because this was the first publication of the information from the committee, which was very interesting stuff, I wanted to discuss it in the Party Room meeting where we decided what were we going to do with it, I was meeting with the media tomorrow, and so forth, and so that is what I wanted to talk to her about, setting up media about the issues. But I didn't know that there was -

Ms O'BYRNE - It was about preparing for the next day, it was not necessarily because you had identified that there was a risk at that point.

Mr BOOTH - No.

Mr SPEAKER - If there are no further questions, the honourable member can withdraw and we will let you know accordingly, or we will let the House know accordingly.

Mr BOOTH - Thank you. But if you go through the transcripts of people who have put questions with regard to the ambiguities that were raised - and I understand how that would have occurred, not having transcripts to read - I was quite shocked when there was this impression that I had actually said - that the times were contradictory because I didn't recall that at all, and certainly I have nothing to hide in that regard. I am very clear about that, and in fact I am the one who brought it to the attention of the clerks immediately. That is all I can say.

Mr BOOTH WITHDREW.