

Subject: RE: letter from Senate community affairs committee
From: "Holland, Ian (SEN)" <Ian.Holland@aph.gov.au>
Date: 15/11/11 9:21 AM
To: 'Bob Buckley' <cnvnr@a4.org.au>

Dear Mr Buckley,

Thanks for the message. I will respond to your points below as far as I am able. Before I respond to the specifics, I thought I would outline a general principle that might help make sense of what follows.

Parliamentary committees need to be free to receive any evidence from anyone, and that includes material that might, in other contexts, be defamatory or might put a witness at risk in some way. The way this is achieved is by giving all evidence the protection of parliamentary privilege. This protection means a witness cannot be threatened, sued, penalised etc as a result of the evidence they give.

For witnesses there is a *quid pro quo*. In return for this protection, witnesses accept that their evidence becomes the property of the committee (and through it, the Senate), and the committee must at all times have complete control of its evidence.

Now turning to your specific points:

1. Committees do take into account the preference of submitters and inquiry participants, but ultimately it is always the committee's decision, because it is the committee's evidence (see above). A4's submission was not singled out in this regard: it was one of several where the submitter's request was not agreed to by the committee.
2. The letter refers to the correspondence as "confidential to the committee" to make clear that it has not been, and should not be, made public – see further explanation at 4, below.
3. The committee has read and understands you are raising certain issues regarding autism spectrum disorders. No consequences necessarily arise from it.
4. Your material belongs to the committee as correspondence that has not been made public. This means that, if you share it with others, that sharing would not have any protection of parliamentary privilege, and could constitute a contempt. The sentence is saying that you are prevented from sharing with others the rejected submission itself. Whether you choose to raise the same issues with others, in other forms or by preparing other documents, is a matter for you, but there would be no protection of parliamentary privilege for those actions.
5. No – it means only what was said: that the adverse comments were not considered relevant to the terms of reference.
6. The committee's decision ensured that the document was not made public, so it is not authorising its release. To the contrary, it is indicating that the document is not to be made public.

I hope this provides clarification. Get in touch if I can be of further assistance.

Regards

Dr Ian Holland
Secretary, Senate Standing Committee on Community Affairs
PO Box 6100
Parliament House
Canberra ACT 2600
ph. 02 6277 3515

From: Bob Buckley [mailto:cnvnr@a4.org.au]
Sent: Tuesday, 15 November 2011 8:35 AM
To: Holland, Ian (SEN)

Subject: Re: letter from Senate community affairs committee

Dear Dr Holland

I note your letter (emailed 14/11/2011) in which you say:

The committee has now concluded consideration of the material and has decided not to accept it as a submission.

I would appreciate a more comprehensive explanation of what your letter means.

1. Does A4 have any say in whether its submission is treated as "correspondence (which is confidential to the committee)"?
2. What does "confidential to the committee" mean?
3. What consequences, if any, flow from "notes the issues you raise"?
4. Does the sentence, "Your contribution is covered by parliamentary privilege but the unauthorised release of it is not", prevent the sharing with others of the material in the now rejected submission?
5. We note a number of other submissions that were accepted by the committee "contained numerous instances of adverse comment about both individuals and organisations". In our case The Committee "did not believe that those adverse comments were relevant to its terms of reference". Does this mean that The Committee rejected the extended case put in our document that autism and autism spectrum disorders are relevant in the context of mental health and mental health administration?
6. Will the Committee authorise A4 to the release the document that you say is now "correspondence (which is confidential to the committee)"?

regards

Bob Buckley

A4 Convenor

On 14/11/11 4:53 PM, Holland, Ian (SEN) wrote:

Dear Mr Buckley,

Please find attached a letter from the committee,

regards

Dr Ian Holland

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