

Standing Committee on
Parliamentary Privilege and Ethics



LEGISLATIVE
ASSEMBLY

Conduct of the Member for Kiama on 21 July 2024



Report 4/58 – December 2024

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The motto of the coat of arms for the state of New South Wales is "Orta recens quam pura nites". It is written in Latin and means "newly risen, how brightly you shine".

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Membership

Chair	Mr Alex Greenwich MP
Deputy Chair	Ms Janelle Saffin MP
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Chair's foreword

Following media reports relating to the Member for Kiama accessing the Parliament outside of usual operating hours, the House referred the Committee an inquiry to consider if this event gave rise to conduct related issues.

As part of our inquiry we wrote to the Speaker and Chief Executive of the Department of Parliamentary Services to obtain information relevant to the referral, including any security report.

Following a review of the correspondence received back, including a standard security report on after hours activities, the Committee unanimously resolved that the incident did not give rise to any complaints, or any safety or welfare concerns for the staff or other individuals involved at the time the Member accessed and entered Parliament, nor have any such complaints been received since that time.

The Committee also resolved that there were no offences or other matters arising from the Member's conduct in entering the Parliament building on 21 July 2024 that warrant the consideration of any action by the House.

Members of the Legislative Assembly are entitled to access the Parliamentary precinct safely and securely at any time. This includes when they have forgotten or lost their pass. When a member does not have their pass with them the Special Constables are there to assist them in accessing the precinct.

It is concerning that a confidential security report and/or details of the Member for Kiama entering the building on this occasion were provided to media.

As a result of the incident making its way to media, it is imperative that the Speaker and Chief Executive of the Department of Parliamentary Services strengthen the measures currently in place to ensure the safety and privacy of members entering and exiting the precinct.

Alex Greenwich MP
Chair

Chapter One – Final Report

Background

1.1 On 26 September 2024, the House referred to the Committee an inquiry with the following terms of reference:

- (1) Whether the Member for Kiama's conduct on the 21st of July 2024, gives rise to any issues concerning the appropriate conduct of a Member with respect to their responsibilities and duties to their constituents and the safety and welfare of Parliamentary staff.
- (2) Whether any action should be considered by the House having regard to all the circumstances relating to the Member¹.

1.2 At the deliberative meeting held on 3 October 2024, the Committee resolved to formally commence the inquiry, the conduct of which is described below (copies of the relevant minute extracts are attached at Appendix 1).

Conduct of the inquiry

1.3 The Committee resolved to write to the Speaker of the Legislative Assembly and the Chief Executive of the Department of Parliamentary Services to obtain information relevant to the matters the subject of the referral.

Correspondence

1.4 On 4 October 2024, the Chair wrote to the Speaker and the Chief Executive, noting the latter's administrative responsibility for the Parliament's security service, in order to obtain confirmation and advice on the following matters:

- (a) Whether or not there were any issues, complaints or other concerns raised or brought to their attention in relation to this matter, particularly in regard to questions of safety and welfare;
- (b) Whether a security report existed in relation to this matter and, if so –
 - (i) The context and background for such security reports being made, including the nature of the matters that lead to security reports being made, and the purpose and reasons for recording such information;
 - (ii) The extent of the distribution of such reports; and
 - (iii) The confidentiality that is accorded to such reports.

1.5 The Chair, on behalf of the Committee, also sought access to any security report that had been made.

¹ Legislative Assembly Votes and Proceedings No. 75, 26 September 2024, item no. 16, pp. 857.

- 1.6 The responses were requested to be provided by 15 October in order that there was sufficient time for Committee members to consider the information required, including the security report, prior to the next deliberative meeting scheduled for 17 October 2024. Responses and the security report were received by the date requested.
- 1.7 The Committee further resolved to invite the Member for Kiama to make a submission to the inquiry and the Chair extended this invitation by way of a letter dated 4 October 2024. The Member responded to the invitation by email on 22 October 2024.

Confirmation from the Speaker and Chief Executive

- 1.8 In his response to the Committee, the Speaker confirmed that he had not received any complaints about the matter involving the Member on 21 July 2024, either at the time or in the months since, and this included matters relating to the safety and welfare of the Member or any staff or security personnel who provided assistance to the Member at the time.
- 1.9 The Chief Executive's response advised that following the Member's presentation at the Hospital Road entrance to Parliament House on 21 July 2024, and his subsequent entry to the premises, no concerns regarding their safety or welfare were raised by the Special Constables who interacted with the Member on that occasion, nor were any concerns raised by individuals who were in receipt of the security incident report regarding the matter.

Security report

- 1.10 The report logged in the Parliament's security incident reporting system concerning the Member for Kiama accessing Parliament House via the Hospital Road entrance on 21 July 2024, was treated by the Committee in the strictest confidence. In his response to the Committee, the Speaker indicated that the security report raised no issues relating to a breach of any law, policy or standards which may have required further investigation.
- 1.11 Considering the conclusions reached by the Committee, and privacy concerns and confidentiality requests made by the Speaker and the Chief Executive in relation to the security report, the Committee has resolved not to publish the report or disclose its contents.

Conclusion

- 1.12 The matters referred to the Committee by the House on 26 September 2024 have been considered by Committee, which is unanimous in reaching the following conclusions in respect of each term of reference:
- That the conduct of the Member for Kiama, when accessing Parliament House from the Hospital Road entrance on Sunday, 21 July 2024, did not give rise to any complaints, or any safety or welfare concerns for the staff or other individuals involved at the time the Member accessed and entered Parliament, nor have any such complaints been received since that time;

- That there are no offences or other matters arising from the Member's conduct in entering the Parliament building on 21 July 2024 that warrant the consideration of any action by the House.

Appendix One – Extracts from minutes

Minutes of meeting no. 21

TIME & DATE	3:30 PM THURSDAY, 3 OCTOBER 2024	LOCATION	LA CLERK'S MEETING ROOM (850B) AND WEBEX
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MEMBERS PRESENT

Mr Alex Greenwich MP (Chair), Ms Lynda Voltz MP, the Hon. Leslie Williams MP (*by Webex*), Mr Jason Li MP (*by Webex*).

Apologies: Ms Janelle Saffin MP (Deputy Chair).

OFFICERS PRESENT

Ms Helen Minnican (Clerk of the Legislative Assembly) (*by Webex*), Ms Carly Maxwell (Deputy Clerk of the Legislative Assembly) (*by Webex*), Ms Manuela Sudic (Director, Office of the Clerk) (*by Webex*), Mr Alex O'Brien (Senior Advisor, Office of the Clerk), Miss Jessica Zhang (Senior Parliamentary Officer, Office of the Clerk).

The Chair opened the meeting at 3:32pm.

AGENDA ITEMS

1. Confirmation of Minutes

Resolved, on the motion of Ms Voltz:

That the draft minutes of Meeting no. 20 on 5 September 2024 be confirmed.

2. Correspondence

The Chair advised the Committee of the following items of correspondence which were sent and received by the Committee Secretariat following Meeting no. 20:

3. Email from Mr Nicholas McLaren, ABC Illawarra News, dated 27 September 2024, seeking to confirm the referral for an inquiry into the Member for Kiama's conduct on 21 July 2024 and further details about how the investigation will be conducted.

COMMITTEE INQUIRIES

3. Inquiry into the Member for Kiama's conduct on 21 July 2024

On 26 September 2024, the House provided the Committee with terms of reference to inquire into and report on:

1. Whether the Member for Kiama's conduct on 21 July 2024 gives rise to any issues concerning the appropriate conduct of a Member with respect to their responsibilities and duties to their constituents and the safety and welfare of Parliamentary staff.
2. Whether any action should be considered by the House having regard to all the circumstances relating to the Member.

The Committee discussed the terms of reference provided by the House.

Resolved, on the motion of Ms Voltz:

That the Committee:

- a. Formally commence its inquiry into the Member for Kiama's conduct on 21 July 2024 pursuant to the referral received, and
- b. Write to the Speaker of the Legislative Assembly and the Chief Executive of the Department of Parliamentary Services to seek confirmation of:
 - i. Whether or not there were any issues, complaints or other concerns raised with them or brought to their attention in relation to this matter, particularly in regard to questions of safety and welfare;
 - ii. Whether a security report exists in relation to this matter and, if so –
 - The context and background for such security reports being made, including the nature of the matters that lead to security reports being made, and the purpose and reasons for recording such information;
 - The extent of the distribution of such reports; and
 - The confidentiality that is accorded to such reports.
- c. Write to the Member for Kiama to ask if he would like to make an initial submission to the inquiry, having regard to the terms of reference.

The Clerk advised the Committee that she would circulate draft versions of correspondence to the Speaker, the Chief Executive, and the Member for Kiama following the meeting for the Committee's concurrence.

4. ***

5. ***

6. Next meeting

Meeting no. 22 is scheduled for Thursday, 17 October 2024 at 1:30pm.

The Chair closed the meeting at 3:55pm.

Minutes of meeting no. 22

TIME & DATE	1:30 PM THURSDAY, 17 OCTOBER 2024	LOCATION	ROOM 1254 AND WEBEX
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MEMBERS PRESENT

Mr Alex Greenwich MP (Chair), Ms Janelle Saffin MP (Deputy Chair), Ms Lynda Voltz MP, Mr Jason Li MP, the Hon. Leslie Williams MP.

OFFICERS PRESENT

Ms Helen Minnican (Clerk of the Legislative Assembly), Ms Carly Maxwell (Deputy Clerk of the Legislative Assembly), Mr Alex O'Brien (Senior Advisor, Office of the Clerk), Miss Jessica Zhang (Senior Parliamentary Officer, Office of the Clerk).

The Chair opened the meeting at 1:36pm.

AGENDA ITEMS

1. Confirmation of Minutes

Resolved, on the motion of Ms Williams:

That the draft minutes of Meeting no. 21 on 3 October 2024 be confirmed.

2. Correspondence

The Committee noted the following items of correspondence:

Speaker of the Legislative Assembly

1. Letter sent to the Speaker of the Legislative Assembly, the Hon. Greg Piper MP, dated 4 October 2024, requesting information in relation to the Committee's inquiry into the Member for Kiama's conduct on 21 July 2024.
2. Letter received from the Speaker of the Legislative Assembly, the Hon. Greg Piper MP, dated 14 October 2024, providing responses to the above request.

Chief Executive, Department of Parliamentary Services

3. Letter sent to the Chief Executive, Department of Parliamentary Services, Mr Mark Webb, dated 4 October 2024, seeking information in relation to the above inquiry.
4. Letter received from the Chief Executive, Department of Parliamentary Services, Mr Mark Webb, dated 15 October 2024, providing responses to the above request.

Member for Kiama

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5. Letter sent to the Member for Kiama, Mr Gareth Ward, dated 4 October 2024, notifying him of the above inquiry and inviting any submissions he wishes to make at this initial stage.
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COMMITTEE INQUIRIES

3. Inquiry into the Member for Kiama's conduct on 21 July 2024

On 26 September 2024, the House provided terms of reference for the Committee to inquire into, and report on, the conduct of the Member for Kiama on 21 July 2024. At Meeting no. 21 on 3 October 2024, the Committee resolved to formally commence its inquiry.

On 4 October 2024, the Chair wrote to the Speaker of the Legislative Assembly and the Chief Executive, Department of Parliamentary Services, seeking information relevant to the inquiry (*as referred to in agenda items 2.1 and 2.3 above*). The Committee requested a copy of any security report, that might exist, in relation to the matter.

On 15 October 2024, the Speaker provided the Clerk with a copy of a confidential security report, dated 21 July 2024, relating to the Member for Kiama. The security report was made available for inspection by Members prior to the meeting.

Discussion ensued.

The Chair asked the Clerk to confirm with the Member for Kiama whether he intends to make a submission and, if so, request that he do so by Thursday, 24 October 2024 at noon.

The Clerk noted that she would return the confidential security report to the Office of the Speaker, in accordance with the request made in the Speaker's letter to the Chair dated 14 October 2024.

4. General business

Nil.

5. Next meeting

The Secretariat will contact Members' offices to seek availability to hold the next meeting at 1:30pm on Thursday, 24 October 2024.

The Chair closed the meeting at 1:47pm.

Minutes of meeting no. 23

TIME & DATE	1:30 PM THURSDAY, 24 OCTOBER 2024	LOCATION	ROOM 1254 AND WEBEX
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MEMBERS PRESENT

Mr Alex Greenwich MP (Chair), Ms Janelle Saffin MP (Deputy Chair), Ms Lynda Voltz MP, Mr Jason Li MP, the Hon. Leslie Williams MP.

OFFICERS PRESENT

Ms Helen Minnican (Clerk of the Legislative Assembly), Ms Carly Maxwell (Deputy Clerk of the Legislative Assembly), Ms Manuela Sudic (Director, Office of the Clerk), Mr Alex O'Brien (Senior Advisor, Office of the Clerk), Miss Jessica Zhang (Senior Parliamentary Officer, Office of the Clerk).

The Chair opened the meeting at 1:55pm.

AGENDA ITEMS

1. Confirmation of Minutes

Resolved, on the motion of Mr Li:

That the draft minutes of Meeting no. 22 on 17 October 2024 be confirmed.

2. Correspondence

The Committee noted the following item of correspondence:

1. Email from the Member for Kiama, Mr Gareth Ward MP, dated 21 October 2024, making a submission to the Committee's inquiry into his conduct on 21 July 2024.

COMMITTEE INQUIRIES

3. Inquiry into the Member for Kiama's conduct on 21 July 2024

On 26 September 2024, the House provided terms of reference for the Committee to inquire into, and report on, the conduct of the Member for Kiama on 21 July 2024. At Meeting no. 21 on 3 October 2024, the Committee resolved to formally commence its inquiry.

Following on from the correspondence received from the Speaker and the Chief Executive in relation to the inquiry, which was considered at the last committee meeting, the Member for Kiama also has responded to the invitation to make a submission. As noted in agenda item 2, Mr Ward made a short submission by email on 21 October 2024.

A copy of the Chair's draft report was circulated to Members of the Committee on 24 October 2024, prior to this meeting.

Resolved, on the motion of Ms Voltz:

1. That the Committee note the submission made by Mr Ward.
2. That the Committee consider the Chair's draft report.
3. That the Committee adopt the Chair's draft report, subject to any amendments agreed upon by the Committee.

The Committee considered the draft report, in globo.
Discussion ensued.

Resolved, on the motion of Ms Williams:

4. That the Chair's draft report be the report of the Committee, and that it be signed by the Chair and presented to the House.
5. That the Chair and Secretariat be permitted to correct stylistic changes, typographical and grammatical errors as required.
6. That, once tabled the report be published on the Committee's webpage.

The Chair noted that he would circulate his foreword to the Committee before the report is tabled.

4. General business

Nil.

5. Next meeting

The Secretariat to contact Members' offices to seek availability.

The Chair closed the meeting at 1:57pm.

Unconfirmed minutes of meeting no. 24

TIME & DATE	1:30 PM THURSDAY, 21 NOVEMBER 2024	LOCATION	ROOM 1254 AND WEBEX
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MEMBERS PRESENT

Mr Alex Greenwich MP (Chair), Ms Janelle Saffin MP (Deputy Chair), Ms Lynda Voltz MP, Mr Jason Li MP, the Hon. Leslie Williams MP.

OFFICERS PRESENT

Ms Helen Minnican (Clerk of the Legislative Assembly), Ms Carly Maxwell (Deputy Clerk of the Legislative Assembly), Ms Manuela Sudic (Director, Office of the Clerk), Mr Alex O'Brien (Senior Advisor, Office of the Clerk), Miss Jessica Zhang (Senior Parliamentary Officer, Office of the Clerk).

The Chair opened the meeting at 1:37pm.

AGENDA ITEMS

1. Confirmation of Minutes

Resolved, on the motion of Mr Li:

That the draft minutes of Meeting no. 23 on 24 October 2024 be confirmed.

2. Correspondence

The Committee noted the following item of correspondence:

Received

1. ***
-

COMMITTEE INQUIRIES

3. ***

4. Inquiry into the Member for Kiama's conduct on 21 July 2024

The Committee discussed progress on its report into the inquiry into the Member for Kiama's conduct on 21 July 2024.

5. ***

6. Next meeting

The Secretariat to contact Members' offices to seek availability.

The Chair closed the meeting at 1:49pm.
