

Standing Committee on  
Parliamentary Privilege and Ethics



LEGISLATIVE  
ASSEMBLY

# Implications of orders for the production of papers pertaining to the office of Speaker



Report 5/58 – March 2025

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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".

# Contents

Membership _____	i
Chair’s foreword _____	ii
Chapter One – Background and conduct of the inquiry _____	1
Background _____	1
Conduct of the inquiry _____	3
Chapter Two – Issues _____	5
The principle of comity _____	5
Production of papers pertaining to the office of Speaker _____	7
Chapter Three – Conclusion _____	11
Appendix One – Extracts from minutes _____	12

# Membership

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## Chair's foreword

This inquiry was referred by the House, following a Legislative Council order for papers. Among other things, the order requests the production of papers held by the Premier or the Premier's Department relating to motor vehicle use by the Speaker and his driver, including log books and communications relating to repairs, maintenance and cleaning of vehicles.

As part of the inquiry, at its meeting on 26 February, the Committee obtained expert advice on the matter from Professor Emerita Anne Twomey AO.

In the Committee's view, there are questions as to the appropriateness of producing these papers. The Committee is concerned that due respect and regard is paid to the office of Speaker, and that 'comity' between the Houses is observed. 'Comity' ensures that each House exercises autonomy over its internal proceedings. In so doing, it strengthens the relationship of respect and cooperation between the Houses.

Another consideration is whether the papers fall within the scope of what is 'reasonably necessary'. The proper purpose of an order for papers is the scrutiny of the Executive. The papers, in essence, are operational records of the Assembly, not documents of the Executive.

As a member of the Assembly, the Speaker has acknowledged the importance of his accountability to the House, and has undertaken to account to the House regarding this matter.

While it is a matter between the Speaker and the Premier, the Committee supports the Premier's proposed approach of providing the relevant papers to the Speaker, to be tabled in the House. In our view, this represents an appropriate response in the circumstances.

Ministers, Presiding Officers and the Leader of the Opposition are rightly entitled to a driver. This is important for their safety, security, and confidentiality. It is concerning, at a time when threats against Members of Parliament are increasing, that the private details of vehicle movements of current and former Ministers and Presiding Officers could be released. Risking the safety, security, and confidentiality of Ministers and Presiding Officers is never in the public interest.



**Alex Greenwich MP**  
Chair

# Chapter One – Background and conduct of the inquiry

## Background

1.1 On 20 February 2025 the Legislative Assembly referred an inquiry to the Committee on the motion of the Hon. Ron Hoenig MP, Leader of the House, with the following terms of reference:

- (a) The implications for this House of orders for the production of papers held by the Executive pertaining to the office of Speaker; and
- (b) Any related matters.<sup>1</sup>

1.2 The referral was made in the context of the following resolution passed by the Legislative Council on 19 February 2025, moved by the Hon. Mark Latham MLC and amended on the motion of the Hon. Penny Sharpe MLC, Leader of the Government in the Legislative Council:

That, under standing order 52, there be laid upon the table of the House within 21 days of the date of passing of this resolution the following documents in the possession, custody or control of the Premier or the Premier's Department or the Office of the NSW Rural Fire Service relating to office holder vehicle and aviation use:

(a) all driver and car logbooks and all documents, including but not limited to driver or car logbooks, emails, diary entries, text or electronic messages or notes relating to repairs, maintenance and cleaning of vehicles since 23 March 2019 relating to driver and vehicle use by:

- (i) current and former Premiers,
- (ii) current and former Ministers, except Jo Haylen and Tim Crakanthorp,
- (iii) current and former Speakers of the Legislative Assembly,
- (iv) current and former Presidents of the Legislative Council,
- (v) current and former Leaders of the Opposition,

(b) all documents relating to the use of aircraft assets, including NSW Rural Fire Service aviation assets, for transportation purposes by current and former Ministers since 23 March 2019, and

(c) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.<sup>2</sup>

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<sup>1</sup> NSW Legislative Assembly Votes and Proceedings no 96, 20 February 2025, item no 16, pp 1099-1100.

<sup>2</sup> NSW Legislative Council Minutes no 90, 19 February 2025, item no 27, pp 2070-2072.

1.3 Of relevance is the following statement made by the Speaker to the Legislative Assembly on 20 February and prior to the inquiry referral, regarding the Legislative Council resolution:

With Members' indulgence, I make a statement. I advise the House of a matter resolved in the Legislative Council yesterday in relation to an order for papers concerning ministerial vehicle logbooks. Paragraph (a) (iii) of the Legislative Council's order seeks documents relating to current and former Speakers of the Legislative Assembly in the possession, custody or control of the Premier or the Premier's Department, being all driver and car logbooks and a wide range of related material—for example, emails, diary entries, text or electronic messages, or notes relating to repairs, maintenance or cleaning of vehicles since 23 March 2019. That part of the order has significant implications for this House and my role as Speaker of the Legislative Assembly.

The formal power possessed by either House to order papers gives effect to scrutiny of the Executive and holding it to account. It is a power grounded in the common law principle of reasonable necessity. As your elected Speaker and a servant of this House, like all of my predecessors, I am accountable to the Legislative Assembly and its Members for the actions I take in my capacity as Speaker—and only to this House. I fail to see what legitimate purpose the Legislative Council could have to order the production of documents pertaining to me as Speaker.

*[Interruption]*

Members will reserve their outrage and come to order. I note that the use of my car is at the Assembly's expense, forming part of the Speaker's expenditure of office. Consequently, I will take advice from the Clerk as to the legitimacy of that part of the Council's order for papers, and its implications for this House and our future office holders. To dispense with any suggestion that my comments are a tactic to avoid accountability I declare that I will be completely accountable and transparent in the use of this resource and intend to provide the relevant records associated with its use to this House, and only this House. I consider that such records are held by the Premier's Department as an administrative arrangement but that my conduct in office is a matter for which I am accountable to you, the Assembly, and not the other place. This development also means I will need to review the arrangement in future if it is open to such intrusions. I will also seek advice as to whether the matter should be referred to the privileges and ethics committee for its consideration.<sup>3</sup>

1.4 The Committee resolved to formally commence the inquiry with the Terms of Reference provided by the House at a deliberative meeting held on 26 February 2025.<sup>4</sup>

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<sup>3</sup> NSW Legislative Assembly, [Parliamentary Debates \(Proof\)](#), 20 February 2025, p 8 (The Hon. Greg Piper MP, Speaker of the Legislative Assembly).

<sup>4</sup> Minutes of meeting no. 25, 26 February 2025, Legislative Assembly Standing Committee on Parliamentary Privilege and Ethics.

## Conduct of the inquiry

### Correspondence

- 1.5 In accordance with a resolution passed at the deliberative meeting held on 26 February 2025<sup>5</sup>, the Chair wrote on behalf of the Committee to the Secretary of the Premier's Department on 27 February 2025. The correspondence, which was copied to the Secretary of The Cabinet Office, requested that the Premier's Department make no decision to comply with paragraph (a) (iii) of the resolution of the Legislative Council on 19 February 2025 ordering the production of papers regarding ministerial vehicle log books, while the Committee's inquiry was in progress<sup>6</sup>.
- 1.6 At the same deliberative meeting the Committee further resolved, for the Chair to write on behalf of the Committee to the Speaker of the Legislative Assembly. The Chair corresponded, accordingly, on 3 March 2025 requesting that the Speaker convey any information that he wished for the Committee to consider in its deliberations on this matter.<sup>7</sup>
- 1.7 On 5 March 2025 the Chair received a letter from the Speaker<sup>8</sup> advising that he wrote to the Premier on 26 February 2025 in relation to the Legislative Council order for papers regarding ministerial vehicle log books. The Speaker's letter to the Chair outlined his request that the Premier provide any records relating to current or former Speakers that were covered by the Legislative Council's order not to the Council, but to the Speaker direct instead so that he could make them available to the Legislative Assembly Members, as indicated in his statement to the House.
- 1.8 The Speaker's letter further advised that he had received a response from the Premier on 4 March 2025 agreeing to provide the relevant records to him by 12 March 2025, being the date on which the records covered by the Legislative Council order for papers were due to be returned to the Council. The Speaker noted that the Premier had further confirmed that the relevant records would be provided to him and not to the Legislative Council in response to the order for papers.
- 1.9 On 7 March 2025 the Chair received a letter from the Cabinet Office<sup>9</sup> confirming the information provided by the Speaker in his letter dated 5 March 2025. The letter further advised that the Cabinet Office had written to the Clerk of the Parliaments and the Clerk of the Legislative Assembly, proposing to provide records relating to the Leader of the Opposition and the President of the

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<sup>5</sup> Ibid.

<sup>6</sup> [Correspondence](#) from the Chair of the Legislative Assembly Standing Committee on Parliamentary Privilege and Ethics to the Secretary of the Premier's Department, 27 February 2025.

<sup>7</sup> [Correspondence](#) from the Chair of the Legislative Assembly Standing Committee on Parliamentary Privilege and Ethics to the Speaker of the Legislative Assembly, 3 March 2025.

<sup>8</sup> [Correspondence](#) from the Speaker of the Legislative Assembly to the Chair of the Legislative Assembly Standing Committee on Parliamentary Privilege and Ethics, 5 March 2025.

<sup>9</sup> [Correspondence](#) from the Deputy Secretary General Counsel, The Cabinet Office to the Chair of the Legislative Assembly Standing Committee on Parliamentary Privilege and Ethics, 7 March 2025.



Legislative Council to those officeholders in a manner consistent with the approach to be taken with records relating to the Speaker.

**Expert advice**

- 1.10 In order to facilitate the Committee's examination of the issues raised by the Terms of Reference, the Clerk was requested to obtain further advice.
- 1.11 In accordance with a resolution passed at the deliberative meeting held on 26 February 2025<sup>10</sup>, the Committee received a briefing from Professor Emerita Anne Twomey AO on matters relevant to the inquiry at its meeting on 5 March 2025<sup>11</sup>.

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<sup>10</sup> Minutes of meeting no 25, 26 February 2025, Legislative Assembly Standing Committee on Parliamentary Privilege and Ethics.

<sup>11</sup> Minutes of meeting no. 26, 5 March 2025, Legislative Assembly Standing Committee on Parliamentary Privilege and Ethics.

## Chapter Two – Issues

### The principle of comity

- 2.1 Production to the Legislative Council of the papers relating to the Speaker would raise concerns for the observance of the principle of comity, and the relationship between the two Houses.

#### Aspects of the principle

- 2.2 Fundamental to our bicameral parliamentary system is the principle of comity (i.e. mutual respect) between the Houses. The *New South Wales Legislative Council Practice* identifies four aspects of the principle.
- 2.3 Firstly, the Assembly and Council are established under the *Constitution Act 1902* (NSW) as ‘separate and sovereign bodies with complete autonomy, subject to constitutional constraints, over their internal proceedings’.<sup>12</sup> So, for example, in practice a bill affecting the constitution or powers of one House only will not be introduced in the other House, although at law it may.<sup>13</sup>
- 2.4 Secondly, ‘neither House may exercise authority over a member of the other House’, aside from the power of the Legislative Council to hold Members of the Executive to account for ministerial conduct.<sup>14</sup> This principle applies, for example, to the rules for giving parliamentary evidence, under which neither House may impose its procedure on Members of the other House.<sup>15</sup>
- 2.5 Thirdly, ‘neither House may inquire into the operations of the other.’<sup>16</sup> The *NSW Legislative Council Practice* specifically warns against asking staff or Members of the Assembly questions concerning the operation or administration of that House.<sup>17</sup> Legislative Assembly Standing Order 327 covers the procedure that applies where the House or an Assembly Committee wishes to make a request to examine a Member or officer of the Council. Standing Order 328 covers where the Council or one of its committees wishes to examine a Member or officer of the Assembly. In that case, the House may authorise the Member to attend, if the

<sup>12</sup> S Frappell and D Blunt (ed), [New South Wales Legislative Council Practice](#), 2<sup>nd</sup> ed, The Federation Press, Sydney, 2021, pp 846-849.

<sup>13</sup> *Ibid*, p 846.

<sup>14</sup> A quote from *Hatsell's Precedents of Proceedings in the House of Commons* of 1818 is cited in support (at p 848): ‘The leading principle, which appears to pervade all the proceedings between the two Houses of Parliament, is, That there shall subsist a perfect equality with respect to each other. - From hence it is, that neither House can claim, much less exercise, any authority over a Member of the other; but if, there is any grounds of complaint against an Act of the House itself, against any individual Member, or against any of the Officers of either House, this complaint ought to be made to that House of Parliament, where the offence is charged to be committed; and the nature and mode of redress, or punishment is necessary must be determined upon and inflicted by them.’

<sup>15</sup> *Parliamentary Evidence Act 1901* (NSW) s 5: ‘The attendance of a Member of the Council or Assembly to give evidence before the Council or Assembly or a committee shall be procured in conformity (so far as practicable) with the mode of procedure observed in the British House of Commons.’

<sup>16</sup> [New South Wales Legislative Council Practice](#), p 849.

<sup>17</sup> *Ibid*, p 805.

Member agrees. The House may order an officer to attend. Each House may request, but not compel, examination of a Member or officer of the other House.

- 2.6 A final aspect is ‘the respect paid to the Members and officers of the Legislative Assembly’. The notion of respect underpins the rule in Standing Order 96(3) that any imputations of improper motive or personal reflections on Members or officers of the Legislative Assembly are considered disorderly.<sup>18</sup>

### **Precedents for upholding the principle of comity**

- 2.7 The Houses have sought to uphold the principle of comity on numerous occasions, including in previous rulings by Presidents and in Legislative Council reports.
- 2.8 In 2023, the Legislative Council’s Public Accountability and Works Committee examined the Parliamentary Evidence Amendment (Ministerial Accountability) Bill 2023 and reported on the significance, complexity and importance of comity given the separate and sovereign status of each House. The Committee considered that ‘[w]hile the role of the Legislative Council in scrutinising the Executive is of critical importance, it should not trump the principle of comity. A way must be found to maintain a balance between these two key conventions.’<sup>19</sup>
- 2.9 In 2019, during the previous Parliament, the Legislative Council’s Public Accountability Committee inquired into the budget process for independent oversight bodies and the Parliament. The Committee did not inquire into funding arrangements and the budget process as it related to the Legislative Assembly and the Department of the Legislative Assembly.<sup>20</sup>
- 2.10 In 2008, the Committee on the ICAC as a joint statutory committee examined the effectiveness of current measures to protect public sector whistleblower employees. The inquiry was conducted in the context of allegations that had been made against government officials and Members of Parliament, including in regard to the treatment of a Legislative Assembly member’s staff. A motion to establish an inquiry into the specific allegations by a select committee of the Legislative Council was ruled out of order, with the then President noting that:
- A committee of this House should not investigate the proceedings in the other House, even where Members and officers of that House are willing to appear and give evidence voluntarily. Such matters are properly investigated by the Legislative Assembly as the sole arbiter of its own procedures and proceedings.<sup>21</sup>
- 2.11 Also, the Legislative Council’s Budget Estimates program does not examine the proposed expenditure by the Legislative Assembly or the Department of the Legislative Assembly. If the issue of admissibility of questions concerning the

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<sup>18</sup> Ibid, p 849.

<sup>19</sup> Legislative Council Public Accountability and Works Committee, *Parliamentary Evidence Amendment (Ministerial Accountability) Bill 2023*, [Report 1](#), Parliament of New South Wales, November 2023, p 18.

<sup>20</sup> Legislative Council Public Accountability Committee, [Budget Process for independent oversight bodies and the Parliament of New South Wales](#), viewed 12 March 2025

<sup>21</sup> NSW Legislative Council, [Parliamentary Debates](#), 4 June 2008, p 8101 (The Hon. Peter Primrose MLC, President of the Legislative Council).

Assembly arises, the President and Officers giving evidence confirm they are unable to answer.

- 2.12 Members of the Legislative Assembly have on several occasions declined to appear and give evidence to Legislative Council committees.<sup>22</sup>

### **Concerns for the preservation of comity between the Houses**

- 2.13 The Council's resolution (as it relates to the Speaker) is inconsistent with the principle of comity between the Houses in several respects. It seeks to intrude on the Legislative Assembly's internal operations (i.e. to inquire into expenditure incurred by the Assembly), and to exert authority over a member.
- 2.14 The production of documents relating to the Speaker, in compliance with the resolution, may set a precedent for further orders to produce sensitive documents relating to the Legislative Assembly which are held by or under the control of third parties. Papers concerning the Speaker and his office which are held by the Executive and government departments would potentially include correspondence between the Speaker and the Premier on matters unrelated to Parliamentary proceedings (e.g. the implementation of the Broderick Review Report and findings). They also could include Legislative Assembly budget submissions to Treasury and related business cases, some contents of which may not go before Cabinet or form part of Cabinet deliberations.
- 2.15 In conclusion, the Council's resolution (as it relates to the Speaker) has significant implications for the preservation of comity between the Houses. Production of papers relating to the Speaker appears to the Committee to be unprecedented. The Committee is of the view that the creation of such a precedent would not reflect an appropriate level of respect and regard for the office of Speaker as an officeholder of the Legislative Assembly.

### **Production of papers pertaining to the office of Speaker**

- 2.16 Against the backdrop of the principle of comity, there are questions as to whether the production of the particular papers sought from the Speaker is necessary to give effect to the proper purpose and scope of the current order for papers by the Legislative Council.

### **Scope of the power to order papers**

- 2.17 The Legislative Council resolution is made under Standing Order 52, which expresses the Council's inherent common law power to order the production of

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<sup>22</sup> For example, Portfolio Committee No 7 – Planning & Environment conducted an [inquiry](#) into allegations of impropriety against agents of the Hills Shire Council and property developers in the region, in relation to the preselection of Liberal candidates for the Council election the previous year. Mr Ray Williams MP (whose speech to Parliament instigated the inquiry), Ms Robyn Preston MP and Mr David Elliot MP, Member for Baulkham Hills and Minister for Transport, Veterans and Western Sydney, were invited to give evidence at the inquiry but declined. In another example, Ms Jo Haylen, then Minister of Transport, was invited but declined to give evidence to the Public Accountability and Works Committee's [inquiry](#) into certain executive appointments to Transport, and NSW and the NSW Cross-Border Assistant Commission, and of Senior Executives and Department Liaison Officers.

State papers held by government, on the basis that it is necessary for the conduct of the Council's functions as a legislative body and in scrutinising the Executive.<sup>23</sup>

- 2.18 The power applies to the production of 'State papers'. That term has been defined by the NSW Court of Appeal, and subsequently by the High Court of Australia, as 'papers which are created or acquired by Ministers, office-holders and public servants by virtue of the office they hold under, or their service to, the Crown'.<sup>24</sup> 'State papers' have also been described more narrowly as 'information concerning matters of government policy and administration from Ministers'.<sup>25</sup>
- 2.19 In addition to the importance of ensuring comity between the two Houses of Parliament, there is uncertainty about the extent of the Legislative Council's powers to require more than the production of State papers, that are 'reasonably necessary' for carrying out the Legislative Council's functions of legislating and scrutinising the Executive.<sup>26</sup> The High Court has held that:
- What is 'reasonably necessary' at any time for the 'proper exercise' of the 'functions' of the Legislative Council is to be understood by reference to what, at the time in question, have come to be conventional practices established and maintained by the Legislative Council.<sup>27</sup>
- 2.20 The Legislative Council also has noted that the 'most fraught issue' in relation to the power to order the production of State papers is the status of Cabinet documents.<sup>28</sup> The Committee does not consider that the Legislative Council's power to order the production of papers extends to papers concerning the operations and functioning of the Legislative Assembly, including papers relating to the office of the Speaker.

### Speaker's role and administrative arrangements

- 2.21 The independence of the Speaker and his position as the Presiding Officer of the Legislative Assembly is enshrined in s 31(1) of the *Constitution Act 1902* (NSW):

There shall be a Speaker of the Legislative Assembly, who is the Presiding Officer of the Legislative Assembly and is recognised as its independent and impartial representative.

<sup>23</sup> *Egan v Willis & Cahill* (1996) 40 NSWLR 650 at 692-693; *Egan v Willis* (1998) 195 CLR 424 at 453. See further A Twomey, *The Constitution of New South Wales*, Federation Press, Sydney, 2004, p 518; [New South Wales Legislative Council Practice](#), pp 145-6. The power is considered necessary for the possible making of new laws, for providing information about how existing laws are operating, and as a safeguard against the abuse of executive power.

<sup>24</sup> *Egan v Willis & Cahill* (1996) 40 NSWLR 650 at 654; *Egan v Willis* (1998) 195 CLR 424 at 442.

<sup>25</sup> *Egan v Willis* (1998) 195 CLR 424 at 477.

<sup>26</sup> *Ibid.* Where the 'reasonably necessary' test is satisfied, the power may extend to papers that would otherwise be privileged, including those subject to legal privilege, commercial confidentiality and public interest immunity: *Egan v Chadwick* (1999) 46 NSWLR 563 at 574, 594, 597. However, privileged documents are provided to Members only, not to the public: see S Want and J Moore, [Annotated Standing Orders of the Legislative Council](#), D Blunt (ed), 1<sup>st</sup> edn, The Federation Press, Sydney, 2018, p 163ff.

<sup>27</sup> *Egan v Willis* (1998) 195 CLR 424 at 454.

<sup>28</sup> NSW Legislative Council Practice, second edition, pp.699-700.

- 2.22 The Speaker's role also has ceremonial aspects, and administrative functions under legislation, including management of the parliamentary precinct.<sup>29</sup>
- 2.23 The Legislative Council resolution orders production of the Speaker's driver and car log books, repair and maintenance records and related material such as emails and diary entries. These are records relating to expenses incurred by the Speaker through the Premier's Department. They are records retained and under the control of the Executive under an administrative arrangement facilitating the Speaker's use of the ministerial driving pool.
- 2.24 As noted in the Speaker's statement to the House, the cost incurred with the use of these resources are expenses incurred from the Speaker's own budget, not from the Premier's Department. They are matters for which the Speaker would respond and account to the House.

### Proper purpose of the production of documents

- 2.25 One issue to consider is whether the documents sought from the Speaker are properly considered to be 'State papers'. While the documents are records created by the Crown and held by the Crown, they concern the use of public resources in a broad sense, but it is expenditure incurred by the Legislative Assembly and is paid for from money appropriated by Parliament for the operations of the Legislature.
- 2.26 The proper purpose of an order for papers is to hold Ministers and their departments to account. In discussing the Council's power to order papers the *NSW Legislative Council Practice* refers to 'the fundamental role of the Council in scrutinising the activities of the Executive government and holding it to account under the system of responsible government'.<sup>30</sup> *Erskine May* refers to a practice of ordering documents which 'extends to papers which are in the possession of Ministers or which Ministers have the authority to obtain'.<sup>31</sup>
- 2.27 Although the documents sought from the Speaker are held by a Minister, they do not relate to the policy or administration of his department. The documents are held by the Premier's Department purely as a matter of administrative convenience. They relate to expenses incurred by the Speaker in carrying out his various roles as an Assembly officeholder, with the costs incurred from the Speaker's own budget. As the Speaker noted in his statement to the House, he is accountable to the House regarding his expenditure.
- 2.28 The lack of precedents for one House ordering the Executive to produce documents pertaining to the other House or its administration clearly reflects the mutual respect that is enshrined in the processes that normally apply to the examination of matters in such circumstances. *Erskine May* notes that '[i]f one House desires a return relating to the business or proceedings of the other, it is

<sup>29</sup> *Parliamentary Precincts Act 1997* (NSW).

<sup>30</sup> [New South Wales Legislative Council Practice](#), pp 53.

<sup>31</sup> *Erskine May's Treatise on The Law, Privileges, Proceedings and Usage of Parliament*, 25th edition, [para 7.32](#).

not customary for it to be ordered. An arrangement is generally made for the necessary motion to be moved in the other House'.<sup>32</sup>

- 2.29 Nor are there any known precedents for Council orders for papers relating directly to the Speaker. A resolution that related directly to the Speaker would appear beyond the Legislative Council's power, given the Speaker's position as an independent member of the House rather than a Minister.
- 2.30 Given the nature of the papers sought from the Speaker as an independent member of the Assembly, the Committee questions why other appropriate mechanisms were not considered. As noted in other jurisdictions, there would be other, appropriate mechanisms to enable the examination of any matters relating to the office of Speaker, which would preserve comity and recognise the status of the Speaker as an officeholder of the Legislative Assembly.

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<sup>32</sup> Ibid, [para 7.33](#).

## Chapter Three – Conclusion

- 3.1 The Committee considers that the production of papers pertaining to the office of Speaker, although held by the Executive, does not demonstrate due respect and regard for that office.
- 3.2 Production of these papers may serve to undermine the convention of comity between the Houses. Questions also arise as to the extent to which orders by the Legislative Council for the production of papers that relate to the Speaker and his activities in the performance of his office could be considered to properly fall within the scope of the Council's powers. Consequently, further uncertainty arises as to the legitimate exercise of this power on this occasion. The Committee considers that releasing the documents relating to the Speaker and former Speakers, with documents relating to Ministers and former Ministers, would create a dangerous precedent potentially beyond this matter.
- 3.3 The Cabinet Office has confirmed it is willing to adopt an approach whereby the Premier provides the relevant documents to the Speaker, and the Speaker may then provide them to the Legislative Assembly if he so wishes. While this course is a matter between the Speaker and the Premier, in the Committee's view this would seem an appropriate response to the situation.



## Appendix One – Extracts from minutes

### Minutes of meeting no. 25

<b>TIME &amp; DATE</b>	<b>2:30 PM WEDNESDAY, 26 FEBRUARY 2025</b>	<b>LOCATION</b>	<b>LA CLERK'S MEETING ROOM (850B) AND WEBEX</b>
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#### MEMBERS PRESENT

Mr Alex Greenwich MP (Chair), Ms Janelle Saffin MP (Deputy Chair) (*by Webex*), Ms Lynda Voltz MP, Mr Jason Li MP (*by Webex*), Mr James Griffin MP.

#### OFFICERS PRESENT

Ms Helen Minnican (Clerk of the Legislative Assembly), Ms Carly Maxwell (Deputy Clerk of the Legislative Assembly), Mr Jonathan Elliott (Clerk-Assistant, Scrutiny and Engagement) (*by Webex*), Ms Manuela Sudic (Director, Office of the Clerk), Miss Jessica Zhang (Senior Parliamentary Officer, Office of the Clerk).

The Chair opened the meeting at 2:36pm and welcomed Mr Griffin to the Committee.

#### AGENDA ITEMS

##### 1. Confirmation of Minutes

Resolved, on the motion of Ms Saffin:

That the draft minutes of Meeting no. 24 on 21 November 2024 be confirmed.

##### 2. \*\*\*

#### COMMITTEE INQUIRIES

##### 3. \*\*\*

##### 4. \*\*\*

##### 5. Implications of orders for the production of papers pertaining to the Office of the Speaker

On 20 February 2025 the House provided the Committee with Terms of Reference to inquire into and report on:

1. The implications for this House of orders for the production of papers held by the Executive pertaining to the operations of the office of Speaker; and
2. Any related matters.

The Clerk provided a verbal briefing.

Discussion ensued regarding the Committee's approach to this inquiry.

Resolved, on the motion of Mr Griffin:

That the Committee:

1. Formally commence its inquiry into the implications of orders for the production of papers pertaining to the Office of the Speaker.
2. Contact Professor Emerita Anne Twomey AO to request a briefing on matters relevant to the inquiry.
3. Write to the Speaker of the Legislative Assembly seeking any materials relevant to the inquiry.
4. Write to the Secretary of the Premier's Department, asking that they make no decision to comply with paragraph (a)(iii) of the resolution of the Legislative Council dated 19 February 2025 ordering for the production of papers while the Committee's inquiry is in progress.

6. \*\*\*

7. \*\*\*

### 8. Next meeting

The Secretariat will contact Members' offices to seek availability in the week beginning 3 March 2025.

The Chair closed the meeting at 2:59pm.

## Minutes of meeting no. 26

<b>TIME &amp; DATE</b>	<b>4:00 PM WEDNESDAY 5 MARCH 2025</b>	<b>LOCATION</b>	<b>LA CLERK'S MEETING ROOM (850B) AND WEBEX</b>
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### MEMBERS PRESENT

Mr Alex Greenwich MP (Chair) *(via Webex)*, Ms Lynda Voltz MP, Mr Jason Li MP *(via Webex)*, Mr James Griffin MP *(via Webex)*.

Apologies: Ms Janelle Saffin MP (Deputy Chair).

### 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) (*via Webex*), Ms Sue Hunt (Manager, House and Procedure), Miss Jessica Zhang (Senior Parliamentary Office, Office of the Clerk).

The Chair opened the meeting at 4:03pm.

## AGENDA ITEMS

### 1. Implications or orders for the production of papers pertaining to the office of Speaker

Briefing from Professor Emerita Anne Twomey AO concerning matters relevant to the Committee's inquiry, in accordance with the resolution passed at Meeting no. 25 on 26 February 2025.

The Clerk circulated a briefing note regarding the inquiry on 4 March 2025.

On the morning of the meeting the Clerk circulated a letter received by the Chair from the Speaker of the Legislative Assembly dated 5 March 2025, which responded to a letter sent by the Chair in accordance with the resolution passed at Meeting no. 25 on 26 February 2025.

The Chair opened discussions with Professor Twomey and noted receipt of the letter from the Speaker.

Discussion ensued.

### 2. Next meeting

The Chair closed the meeting at 4:21pm.

The Secretariat will contact Members' offices to seek availability for the next meeting.

## Unconfirmed minutes of meeting no. 27

<b>TIME &amp; DATE</b>	<b>4:00 PM MONDAY 17 MARCH 2025</b>	<b>LOCATION</b>	<b>LA CLERK'S MEETING ROOM (850B) AND WEBEX</b>
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### MEMBERS PRESENT

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

Apologies: Ms Janelle Saffin MP (Deputy Chair), Mr James Griffin MP.

## OFFICERS PRESENT

Ms Helen Minnican (Clerk of the Legislative Assembly), Ms Carly Maxwell (Deputy Clerk of the Legislative Assembly), Ms Sue Hunt (Manager, House and Procedure), Miss Jessica Zhang (Senior Parliamentary Office, Office of the Clerk).

The Chair opened the meeting at 4:02pm.

## AGENDA ITEMS

### 1. Confirmation of Minutes

Resolved, on the motion of Ms Voltz:

That the draft minutes of Meeting no. 25 on 26 February 2025 and Meeting no. 26 on 5 March 2025 be confirmed.

### 2. Implications or orders for the production of papers pertaining to the office of Speaker

#### 4.1 – Correspondence in relation to the inquiry

The Committee noted the following items of correspondence sent and received by the Chair:

- a) Letter to the Secretary of the Premier's Department (copied to the Secretary of The Cabinet Office), dated 27 February 2025, requesting that they make no decision to comply with the paragraph of the Legislative Council order for the production of documents that pertains to the office of Speaker while the Committee's inquiry is in progress
- b) Letter to the Speaker of the Legislative Assembly dated 3 March 2025, requesting that the Speaker convey any information that he wished for the Committee to consider in the course of its inquiry
- c) Letter from the Speaker of the Legislative Assembly dated 5 March 2025, advising of the Premier's agreement to provide the relevant papers to the Speaker by 12 March 2025 instead of to the Legislative Council
- d) Letter from the Deputy Secretary General Counsel, The Cabinet Office, dated 7 March 2025, confirming the information previously provided by the Speaker and advising that papers covered by the order and relating to the President of the Legislative Council and Leader of the Opposition would be returned to them instead of to the Legislative Council.

Resolved, on the motion of Ms Voltz:

That the Committee publish the four items of correspondence referred to above on its inquiry webpage in the 'Other Documents' category, and with standard redactions.

#### 4.2 – Consideration of the Chair's draft report

The Chair's draft report was circulated to Members of the Committee prior to the meeting.

Resolved, on the motion of Ms Voltz:

- a) That the Committee consider the Chair's draft report, in globo.
- b) That the Committee adopt the Chair's draft report, subject to any amendments agreed to by the Committee.

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- c) That the Chair's draft report be the report of the Committee, and that it be signed by the Chair and tabled in the House.
  - d) That the Secretariat be permitted to make appropriate final stylistic changes and correct typographical and grammatical errors as required.
  - e) That, once tabled, a copy of the report be published on the Committee's webpage.
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## **2. Next meeting**

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The Chair closed the meeting at 4:04pm.

The Secretariat will contact Members' offices to seek availability for the next meeting.

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