



THIRTY-SEVENTH PARLIAMENT

**MINORITY REPORT OF HON KEN TRAVERS MLC
AND HON GIZ WATSON MLC**

**STANDING COMMITTEE ON PROCEDURE AND
PRIVILEGES**

**REFERRAL OF LETTERS BY RESOLUTION OF THE
HOUSE ON 20 FEBRUARY 2008
REGARDING THE REPORT OF THE SELECT
COMMITTEE OF PRIVILEGE ON A MATTER
ARISING IN THE STANDING COMMITTEE ON
ESTIMATES AND FINANCIAL OPERATIONS**

Report 16 - Minority
March 2008

Minority Report of Hon Ken Travers MLC and Hon Giz Watson MLC

in relation to

**Referral of Letters by Resolution of the House on 20 February 2008
Regarding the Report of the Select Committee of Privilege on a Matter Arising in the Standing
Committee on Estimates and Financial Operations**

1. We have dissented from the majority decision of the Committee at paragraph 2.12 and Recommendation 2 for the following reasons:
 - 1.1 We have not been able to confirm the extent of the circulation of the unauthorised disclosure as revealed in paragraph 2.9.
 - 1.2 We have not been able to determine the intent of the Hon Brian Burke when he made the disclosure and why he made it despite having received previous written advice that he should not do so. (see paragraph 2.10)
2. It is our view that it is necessary to determine the answers to these questions before any further action, including any possible penalty or redress, can be recommended to the House.
3. In particular we are unable to determine the benefit of providing further written advice to the Hon Brian Burke that he should desist from further circulating any unpublished committee material without establishing why he ignored the previous written instruction.
4. We therefore recommend:

That the House -

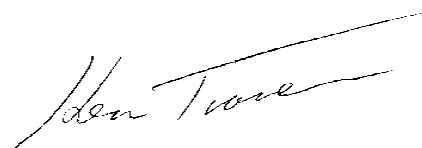
 - (1) Establishes a Select Committee of Privilege of three Members to enquire into and report on whether the letter from the Hon Brian Burke dated 19 February 2008 and attachments -
 - (a) constitute a breach of Parliamentary Privilege; and
 - (b) constitutes a qualification of the purported “unreserved apology” in his letter of 11 December 2007,and if so what further action may be taken by the House.
 - (2) The Committee have access to -
 - (a) all correspondence between Mr Brian Burke and the Select Committee of Privilege on a matter Arising in the Standing Committee on Estimates and Financial Operations;
 - (b) all minutes of the Standing Committee on Procedure and Privilege regarding this matter;and is authorised to publish any of these documents if the committee consider it necessary.
 - (3) The Committee have the power to send for persons, papers and records and to travel from place to place.
 - (4) The Committee have the power to meet at any time when the Legislative Council is not sitting or a sitting is suspended.

- (5) The Committee may present interim reports without a requirement for leave and is to present its final report to the House not later than 29 May 2008.

Minority Recommendation:

That the House -

- (1) Establishes a Select Committee of Privilege of three Members to enquire into and report on whether the letter from the Hon Brian Burke dated 19 February 2008 and attachments -
- (a) constitute a breach of Parliamentary Privilege; and
 - (b) constitutes a qualification of the purported “unreserved apology” in his letter of 11 December 2007,
- and if so what further action may be taken by the House.
- (2) The Committee have access to -
- (a) all correspondence between Mr Brian Burke and the Select Committee of Privilege on a matter Arising in the Standing Committee on Estimates and Financial Operations;
 - (b) all minutes of the Standing Committee on Procedure and Privilege regarding this matter;
- and is authorised to publish any of these documents if the committee consider it necessary.
- (3) The Committee have the power to send for persons, papers and records and to travel from place to place.
- (4) The Committee have the power to meet at any time when the Legislative Council is not sitting or a sitting is suspended.
- (5) The Committee may present interim reports without a requirement for leave and is to present its final report to the House not later than 29 May 2008.



Hon Ken Travers MLC

20 March 2008



Hon Giz Watson MLC

20 March 2008