

**STATEMENT BY THE PRESIDENT – MATTERS OF PRIVILEGE**

---

I have received letters from the Leader of the Australian Greens (Senator Di Natale) and Senator Gallacher raising as matters of privilege several instances of possibly false or misleading evidence given to the former Select Committee on the Recent Allegations relating to Conditions and Circumstances at the Regional Processing Centre in Nauru. The allegations relate to evidence given to the committee about a disturbance at the centre on 19 July 2013 and the apparent surveillance of a senator while on a visit to Nauru in December 2013.

Separately, and together, the letters raise the prospect that the former select committee was given false or misleading evidence by witnesses to the inquiry. The Senate and the Privileges Committee have always taken seriously any suggestion that false or misleading evidence has been given to a committee. The letters clearly meet the first criterion I am required to consider, namely:

the principle that the Senate's power to adjudge and deal with contempts should be used only where it is necessary to provide reasonable protection for the Senate and its committees and for senators against improper acts tending substantially to obstruct them in the performance of their functions, and should not be used in respect of matters which appear to be of a trivial nature or unworthy of the attention of the Senate.

The second criterion is the existence of any remedy other than the contempt power for any act which may be held to be a contempt.

I note that, in consequence of a recommendation of the select committee, matters relating to the Nauru and Manus Island regional processing centres are now the subject of a fresh inquiry by the Legal and Constitutional Affairs References Committee, with terms of reference suggested by the select committee. On one view, the fresh inquiry might be an appropriate forum to follow up these allegations. On another view, if conduct which also has the potential to improperly obstruct the fresh inquiry is not addressed, that fresh inquiry may also be misled. These are matters of judgement for the Senate.

In terms of the criteria I am required to consider, the possibility that another committee may re-examine the same material does not necessarily provide a remedy, simply a forum for further investigation. Only the Privileges Committee has the requisite authority to make findings of fact and recommendations to the Senate about questions of contempt, after a thorough examination of the evidence in accordance with the Privilege Resolutions. On that basis, I am satisfied that both matters of privilege meet the criteria I am required to consider and I have therefore determined that they should have precedence.

I table the correspondence and now invite Senators Di Natale and Gallacher to give notices of motion to refer the matters to the Privileges Committee.