

The Senate

Committee of Privileges

Person referred to in the Senate

Mr Ben Davies

180th Report

December 2020

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Report

1.1 In November 2020, the President of the Senate, Senator the Honourable Scott Ryan, received a submission from Mr Ben Davies seeking redress under the resolution of the Senate of 25 February 1988 relating to the protection of persons referred to in the Senate (Privilege Resolution 5).

1.2 The submission referred to comments made about him in the Senate by Senator McAllister on 12 November 2020. The President accepted the submission and referred it to the Committee of Privileges.

1.3 The committee met and, pursuant to paragraph (3) of Privilege Resolution 5, considered the submission. The terms of the response, which the committee now recommends for incorporation in Hansard, have been agreed to by Mr Davies and the committee in accordance with Resolution 5(7)(b).

1.4 The committee draws attention to paragraph 5(6) of the resolution which requires that, in considering a submission under this resolution and reporting to the Senate, the committee shall not consider or judge the truth of any statements made in the Senate or in the submission.

1.5 The committee **recommends:**

That a response prepared by Mr Ben Davies in the terms specified at Appendix 1, be incorporated in *Hansard*.

Senator Deborah O'Neill

Chair

Appendix 1

Mr Ben Davies

Pursuant to Resolution 5(7)(b) of the Senate of 25 February 1988

Reply to comments by Senator McAllister (12 November 2020)

1. On 12 November 2020, I was mentioned adversely in the Senate by Senator McAllister in a manner which would identify me.
2. The comments by Senator McAllister referred to me in my capacity as a former Chief of Staff to Senator Cash.
3. During Questions Without Notice on 12 November 2020, Senator McAllister made the following statement in reference to me:

“Is this the same Chief of Staff that was under investigation by the AFP for illegally leaking to the media and confirmed to be the source of the illegal leak...”

4. The assertion by Senator McAllister that I was “under investigation by the AFP” is incorrect. The assertion imputes that I was suspected of engaging in criminal conduct. Any suggestion that I was “under investigation” or had engaged in such conduct is completely false, defamatory and without foundation. Other than assertions such as those by Senator McAllister in the Senate under the cover of privilege, I am not aware of any suggestion to this effect by any other person.
5. It is an extremely serious matter to be under investigation for alleged criminal conduct. It is equally serious to falsely impute that a person has been.
6. The further assertion by Senator McAllister that I was “the source of the illegal leak” is also false. I have not engaged in any “leak” of information, whether legal or otherwise, to any member of the media. The imputation that I have is completely false, defamatory and without foundation. Other than assertions such as those by Senator McAllister in the Senate, under cover of privilege, I am not aware of any suggestion to this effect by any other person.
7. Given that the comments made by Senator McAllister on 12 November 2020 directly led to injury to my reputation, and were false, I seek this opportunity to provide the ascertainable facts and correct the Senate record.

Ben Davies
13 November 2020