

The Senate

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Standing Committee of Privileges

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Possible obstruction of the work of the  
Parliamentary Joint Committee on Law  
Enforcement

183rd Report

March 2023

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# Members

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ALP, NSW

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Senator Helen Polley

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ALP, TAS

Senator Jess Walsh

ALP, VIC



# Chapter 1

## Report

### Reference

1.1 On 25 October 2022, the President made a statement to the Senate noting that Senator Thorpe had raised a matter of privilege regarding whether her failure to declare a friendship with Mr Dean Martin to the Parliamentary Joint Committee on Law Enforcement amounted to an improper interference with the work of the committee. Senator Thorpe had requested that the matter be referred to this committee for investigation as a possible contempt.<sup>1</sup>

1.2 It is unusual for a senator to seek to refer her own conduct to the Committee of Privileges and, in some respects, the referral of this matter departed from the usual practice where matters of privilege relate to a committee. In particular, allegations of misconduct relating to a committee are normally first referred to the committee concerned for investigation. The President noted in her statement that:

While I have considered writing to the joint committee, I have concluded that there are some mitigating factors—in particular, the committee in question was a committee of the previous parliament, with different membership and a different chair. ...[I]t is also unusual for a senator to seek to self-refer a matter of privilege. In those circumstances, I have concluded that the Senate should be given the earliest opportunity to determine whether the matter warrants investigation by the Privileges Committee. If the Senate refers the matter to the Privileges Committee, no doubt it will follow its usual practice of seeking submissions from those affected by the allegations, which will necessarily require it to seek information from Senator Thorpe and from the joint committee.<sup>2</sup>

1.3 The Senate immediately considered and agreed the following motion:

(1) The Senate notes:

(a) the matters canvassed in the media regarding a possible conflict of interest between an undeclared personal relationship of Senator Thorpe and her role while a member of the Joint Committee on Law Enforcement; and

(b) the importance of maintaining the integrity of parliamentary committees.

(2) The following matter be referred to the Standing Committee on Privileges for inquiry and report, whether Senator Thorpe's failure to declare the relationship:

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<sup>1</sup> *Senate Hansard*, 25 October 2022, p. 1.

<sup>2</sup> *Senate Hansard*, 25 October 2022, p. 1.

- (a) obstructed the work of the Joint Committee on Law Enforcement;
- (b) if so, whether this amounted to an improper interference with the work of the committee; and
- (c) whether any contempt was committed in this regard.

## **Inquiry process**

- 1.4 The usual practice of Presidents has been to ensure that privilege matters related to committee inquiries have first been investigated by the committee concerned. However, for the reasons set out in the President's statement, this preliminary step did not occur in this case. As a result, the committee wrote to the Chair of the Parliamentary Joint Committee on Law Enforcement (the joint committee) to seek information on matters relevant to the inquiry.
- 1.5 The committee also wrote to Senator Thorpe asking her to provide a detailed response to the matters canvassed in the media regarding a possible conflict of interest between her undeclared personal relationship and her membership of the joint committee as well as seeking her response to some specific questions.
- 1.6 The committee received two submissions to the inquiry from the joint committee and Senator Thorpe. The letters from the committee and the submissions received in response are at appendix 1.

## **Background**

- 1.7 The inquiry relates to media reports that Senator Thorpe failed to disclose a relationship with Mr Dean Martin to the joint committee. Senator Thorpe was a member of the joint committee from 2 February 2021 to 11 April 2022.<sup>3</sup> The media reports suggested Mr Martin is a former member of an outlaw motorcycle gang (OMCG) and that the joint committee was conducting an inquiry, or held briefings, which examined matters related to such gangs.
- 1.8 In summary, the media reports made the following assertions:
  - Senator Thorpe did not declare a relationship with Mr Dean Martin, while she was a member of the Parliamentary Joint Committee on Law Enforcement.<sup>4</sup>
  - Mr Martin is a former member of the Rebels outlaw motorcycle gang (OMCG) which has "...strong links to the drugs trade".<sup>5</sup>
  - The joint committee was conducting an inquiry, or held briefings, which examined matters related to such gangs.<sup>6</sup> More specifically, that committee

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<sup>3</sup> Parliamentary Joint Committee on Law Enforcement, *Submission 1*, p. 1.

<sup>4</sup> Jade Gailberger, Clare Armstrong, James Morrow, "Lidia Thorpe resigns from Greens leadership team", *Herald Sun*, 21 October 2022.

<sup>5</sup> Editorial, "Lifting the Lidia on a clear case of obvious conflict", *The Daily Telegraph*, 21 October 2022, p. 30.

members, including Senator Thorpe, were briefed and received confidential documents on the AFP strategy to monitor gangs as part of an inquiry into the online trading of illicit drugs.<sup>7</sup>

- Staff in Senator Thorpe’s office raised these matters with her, the office of the leader of the Australian Greens and the Parliamentary Workplace Support Service.<sup>8</sup>
- Senator Thorpe advocated, through questions asked at an estimates hearing, for the release from immigration detention of an alleged member of the Rebels motorcycle gang (Mr Jack Hobson), due to his Indigenous heritage.<sup>9</sup>

## Role of the committee

1.9 As the committee has noted in recent reports on possible contempts, its role in such inquiries is to establish the facts of matters referred to it and to make findings and recommendations. The committee does not determine whether a contempt has been committed and, if so, whether to impose a penalty for that contempt. The committee may make recommendations on those matters but they are for the Senate as a whole to determine.<sup>10</sup>

## Criteria for a finding of contempt

1.10 Section 4 of the *Parliamentary Privileges Act 1987* restricts the category of acts which may be treated as contempts by providing that: conduct does not constitute an offence against a House unless it amounts, or is intended or likely to amount to an improper interference with the free exercise by a House or committee of its authority or functions, or with the free performance by a member of the member’s duties as a member.<sup>11</sup>

1.11 In considering whether a contempt may have occurred, the committee is also required to apply the three criteria in Privilege Resolution 3. In the circumstances of this inquiry, that resolution requires the committee to consider the following three criteria:

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<sup>6</sup> Editorial, “Lifting the Lidia on a clear case of obvious conflict”, *The Daily Telegraph*, 21 October 2022, p. 30; Jake Evans and Andrew Probyn, “Greens senator Lidia Thorpe admits to undisclosed relationship with ex-Rebels president Dean Martin while on law enforcement committee”, *ABC News*, 20 October 2022.

<sup>7</sup> Greg Brown and Paige Taylor, “Indigenous calls to dump Greens senator over bikie relationship”, *The Australian*, 21 October 2022, p. 1.

<sup>8</sup> Jake Evans and Andrew Probyn, “Greens senator Lidia Thorpe admits to undisclosed relationship with ex-Rebels president Dean Martin while on law enforcement committee”, *ABC News*, 20 October 2022.

<sup>9</sup> James Massola and Lisa Visentin, “Lidia Thorpe quizzed Home Affairs boss about suspected Rebel bikie”, *Sydney Morning Herald*, 22 October 2022.

<sup>10</sup> Committee of Privileges, *181st report*, p. 1; and *182st report*, p. 1.

<sup>11</sup> Committee of Privileges, *150th report*, p. 20; and *181st report*, p. 4.

- (a) The first criterion reserves the contempt powers of the Senate for matters involving substantial obstruction of a committee performing its functions.
- (b) The second criterion relates to whether there is any other remedy available and recognises that the Senate will be reluctant to deal with conduct as a contempt where there is alternative, more appropriate, remedy.
- (c) The third criterion relates to the culpability of the person alleged to have committed a contempt and requires the committee to consider whether:
  - (i) the person knowingly committed the act which may constitute the contempt; and
  - (ii) if so, whether he or she had any reasonable excuse for doing so.

1.12 Privilege Resolution 6 provides guidance on the types of acts which may be treated by the Senate as a contempt and relevantly provides that a person shall not improperly interfere with the free exercise by a committee of its authority.<sup>12</sup> In addition, the rules of the Senate preclude a senator sitting on a committee where the senator has a conflict of interest in relation to the inquiry of the committee.<sup>13</sup>

1.13 As well as considering the statutory threshold for conduct to constitute a contempt and the guidance provided by the Privilege Resolutions, the committee had regard to the precedents provided by its earlier reports on matters giving rise to allegations of contempt, and the action taken by the Senate in relation to those reports.

## **Consideration of matters**

### *Substantial obstruction*

1.14 The motion referring the matter to the committee directed it to examine whether Senator Thorpe's failure to declare the relationship obstructed the work of the joint committee and, if so, whether this amounted to an improper interference with the work of the committee. In doing so, the committee examined not just the specific impact of the failure to declare the personal relationship but also whether there was a wider impact on the operation of the joint committee.

1.15 The joint committee advised that it had no evidence that Senator Thorpe had declared or raised a possible conflict of interest in relation to a personal relationship during the time she was a member of the committee.<sup>14</sup> Senator Thorpe accepted in her submission that she should have declared this possible conflict:

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<sup>12</sup> Privilege Resolution 6(1).

<sup>13</sup> Standing order 27(5).

<sup>14</sup> *Submission 1*, p. 1.

...I should have disclosed my connection to Mr Martin to the Joint Committee and to my Party Leader, Adam Bandt. I regret the mistake I made and as a result I resigned as the Greens' Deputy Leader in the Senate.<sup>15</sup>

- 1.16 Senator Thorpe outlined the procedures followed in her office for handling of confidential committee documents including their destruction or disposal in confidential document bags when no longer required. She advised that:

I treated in confidence all confidential information I received as part of the Parliamentary Joint Committee on Law Enforcement.<sup>16</sup>

- 1.17 Senator Thorpe also specifically refuted any suggestion that she had provided joint committee documents to Mr Martin, discussed matters related to the committee with him or pursued any matter on his behalf through the committee.<sup>17</sup>

- 1.18 The joint committee provided a detailed account of its activities during the period Senator Thorpe was a member and noted:

...the committee did not conduct an inquiry specifically focussed on OMCGs during the period Senator Thorpe was a member of the committee. However, OMCGs or organised crime were mentioned in evidence for all inquiries either in submissions or at public hearings.<sup>18</sup>

- 1.19 The joint committee advised that some of the claims in media reports about in-camera documents and information that Senator Thorpe had access to as a member of the committee were incorrect.<sup>19</sup> Specifically, the joint committee noted that:

The committee wishes to address media reporting which claimed that Senator Thorpe attended a private briefing at the AFP headquarters in May 2021 and implied that this was for [a] significant police operation ie. Operation Ironside. While it is true that Senator Thorpe did attend a private briefing in May 2021, the briefing covered issues relevant to the new vaccine fraud inquiry and other matters which led the committee to commence its inquiry into law enforcement capabilities in relation to child exploitation. There was a subsequent private briefing on Operation Ironside but this occurred well after the operation had been made public and Senator Thorpe did not attend the briefing and nor did she request a copy of the transcript.<sup>20</sup>

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<sup>15</sup> Senator Thorpe, *Submission 2*, p. 1.

<sup>16</sup> *Submission 2*, p. 1.

<sup>17</sup> *Submission 2*, p. 2.

<sup>18</sup> *Submission 1*, p. 3.

<sup>19</sup> *Submission 1*, p. 4.

<sup>20</sup> *Submission 1*, p. 4.

- 1.20 In light of the evidence it received, the committee did not consider it necessary for the purposes of this inquiry to establish whether Mr Martin in fact has any ongoing association with the Rebels outlaw motorcycle gang.

### **Possible wider impact on the joint committee**

- 1.21 The committee also examined the wider question of whether these events might impede the joint committee performing its statutory oversight role by undermining the confidence of law enforcement bodies in the capacity of the joint committee to appropriately handle sensitive information. In particular, the joint committee was asked whether it had any evidence that law enforcement bodies were now reluctant to provide information to the committee. The joint committee responded that:

In the month since Senator Thorpe's personal relationship came to light, the committee has not observed any reluctance of the law enforcement bodies it oversees to provide sensitive documents or evidence to the committee.<sup>21</sup>

- 1.22 Further the joint committee advised that it had written to law enforcement agencies and organisations inviting them to raise any issues of concern in relation to information they had provided to the committee:

In responses received by the committee, the organisations did not raise any specific concerns in relation to the information they provided to the committee during the time that Senator Thorpe was a member.<sup>22</sup>

- 1.23 Summarising its investigation of these matters, the joint committee advised:

As the committee was not aware of Senator Thorpe's relationship, it follows that the committee cannot say that Senator Thorpe's failure to declare her relationship obstructed its work or improperly interfered with its operations during the previous parliament. The committee's review of its processes and information that Senator Thorpe had access to during her membership of the committee has not indicated any breach of the committee's processes.<sup>23</sup>

- 1.24 The committee thanks the joint committee for its thorough and comprehensive investigation of this matter.

### *Other remedies*

- 1.25 The committee accepts that this matter relates to alleged conduct which, if proven, could only be addressed by the Senate exercising its power to determine and punish contempts.
- 1.26 Media coverage of this matter was clearly intended to suggest that Senator Thorpe had utilised her membership of the joint committee to further the

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<sup>21</sup> *Submission 1*, p. 5.

<sup>22</sup> *Submission 1*, p. 5.

<sup>23</sup> *Submission 1*, p. 6.

interests of an outlaw motorcycle gang. A senator using his or her position on a committee to access sensitive information from law enforcement agencies in order to further the interests of a criminal organisation would be amongst the most serious possible contempts. To the extent that it was conduct forming part of the proceedings of the Parliament, it could only be sanctioned by the Senate.

- 1.27 However, the evidence to the committee demonstrates that the media coverage of this matter was inaccurate in some important respects. In particular, the implications that Senator Thorpe used her position inappropriately or even had access to information of the type speculated about in the media coverage is not borne out.
- 1.28 Nevertheless, senators should exercise caution in relation to the possibility of direct conflicts of interest and also the perception that their personal relationships may conflict with their official duties. While senators have the guidance of the Senate's resolutions on declaration of financial interests and gifts, much is left to their good judgement in relation to the declarations of personal relationships which may be perceived to conflict with their official duties.
- 1.29 Apart from a change to meeting practices for committees discussed below, the committee does not propose changes to the procedures for senators declaring conflicts arising from personal relationships. However, the committee suggests that senators take a scrupulous approach to such matters and, where they are in any doubt, seek the advice of their colleagues or the Clerk.

### *Culpable intention*

- 1.30 As a result of its findings in relation to other criteria, the committee considered that it was unnecessary for it to consider the issue of culpable intention.

### **Findings and conclusion**

- 1.31 The committee is of the view that Senator Thorpe should have declared her relationship with Mr Martin to the joint committee as a potential conflict of interest with her work on the committee. It was possible that she would receive sensitive material of interest to outlaw motorcycle gangs through her work on the joint committee. However, on the basis of the evidence provided by the joint committee and Senator Thorpe, the committee is satisfied that no disclosure of such material has occurred and that the operations of the joint committee have not been impeded. The committee therefore concludes that a contempt should not be found in relation to the matters referred to it.
- 1.32 The committee emphasises the need for senators to be aware of their responsibilities to perform their roles in the public interest, to declare any possible conflicts and to comply with the requirement in the standing orders not to sit on a committee where the senator has a conflict of interest in relation

to the inquiry. Transparency in relation to such matters serves to resolve most issues and is critical to maintaining the confidence of submitters and witnesses in the integrity of committee proceedings. To support a more consistent approach to these matters, the committee recommends that declarations of any conflicts of interest should be a standard agenda item at all private meetings of committees.

- 1.33 Finally, the committee queries whether a more straightforward approach to this matter would have been for Senator Thorpe to make a statement to the Senate in relation to the media speculation concerning her relationship and its possible intersection with her work on the joint committee. The Senate routinely gives leave to senators to make such personal explanations.<sup>24</sup>

#### **Recommendation 1**

- 1.34 The committee recommends that committee chairs include declarations of any conflicts of interest as a standard agenda item for all private meetings of committees.**

#### **Recommendation 2**

- 1.35 The committee recommends that the Senate adopt the conclusion at paragraph 1.31, that no contempt be found in relation to the matters referred.**

**Senator Slade Brockman**

**Chair**

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<sup>24</sup> Standing order 190.



PARLIAMENT OF AUSTRALIA

## Parliamentary Joint Committee on Law Enforcement

16 November 2022

Senator Slade Brockman  
Chair  
Senate Standing Committee of Privileges  
PO Box 6100  
Parliament House  
Canberra ACT 2600

### **Inquiry regarding possible contempt**

Dear Senator Brockman,

Thank you for your correspondence dated 28 October 2022 which asks the Parliamentary Joint Committee on Law Enforcement (the committee) to provide a submission on matters relevant to its inquiry. The Privileges Committee has sought a timeline of the committee's activities during the period Senator Thorpe was a member. This is available at Attachment A. It has also sought responses to a number of specific questions, and these are addressed in the information below. The committee has agreed this submission and Attachment A can be made public.

### **Committee membership and access to records from the previous parliament**

Senator Thorpe was a member of the committee from 2 February 2021 to 11 April 2022 during the previous parliament. This response has been prepared by the current committee drawing on evidence and records from the previous parliament. The committee notes that its resolution of appointment provides that:

*(12) the committee or any subcommittee have power to consider and make use of the evidence and records of the Joint Committees on the National Crime Authority, the Australian Crime Commission and Law Enforcement appointed during previous Parliaments.<sup>1</sup>*

It should be noted that the current committee has a significantly different membership from that of the 46<sup>th</sup> Parliament. The committee has not consulted those who were members of the committee during the time Senator Thorpe was a committee member.

### **No evidence of declaration**

The committee has no evidence that Senator Thorpe declared or raised a possible conflict of interest in relation to a personal relationship of hers during the time she was a member of the committee.

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<sup>1</sup> *Journals of the Senate*, No.2—27 July 2022, pp. 88-89.



PARLIAMENT OF AUSTRALIA

**Parliamentary Joint Committee on Law Enforcement**

**Committee activities and evidence provided to the committee**

The Privileges Committee has asked for information on briefings and evidence related to Outlaw Motorcycle Gangs (OMCGs). The committee is of course aware of the connection between OMCGs and organised crime and so this submission highlights evidence that mentions OMCGs, organised crime or both. However, the information may not be exhaustive given the significant connection between OMCGs and organised crime and the relevance of organised crime to many aspects of the committee’s work.

In order to provide information about committee activities and the evidence received in a useful format, this part of the submission is divided into three sections:

- a broad overview of all committee inquiries and activities during the period Senator Thorpe was a committee member which consists of the timeline of committee activities at Attachment A and the extract below of the inquiries undertaken during the period;
- a section on public evidence which focuses on any evidence referring to OMCGs, organised crime or both; and
- a section on in-camera evidence which covers, at a high level, any evidence received that mentions OMCGs, organised crime or both and provides a summary of any issues.

**Overview of committee work**

Attachment A is a timeline of all committee activities that took place during the period that Senator Thorpe was a committee member. It should be noted that the timeline includes inquiries that commenced before Senator Thorpe was a committee member but were undertaken during the time she was on the committee.

***Inquiries***

The following extract from Attachment A lists inquiries undertaken during the time Senator Thorpe was a committee member:

<b>Inquiry</b>	<b>Commenced</b>	<b>Reported</b>
<b>Vaccine related fraud and security risks</b>	17 March 2021	17 February 2022
<b>Criminal Code Amendment (Sharing of Abhorrent Violent Material) Act 2019</b>	9 September 2021	13 December 2021
<b>Examination of the Australian Criminal Intelligence Commission (ACIC) Annual Report 2019-20</b>	15 October 2020	21 October 2021
<b>Operation of the Australian Crime</b>	17 February 2021	26 August 2021



PARLIAMENT OF AUSTRALIA

Parliamentary Joint Committee on Law Enforcement

<b>Commission Amendment (Special Operations and Special Investigations) Act 2019</b>		
<b>Examination of the Australian Federal Police (AFP) Annual Report 2019-20</b>	19 October 2020	26 August 2021
<b>COVID-19, criminal activity and law enforcement</b>	10 June 2020	21 June 2021
<b>Public communications campaigns targeting drug and substance abuse</b>	16 October 2019	12 May 2021
<b>An Australian standard for the training and use of privately contracted security and detection dogs</b>	16 October 2019	16 February 2021
<b>Law enforcement capabilities in relation to child exploitation</b>	16 June 2021	Lapsed on 11 April 2022 with the dissolution of the House of Representatives. This inquiry has been continued in the 47 <sup>th</sup> parliament.
<b>Impact of illicit drugs being traded online</b>	28 October 2021	Lapsed on 11 April 2022 with the dissolution of the House of Representatives.

**Public evidence**

As can be seen from the table above, the committee did not conduct an inquiry specifically focussed on OMCGs during the period Senator Thorpe was a member of the committee. However, OMCGs or organised crime were mentioned in evidence for all inquiries either in submissions or at public hearings. Of the five inquiries for which public hearings were held during the period Senator Thorpe was a member, Senator Thorpe attended two. These were for the examination of the ACIC and AFP annual reports 2019-20.

**In-camera evidence**

This section provides some high-level information about in-camera evidence received by the committee which is distinct from usual committee in confidence material such as minutes, correspondence which is not made public and draft reports.



## PARLIAMENT OF AUSTRALIA

### Parliamentary Joint Committee on Law Enforcement

The committee is aware of media reporting<sup>2</sup> which referred to private briefings Senator Thorpe attended and made some claims about in-camera documents and information that Senator Thorpe had access to as a member of the committee. As some of these claims are incorrect, the committee has agreed to provide some high-level information about in-camera evidence and private briefings in order to correct the public record.

#### ***Documents***

In order to clarify media reporting about in-camera documents, the committee has agreed to disclose that it received two documents for its inquiry into the Operation of the Australian Crime Commission Amendment (Special Operations and Special Investigations) Act 2019. While not exclusively focussed on OMCGs, these documents did refer to OMCGs. These two documents were provided in hard copy to Senator Thorpe.

#### ***Private briefings***

Private briefings are a helpful tool for committees to become familiar with new subject matter and issues at the start of an inquiry, to receive information not connected to a specific inquiry but on issues in relation to the committee's oversight work, and sometimes they are required by law, for example, section 10 of the *Parliamentary Joint Committee on Law Enforcement Act 2010*.

During the period Senator Thorpe was a committee member, the committee received five private briefings. In summary, the committee can confirm that it did not hold a private briefing where OMCGs were the specific focus but given the committee's role, OMCGs and organised crime were mentioned during three of the four private briefings where transcripts were taken.

The committee wishes to address media reporting which claimed that Senator Thorpe attended a private briefing at the AFP headquarters in May 2021 and implied that this was for significant police operation ie. Operation Ironside. While it is true that Senator Thorpe did attend a private briefing in May 2021, the briefing covered issues relevant to the new vaccine fraud inquiry and other matters which led the committee to commence its inquiry into law enforcement capabilities in relation to child exploitation. There was a subsequent private briefing on Operation Ironside but this occurred well after the operation had been made public and Senator Thorpe did not attend the briefing and nor did she request a copy of the transcript.

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<sup>2</sup> For example, Jade Gailberger, Clare Armstrong, James Morrow, 'More trouble for Thorpe over ex-bikie boss 'affair'', *Herald Sun*, 21 October 2022; Greg Brown and Paige Taylor, 'Indigenous calls to dump Greens senator over bikie relationship', *The Australian*, 21 October 2022; Editorial 'Lifting the Lidia on a clear case of obvious conflict', *Daily Telegraph*, 21 October 2022; Jake Evans and Andrew Probyn, 'Greens Senator Lidia Thorpe admits to undisclosed relationship with ex-Rebels president Dean Martin while on law enforcement committee' *ABC News*, 20 October 2022.



## PARLIAMENT OF AUSTRALIA

### Parliamentary Joint Committee on Law Enforcement

#### **Management of in-camera evidence**

The following information responds to the Privileges Committee's questions regarding the management of in-camera evidence and has been prepared with reference to records of the former committee and through consultation with the former secretaries to the committee.

At the first committee meeting of the 46<sup>th</sup> Parliament, among the standard committee resolutions, the following was agreed in relation to the management of in-camera evidence:

*That in camera evidence provided to committee members in the exercise of their committee responsibilities, be returned to the secretary for appropriate management and secure storage when no longer required for committee purposes or at the end of the Parliament.*

The committee understands that there was no specific induction provided to Senator Thorpe or her staff when she joined the committee. However, at the start of private briefings, if the need for a Hansard transcript had been agreed, committee members were reminded that an in-camera Hansard transcript was being taken for the committee's internal use only. These transcripts from private briefings were not typically circulated to committee members unless specifically requested. Regardless of whether a transcript was produced, committee members were also reminded at private briefings that in-camera evidence should not be released without the committee's permission.

Any in-camera documents that were distributed electronically were clearly labelled for committee members. Any in-camera documents distributed in hard copy were also clearly labelled, printed on coloured paper and, if necessary, mailed via registered post.

The committee has no evidence that these procedures were not followed.

#### **Potential effect on oversight bodies**

In the month since Senator Thorpe's personal relationship came to light, the committee has not observed any reluctance of the law enforcement bodies it oversees to provide sensitive documents or evidence to the committee.

The committee wrote to the agencies and organisations that regularly provide evidence and private briefings to the committee, providing assurance that the committee takes the integrity of its proceedings very seriously. They were informed that the committee affirmed its commitment to protecting the confidentiality of in-camera and sensitive information that may be provided to the committee and also affirmed that committee members should declare conflicts of interest that relate to their committee duties so that declared matters can be dealt with appropriately. The correspondence also invited them to raise any issues of concern in relation to information they had provided to the committee.

In responses received by the committee, the organisations did not raise any specific concerns in relation to the information they provided to the committee during the time that Senator Thorpe was a member.



## **Parliamentary Joint Committee on Law Enforcement**

### **Potential obstruction of committee work**

As the committee was not aware of Senator Thorpe's relationship, it follows that the committee cannot say that Senator Thorpe's failure to declare her relationship obstructed its work or improperly interfered with its operations during the previous parliament. The committee's review of its processes and information that Senator Thorpe had access to during her membership of the committee has not indicated any breach of the committee's processes.

The committee trusts this information is of assistance. Should you have any questions about this correspondence, please contact the Committee Secretary at [le.committee@aph.gov.au](mailto:le.committee@aph.gov.au) or on 02 6277 3419.

Yours sincerely,

Senator Helen Polley  
**Chair**

## Attachment A

### Parliamentary Joint Committee on Law Enforcement

Timeline of the committee's activities during the period Senator Thorpe was a member

Date	Activity
16 October 2019	<b>Inquiry commenced</b> into public communications campaigns targeting drug and substance abuse
16 October 2019	<b>Inquiry commenced</b> into an Australian standard for the training and use of privately contracted security and detection dogs
10 June 2020	<b>Inquiry commenced</b> into COVID-19, criminal activity and law enforcement
15 October 2020	<b>Inquiry commenced</b> into the Australian Criminal Intelligence Commission (ACIC) Annual Report 2019-20
19 October 2020	<b>Inquiry commenced</b> into the examination of the Australian Federal Police (AFP) Annual Report 2019-20
2 February 2021	<b>Senator Thorpe is appointed to the committee</b>
3 February 2021	<b>Private meeting</b>
16 February 2021	<b>Report tabled</b> for the inquiry into an Australian standard for the training and use of privately contracted security and detection dogs
17 February 2021	<b>Private meeting</b> <b>Inquiry commenced</b> into the operation of the Australian Crime Commission Amendment (Special Operations and Special Investigations) Act Inquiry 2019
17 March 2021	<b>Private meeting</b> <b>Inquiry commenced</b> into vaccine related fraud and security risks
12 April 2021	<b>Private briefing</b> with the Commonwealth Ombudsman on the Ombudsman's public report of ACIC and AFP involvement in controlled operations as per section 10 of the Parliamentary Joint Committee on Law Enforcement Act 2010. The Act stipulates that the briefing must be private
12 April 2021	<b>Public hearing</b> re ACIC Annual Report
12 April 2021	<b>Public hearing</b> re AFP Annual Report
5 May 2021	<b>Private meeting</b>
10 May 2021	<b>Private briefing</b> from AFP on matters relevant to the vaccine fraud inquiry and other matters (dark web and child abuse which led to the child exploitation inquiry)
12 May 2021	<b>Private meeting</b>
12 May 2021	<b>Report tabled</b> for the inquiry into public communications campaigns targeting drug and substance abuse
13 May 2021	<b>Private Briefing</b> with AFP and Commonwealth Ombudsman re own motion investigation and public report in April 2021 into the AFPs use and administration of telecommunications data powers 2010-2020.
16 June 2021	<b>Private meeting</b> <b>Inquiry commenced</b> into the law enforcement capabilities in relation to child exploitation. Note the inquiry lapsed but is being continued in the 47 <sup>th</sup> Parliament.
21 June 2021	<b>Report tabled</b> for the inquiry into COVID-19, criminal activity and law enforcement
25 June 2021	<b>Public hearing</b> re the Operation of the Australian Crime Commission Amendment (Special Operations and Special Investigations) Act 2019

<b>2 August 2021</b>	<b>Private Briefing</b> with the AFP re Operation Ironside and the June 2021 ANAO audit report on the AFP's use of statutory powers
<b>4 August 2021</b>	<b>Private meeting</b>
<b>25 August 2021</b>	<b>Private meeting</b>
<b>26 August 2021</b>	<b>Report tabled</b> for the examination of the AFP Annual Report 2019-2020
<b>26 August 2021</b>	<b>Report tabled</b> for the inquiry into the operation of the Australian Crime Commission Amendment (Special Operations and Special Investigations) Act 2019
<b>9 September 2021</b>	<b>Private meeting</b> <b>Inquiry commenced</b> into the Criminal Code Amendment (Sharing of Abhorrent Violent Material) 2019 Act
<b>20 October 2021</b>	<b>Private meeting</b>
<b>21 October 2021</b>	<b>Report tabled</b> for the examination of the ACIC Annual Report
<b>28 October 2021</b>	<b>Private meeting</b> <b>Commenced inquiry</b> into the impact of illicit drugs being traded online. Note: the inquiry lapsed on 11 April 2022. No hearings were held.
<b>17 November 2021</b>	<b>Public hearing</b> for the inquiry into the Criminal Code Amendment (Sharing of Abhorrent Violent Material) Act 2019
<b>24 November 2021</b>	<b>Private meeting</b>
<b>1 December 2021</b>	<b>Private meeting</b>
<b>9 December 2021</b>	<b>Public hearing</b> for child exploitation inquiry
<b>10 December 2021</b>	<b>Public hearing</b> for child exploitation inquiry
<b>10 December 2021</b>	<b>Private meeting</b>
<b>13 December 2021</b>	<b>Report tabled</b> for the inquiry into the Criminal Code Amendment (Sharing of Abhorrent Violent Material) 2019 Act
<b>9 February 2022</b>	<b>Private meeting</b>
<b>17 February 2022</b>	<b>Report tabled</b> for the inquiry into vaccine related fraud and security risks
<b>24 February 2022</b>	<b>Private briefing</b> with the United Nations Office on Drugs and Crime
<b>11 April 2022</b>	<b>Senator Thorpe ceased to be a member</b> as the committee ceased to exist at the dissolution of the House of Representatives



17 November 2022

Committee of Privileges  
Parliament House  
Canberra ACT 2600

Via email: [priv.sen@aph.gov.au](mailto:priv.sen@aph.gov.au)

Dear Secretary,

**Re: Inquiry regarding possible contempt**

Thank you for your letter dated 28 October 2022 requesting my submission to the Committee of Privileges. My statement and response to the specific questions put by the committee follow.

I became a member of the Parliamentary Joint Committee on Law Enforcement on 2 February 2021 as the Greens Justice portfolio holder, and stepped down from the Committee at the conclusion of the 46th Parliament as I no longer held the portfolio after the election.

As I said in my statement to the Senate on 25 October 2022, Mr Dean Martin and I met through Blak activism and briefly dated. Specifically, we met on 26 January 2021 at an Invasion Day rally and dated in March 2021. Since then, we have remained friends and have collaborated on our shared interest: advocating for the rights of First Nations people.

As I outline below, I treated in confidence all confidential information I received as part of the Parliamentary Joint Committee on Law Enforcement. However, I should have disclosed my connection to Mr Martin to the Joint Committee and to my Party Leader, Adam Bandt. I regret the mistake I made and as a result I resigned as the Greens' Deputy Leader in the Senate.

***What arrangements did you and your office have in place for the handling of confidential committee documents?***

All confidential documents relating to the inquiry in question were handled by my former Chief of Staff, David Mejia-Canales, who had responsibility for shredding or disposing of them in designated confidential document bags once read. Any confidential documents I received from him were returned for the above process to occur.



More generally, all staff in my office understood the importance of confidentiality in relation to the Joint Committee and they disposed of confidential documents appropriately in relation to all committee inquiries.

***Who in your office was responsible for committee related matters during the time you were a member of the joint committee? Who in your office would have had an awareness of committee activities, during the same period, including current and former staff members?***

My former Chief of Staff, David Mejia-Canales, was the main contact and responsible for the Joint Committee and the inquiry in question for the duration of my Committee membership. My policy adviser, Anica Niepraschk, prepared for the meetings of the Committee between May and December 2021, however not for any inquiry-related matters. During the period between May and December 2021 Mr Mejia-Canales continued to be the main contact point for the Committee in the office and continued work on all committee inquiries, including the inquiry in question. From December 2021 Mr Mejia-Canales resumed responsibility for all matters relating to the joint committee again.

My Office Manager, Dan Cook, was aware of Committee meeting times through management of the public inbox and diary. My former Chief of Staff, Georgia Webster, also had access to committee papers in her role until she finished in May 2021. She followed the same processes in relation to confidential document handling as Mr Mejia-Canales.

***Did you discuss any matters related to the joint committee with Mr Dean Martin? If so, what matters were discussed?***

No.

***Did you provide Mr Martin with any committee documents or transcripts? If so, what documents did he have access to?***

No.

***Did Mr Martin ask you to pursue any matters through the committee? If so, did you pursue those matters at a committee hearing or briefing, or through any other proceeding of that committee?***

No.

***Is there any other information you can provide to assist the Committee of Privileges with its inquiry?***

No, not as far as I'm aware.

# LIDIA THORPE

SENATOR FOR VICTORIA



Should you require any further information or clarification, please do not hesitate to contact me.

Yours Sincerely,

**Lidia Thorpe**  
Senator for Victoria