

## Summary

The committee reports to the Senate on a matter arising from the removal of a person from positions held in an organisation after he gave evidence, as a representative of that organisation, at an in camera hearing of the Rural Affairs and Transport References Committee in March 2011.<sup>1</sup>

The committee regards the protection of persons providing information to the Senate, and in particular of witnesses before parliamentary committees, as the most important duty of the Senate in determining possible contempts. Any suggestion that a penalty has been imposed upon a witness as a result of giving evidence to a parliamentary committee is therefore treated with the utmost seriousness.

The committee has considered whether there was any interference with the witness in respect of the evidence he was to give at the hearing, or any penalty imposed on him as a result of his evidence. The committee also considered whether there was any improper use of a proof transcript of the hearing.

The committee's attention was drawn to a number of actions which are capable of being treated by the Senate as contempts, however the committee has been unable to conclusively establish the facts of the matter, which primarily turn on the content of a private conversation. In those circumstances, the committee cannot recommend that a contempt be found.

The committee considers that the combination of events involved contributed to an atmosphere in which the witness might, with good justification, have been concerned that action was being taken against him because of his evidence. While refraining from recommending that a contempt be found, the committee considers that the organisation involved ought formally apologise to the witness for the way in which this matter was handled.

### Conclusion and recommendation

On the evidence before it, the committee is unable to conclude that action taken to remove the witness was taken because of the evidence he gave to the references committee.

The committee **recommends** that the Senate endorse the findings at paragraph 1.73 of the report and the conclusion, at paragraph 1.74, that a contempt should not be found in regard to the matter referred.

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1 The terms of reference are set out in paragraph 1.15 of the report.

