



20 January 2026

Senator the Hon Jane Hume
Chair
Committee of Privileges
Senate

By Email: Priv.Sen@aph.gov.au

Dear Chair,

Thank you for the opportunity to make a submission into the Committee's inquiry about the Department of Parliamentary Services handling of documents and communications. Given the operational matters canvassed by your request the Presiding Officers have asked that we respond on their behalf.

In an administrative and corporate sense, the Parliament of Tasmania is made up of three inner budget agencies – the Legislative Council, the House of Assembly and the Legislature-General. The Clerks are the Head of Agency for their respective House and jointly the Head of Agency for Legislature-General. They are also record keepers of the information held by their respective Houses and jointly hold the records and data held by the Legislature-General.

The Legislature-General provides joint services that support the two Houses. This includes the Parliamentary Library and Research Service, Facilities and Assets, Finance and People and Culture services, and ICT support.

Information held on data servers and email accounts supported by Legislature-General is ultimately under the custody and control of both Clerks as Head of Agency. Any legal, right to information or other process or request that may require the disclosure of information held by Legislature-General to a third party would require the approval of one or both Clerks. This is a somewhat peculiar position as at law the Clerks are jointly and severally responsible for management and control of information. By convention, requests for the release of information pursuant to legal processes are escalated to the Clerks to authorise. This is one element of control. The Parliament of Tasmania is in the process of reviewing its delegation manual and record keeping practices, and it is likely this convention will be formalised in a policy and procedures, and the Parliament's delegation manuals.

Another control method is the use of Memorandums of Understanding with investigative bodies. The Parliament of Tasmania has a Memorandum of Understanding with Tasmania Police, though it is acknowledged that this Memorandum, signed in 2006, is in need of review. This Memorandum of Understanding is designed to avoid police investigations interfering with the functioning of Parliament and ensure there are proper opportunities to raise claims of parliamentary privilege. Among other measures, the Memorandum of Understanding requires Tasmania Police to notify the relevant Presiding Officer prior to executing any search warrant where the premises to be searched are in Parliament House. It is noted that police investigations are different to other

processes, such as integrity agency processes, as police gather evidence to support a prosecution, and it is for a court to determine the matter. As such there are opportunities both at the investigation stage and court stages to raise matters of privilege and have evidence struck out.

As the Committee may appreciate this is different to what may occur in integrity agency investigations, as once evidence is received by an integrity body it can be used by that body to determine facts and make findings of misconduct. In order to manage these types of processes, the Tasmanian Parliament has been involved in negotiations with the Integrity Commission of Tasmania regarding the establishment of a Memorandum of Understanding to guide processes to be followed for investigations under the Integrity Commission Act 2009 (Tas) to mitigate any risk in relation to the release of material that is privileged. This proposed Memorandum of Understanding is the subject of an inquiry by the Joint Standing Committee on Integrity. Information about the inquiry may be located on the [Committee's webpage](#).

Yours sincerely

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Clerk of the Legislative Council

LAURA ROSS
Clerk of the House of Assembly