



Senator the Hon. Jane Hume
Chair
Senate Standing Committee on Privileges
Australian Parliament House

By email: priv.sen@aph.gov.au

Dear Chair

I refer to the Senate Standing Committee on Privileges inquiry into the Department of Parliamentary Services' (DPS) handling of documents and communications.

The department has received the following additional written questions on notice:

1. What instructions or guidance did DPS provide to HWLE regarding parliamentary privilege to support HWLE reviewing the data provided by TransPerfect?
2. What advice did DPS provide HWLE on how they should deal with any uncertainty regarding to the application of privilege to particular data?
3. How did HWLE go about sifting the data from TransPerfect to ensure no potentially privileged material was provided to Dr Roughley?

Please find following responses to the questions asked.

Background

Dr Roughley's investigation was in relation to Department of Parliamentary Services' (DPS) processes, and the involvement of DPS employees in an Incentive to Retire (ITR) payment made to a former Deputy Secretary of the department. The information required for the investigation related to DPS processes and employees only. The investigation did not require any information of parliamentarians nor is there any evidence that parliamentarians were involved in the calculation of the ITR or the payment process itself.

Questions 1 and 2.

Fulsome material about the method of data identification and provision is provided in the DPS submission to the Committee.

In summary, the Department of Parliamentary Services (DPS) engaged HWLE Lawyers (HWLE) to provide support to Dr Roughley in her investigation and to provide legal advice and assistance to the department.

DPS instructed HWLE to conduct a review of DPS employee material made available to it by TransPerfect Legal (TPL) prior to it being provided to Dr Roughley. The DPS employee material was sourced from the Parliamentary Communication Network (PCN) with relevant material identified for HWLE to review using TPL's specialised digital software and specific search strings, to ensure that no Parliamentarian data or data which might contain parliamentary

privilege material (i.e. material that might be for the purposes of “proceedings in Parliament” as defined in section 16(2) of the *Parliamentary Privileges Act 1987 (Cth)*) was provided to Dr Roughley.

HWLE were instructed to not provide any material to Dr Roughley that was identified as containing Parliamentary data or data that might contain material subject to Parliamentary Privilege considerations.

HWLE have confirmed that no Parliamentary or Parliamentary data was provided to HWLE from the authorised electronic search conducted by TPL or provided to HWLE, via TPL, from the initial data searches conducted by officers of the DPS Information Services Division (ISD).

As an ultimate safeguard, if however, any material had been identified as relevant to a claim of Parliamentary Privilege, HWLE were instructed to seek guidance from the department. The department in turn would have sought advice from the relevant Clerk.

Question 3

HWLE have confirmed that no Parliamentary or Parliamentary data was provided to HWLE from the electronic searches conducted by TPL or provided to TPL from the initial data searches conducted by officers of DPS ISD.

HWLE had a restricted specialist team of Australian Government Security Vetting Agency (AGSVA) cleared legal practitioners who reviewed the data prior to its provision to Dr Roughley. The AGSVA cleared legal practitioners viewed the identified relevant material through secure portal access provided by TPL on its Australian based servers to identify:

- Any Parliamentary data or data that might contain parliamentary privilege material, with instructions that if this information was identified, that it not to be provided to Dr Roughley.
- Sensitive DPS data or data which might be covered by another form of privilege, for example legal professional privilege. If this material was relevant to the investigation, it would be discussed with the department for further instructions. Only if DPS agreed to it being released, would it be provided to Dr Roughley.
- DPS staff data relevant to the investigation where no potential privilege claim existed. This material was to be provided to Dr Roughley.

I trust that this information assists the Committee’s consideration of this matter.

I, and senior officials of the department remain available to the Committee should any further information be required.

Yours sincerely

Jaala Hinchcliffe
Secretary

10 March 2026