

**SUBMISSION - IN CAMERA EVIDENCE**

Your letter of 8 March 1991 seeks advice on submissions made to the Privileges Committee which contain in camera evidence given to another committee, the other committee having not authorised this disclosure of its evidence so far as you know.

In normal circumstances a person making a submission to a committee would be enjoined not to disclose in the submission the in camera evidence of another committee without the permission of the other committee. Such a course would normally be contrary to the proscription contained in standing order 37:

**Disclosure of evidence and documents**

**37.** The evidence taken by a committee and documents presented to it which have not been reported to the Senate, shall not, unless authorised by the Senate or the committee, be disclosed to any person other than a member or officer of the committee.

In the circumstances of the Privileges Committee's current inquiry, however, I think that the proper conclusion is that the Senate, by charging the Privileges Committee with responsibility for investigating a matter directly related to the proceedings of another committee, has authorised witnesses before the Privileges Committee to disclose relevant evidence of the other committee in submissions or evidence and has authorised the Privileges Committee to have access to relevant evidence of the other committee.

In these matters, however, one should not rest upon interpretations, however correct. To maintain the proper courtesies and comity between two committees, I suggest that the Privileges Committee write to the other committee and seek the other committee's concurrence with the examination of the committee's in camera evidence by the Privileges Committee, in so far as that evidence is relevant to the Privileges Committee's inquiry. If the Privileges Committee wishes to further disclose any of the in camera evidence of the other committee, the concurrence of the other committee for that disclosure should also be sought. Any lack of concurrence on the part of the other committee which the Privileges Committee regards as impeding the inquiry could be reported to, and determined by, the Senate.