

Report

1.1 On 28 August 2018, the President of the Senate, Senator the Honourable Scott Ryan, received a submission from Mr John Lloyd, PSM seeking redress under the resolution of the Senate of 25 February 1988 relating to the protection of persons referred to in the Senate (Privilege Resolution 5).

1.2 The submission referred to a report that the President caused to have tabled in the Senate on 21 August 2018. The President accepted the submission and referred it to the Committee of Privileges.

1.3 The committee met on 13 and 20 September 2018 and, pursuant to paragraph (3) of Privilege Resolution 5, considered the submission. In doing so, the committee first considered whether the resolution relating to the protection of persons referred to in the Senate extended to the case where the person was referred to in a document tabled in the Senate.

1.4 The committee noted that the report was prepared by the Merit Protection Commissioner in response to two complaints alleging that Mr Lloyd, who was the Public Service Commissioner at the time of the allegations, had breached the APS Code of Conduct. Under the provisions of the *Public Service Act 1999*, the Public Service Commissioner is bound by the APS Code of Conduct and the Merit Protection Commissioner has the responsibility to investigate such allegations and report to the Presiding Officers. The provision of the report to the Presiding Officers obliges them to provide it to their respective Houses. This obligation, together with the tabling of the report in the Senate brings the document into the Parliament's proceedings. The committee therefore concluded that Privilege Resolution 5 applies in this instance.

1.5 Having established that the report is subject to Privilege Resolution 5, the committee deliberated on the submission. While noting that much of the submission appears to be addressed in the report, the committee resolved to recommend that the response be incorporated in Hansard without change. Senator Abetz recused himself from these deliberations.

1.6 The committee draws attention to paragraph 5(6) of the resolution which requires that, in considering a submission under this resolution and reporting to the Senate, the committee shall not consider or judge the truth of any statements made in the Senate or the submission.

1.7 The committee **recommends:**

That a response prepared by Mr John Lloyd, PSM in the terms specified in Appendix 1, be incorporated in *Hansard*.

Senator the Hon Jacinta Collins

Chair

