



24 October 2013

Hon Ruth Dyson MP
Room 2.061
Parliament House
PARLIAMENT BUILDINGS

Dear Ms Dyson

Your letter of 16 October 2013 raises as a matter of privilege replies to questions given in the House by Hon Dr Nick Smith, Minister of Conservation during September 2013 concerning the preparation of a Department of Conservation submission.

An allegation of breach privilege must be formulated as precisely as possible. In your complaint you have not pointed to a particular misleading statement. It raises replies to questions concerning when the Minister became aware of the draft submission leaked on 17 September, when he became aware of the contents of the submission, and when he was made aware that a submission was being prepared. These are not one and the same thing.

The primary question asked by Eugenie Sage to which your letter refers concerns when the Minister was first aware the Department was preparing a submission. The Minister's answer did not clearly address the question, but this does not make it deliberately misleading. The reply was not necessarily incorrect.

The matter appears to be was one of contention. The answer given was certainly contestable. The way to clear up such matters is through the asking of further questions, which is what members have done.

Given the seriousness of an allegation of deliberately misleading the House, proof of a very high order is required. There must be an incorrect statement, that was known to be incorrect, and some indication of an intention to mislead. Usually only where a member can be assumed to have personal knowledge, rather than knowledge by way of his or her official capacity, can a presumption of an intention to mislead arise.

Having considered the matter you have raised, I find that no question of privilege is involved.

Yours sincerely

A handwritten signature in blue ink, consisting of a large, stylized loop with a vertical line through it, and a small horizontal line at the bottom.

Rt Hon David Carter
SPEAKER

cc Hon Dr Nick Smith, Minister of Conservation