



Premier of New South Wales



28 MAY 2010

The Hon. Richard Torbay MP
Speaker of the Legislative Assembly
Parliament House
Macquarie Street
Sydney NSW 2000



Dear Mr Torbay

I am writing in response to the report of the Committee on Parliamentary Privileges and Ethics tabled on 26 November 2009 entitled "*Report on a Memorandum of Understanding with the Independent Commission Against Corruption relating to the Execution of Search Warrants on the Parliament House Offices of Members*".

I note that the Government has already supported Recommendations 1 and 2 of the Report, which have now been implemented.

The Government is considering the Committee's third recommendation that legislation be introduced to confirm the protection of Article 9 of the Bill of Rights.

In that regard, however, I note that I have been advised that it is already clear that Article 9 of the Bill of Rights remains in force in New South Wales by reason of section 6 of the *Imperial Acts Application Act 1969*.

Any proposal to introduce legislation that goes beyond merely confirming the legal force of Article 9, and that seeks to codify or extend the protections conferred by Article 9 in a manner similar to section 16 of the *Parliamentary Privileges Act (Cth)*, will require detailed consideration of complex issues regarding the proper scope and extent of Parliamentary privileges. I note that these issues were not directly considered by the Committee in this Report.

Yours sincerely


Kristina Keneally MP
Premier

