



INQUIRY INTO THE 2009 MT PENNY RETURN TO ORDER

Terms of reference

1. That this House notes the findings and recommendations of the Privileges Committee in Report No. 68 entitled 'Possible non-compliance with the 2009 Mt Penny order for papers', dated 30 April 2013.
2. That the Privileges Committee inquire into and report on the failure to provide documents in the return to order tabled in the House on 26 November 2009 concerning the Mt Penny mining exploration licence and tender process, including documents identified in the document comparison matrix provided by the Commissioner of the Independent Commission Against Corruption and tabled in the House on 14 March 2013, and in particular:
 - (a) the reasons for and circumstances leading to the failure to provide documents in the return,
 - (b) whether other documents held by offices identified in the resolution passed by the House on 12 November 2009 and captured by the terms of the resolution were not provided in the return,
 - (c) any deficiencies in processes or policies of a minister, ministerial office, department or other agency regarding the identification of documents captured by orders for the production of documents under standing order 52, or the inclusion of documents in a return,
 - (d) the identity of the person or persons whose actions resulted in the failure to provide documents in the return,
 - (e) any further action the House should take in relation to this matter, including:
 - (i) whether a person or persons should be adjudged guilty of contempt,
 - (ii) the scope of sanctions that may be imposed,
 - (iii) any possible further involvement by the Independent Commission Against Corruption,
 - (f) guidelines and policies for the process by which ministers, ministerial offices, departments and agencies respond to orders for the production of documents under standing order 52, in light of current guidelines and policies, and
 - (g) any other related matter.

3. That in order to ensure procedural fairness, natural justice and the protection of witnesses before the Committee, the Committee shall observe the procedures laid down in the standing orders and the practices and procedures of the House, and may adopt and report to the House any additional procedures as the Committee sees fit.
4. That in conducting its inquiry, the Committee may utilise the services of an appropriately qualified adviser or advisers.
5. That notwithstanding anything to the contrary in the resolution establishing the Committee, for the purposes of this inquiry:
 - (a) the Committee consist of eight members, and
 - (b) the additional member be Mr Buckingham.

LC Minutes (7/5/2013) 1675-76.