



## Inquiry into a potential breach of privilege and contempt arising from an inquiry by Portfolio Committee No. 5

### TERMS OF REFERENCE

The committee notes that:

- as part of its inquiry into identity protections for proceedings involving children, Portfolio Committee No. 5 received and published a redacted version of a submission from Judge Wass SC, and took evidence on 5 December 2025 from the NSW Director of Public Prosecutions and Solicitor for Public Prosecutions.
- on 10 December 2025, the Director of Public Prosecutions made an application for Judge Wass SC to recuse herself from hearing a matter in the District Court on the basis of apprehended bias. Judge Wass' submission to Portfolio Committee No. 5 and a transcript of evidence from that committee's 5 December hearing were annexed to an affidavit in support of the application.

The President subsequently referred to the committee the following terms of reference:

- (a) Whether the apparent adducing of this evidence is a breach of parliamentary privilege, and
- (b) Whether the making of the application constitutes a substantial interference in the work of the committee and is therefore a contempt.

### Committee membership

<b>Hon Stephen Lawrence MLC</b>	Australian Labor Party	<i>Chair</i>
<b>Hon Natasha Maclaren-Jones MLC</b>	Liberal Party	<i>Deputy Chair</i>
<b>Hon Wes Fang MLC</b>	The Nationals	
<b>Ms Sue Higginson MLC</b>	The Greens	
<b>Hon Bob Nanva MLC</b>	Australian Labor Party	
<b>Hon Peter Primrose MLC</b>	Australian Labor Party	
<b>Hon Rod Roberts MLC</b>	Independent	

<sup>1</sup> This inquiry was referred to the committee by the President of the Legislative Council on 15 December 2025.