

The Hon Don Harwin MLC  
President  
Legislative Council  
Parliament House  
Macquarie Street  
SYDNEY NSW 2000

26 February 2013

Dear Mr Harwin

**RE: Mt Penny Return to Order**

Thank you for your letter of 25 February 2013.

The Commission agrees that compliance and non-compliance with the standing orders of the Legislative Council and orders of the House for the production of documents is ultimately the responsibility of the House itself.

The work being undertaken by the Commission is to compare the material produced to the House in November 2009 with the Commission's holdings to ascertain whether any of the material held by the Commission but not included in the return might also have fallen within the scope of material in the order for papers. If it appears to the Commission that documents were not included in the return then the Commission will advise the House. The Commission does not consider that such action affects the rights or privileges of the House.

The Commission will not take any action in this matter which affects the rights and privileges of the House unless there is a clear waiver of privilege entitling the Commission to do so.

Yours sincerely



The Hon David Copp AO QC  
Commissioner