



Jaclyn Symes MP

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The Hon Daniel Andrews
Old Treasury Building
Spring Street
MELBOURNE VIC 3002

Dear Mr Andrews

On 2 August 2023 the Legislative Council established a Select Committee to inquire into, consider and report on the 2026 Commonwealth Games and the progress of the regional infrastructure build. I understand that you have received a request to appear before the Select Committee at a hearing scheduled on 26 October 2023.

The Select Committee is inquiring into matters relating to your time as Premier and Member of the Victorian Legislative Assembly. As you are likely aware, you were accountable and responsible to the Legislative Assembly, the Lower House of Parliament, for the performance of functions while you held those roles. By extension, information you hold, relating to the matters subject to the inquiry, was gained by you in your role as a member of that House.

It is established principle that the independence of the Houses of Parliament means that a committee cannot claim authority over a member of the other House and that members hold immunities based on this independence. The immunity enjoyed by members must extend to any matter about which a former member could be questioned. If this were not the case, the immunity would be incomplete. It is the Government's view that former members are able to take account of this immunity in the face of any request by a committee from the other House.

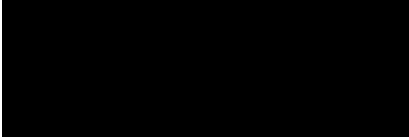
I advise that the Premier has written to the Select Committee to convey the Victorian Government's claim that information in certain classes, about which witnesses may be asked to give evidence, is protected from disclosure by Executive privilege, and that the Select Committee is without power to compel the disclosure of information in those classes. A copy of that letter is enclosed.

There are very few examples where the issue of attendance of a former minister has been considered in detail. However, the issue was examined in the Final Report of the Select Committee of the Legislative Council on Gaming Licensing (May 2008), where the Hon Steve

Bracks declined an invitation to appear, that report also considered the practice in the 2002 inquiry by the Senate Select Committee on a Certain Maritime Incident.

You may produce this letter to the Select Committee if you wish, I consent to its production.

Yours sincerely



Jaclyn Symes MLC
Attorney-General
Leader of the Government in the Legislative Council

16 / 10 / 2023

Encl. Letter Premier to Select Committee dated 7 October 2023