

From: [REDACTED]
To: [commonwealthgames](#)
Subject: Request to appear
Date: Monday, 16 October 2023 6:34:13 PM
Attachments: [231016 Letter LC Leader to M Pakula.pdf](#)

Mr David Limbrick MLC
Chair, Select Committee on the 2026 Commonwealth Games Bid
Parliament House, Spring Street
East Melbourne, Victoria 3002

Dear Mr Limbrick

I refer to the above matter and to your correspondence dated 5th October 2023 which requests my attendance at a public hearing on 26th October 2023.

I have considered your request carefully and advise you that I must decline it

I am in receipt of correspondence from the Attorney General which states, in part, that “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.”

The Attorney General in her letter references the 2008 Select Committee on Gaming Licensing, where former Premier Bracks declined to appear. As a member of that select committee I recall that situation well. In writing to the Committee the former Premier stated that “In making this decision, I have particularly taken into account the precedent my appearance would set.”

The points made by the Attorney General and the former Premier are persuasive. The independence of the Houses of Parliament has been asserted and respected by each House for well over a century and has served each house and their respective members well. As a former Attorney General myself I am loath to be any part of establishing a precedent that would undermine that independence and that sovereignty for current and future members.

In any case, I am also aware that the Premier has written to the Committee claiming Executive Privilege over much of the information that I anticipate the Committee would be seeking to obtain from me. I also note, for the record, that I have not been a member of Cabinet since June 2022.

For the reasons outlined above I intend to act in accordance with long established principle and, on that basis, am compelled to decline your request.

I have enclosed a copy of correspondence from the Attorney General and a copy of the letter from former Premier Bracks referred to herein

Yours Sincerely

Hon. Martin Pakula

The Honourable
STEVE BRACKS

12 September 2007

Mr Richard Willis
Secretary
Select Committee on Gaming Licensing
Parliament House
EAST MELBOURNE 3002



Dear Mr Willis

SELECT COMMITTEE ON GAMING LICENSING – INVITATION TO GIVE EVIDENCE

I refer to your letter dated 29 August 2007 inviting me to give evidence before the Select Committee. I have given proper consideration to whether I should accept your invitation but have ultimately decided to decline it. In making this decision I have particularly taken into account the precedent my appearance would set.

The Select Committee is inquiring into matters relating to my time as Premier and Member of the Legislative Assembly. I was (and remain) accountable and responsible to that House of Parliament alone for the performance of my functions as Premier. The Select Committee has already acknowledged that the independence of both Houses of Parliament means that a Committee of one House cannot claim, much less exercise, any authority over a Member of the other House. This immunity must continue after a person has ceased being a Member: otherwise the purpose of the immunity – to preserve the independence of the Houses – would be defeated.

In any event, I understand that the Government has made a claim of Executive privilege on behalf of the Crown in relation to some of the subjects over which evidence may be sought by the Committee. Given the relationship I had as Premier with the Crown, and particularly given the oath of office I gave as an Executive Councillor, I could not act inconsistently with that claim.

Yours sincerely



Hon Steve Bracks