

The Senate

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Committee of Privileges

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Person referred to in the Senate

Ms Heather Sculthorpe

Tasmanian Aboriginal Centre Inc.

158th Report

October 2014

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The Senate  
PO Box 6100  
Parliament House  
CANBERRA ACT 2600

Telephone: (02) 6277 3360  
Facsimile: (02) 6277 3199  
Email: [priv.sen@aph.gov.au](mailto:priv.sen@aph.gov.au)  
Internet: [www.aph.gov.au](http://www.aph.gov.au)



# Report

1.1 On 1 October 2014 the President of the Senate, Senator the Honourable Stephen Parry, received a submission from Ms Heather Sculthorpe, Tasmanian Aboriginal Centre Inc., seeking redress under the resolution of the Senate of 25 February 1988 relating to the protection of persons referred to in the Senate (Privilege Resolution 5).

1.2 The submission referred to a speech made by Senator Lambie in the Senate on 23 September 2014. The President accepted the submission and referred it to the Committee of Privileges.

1.3 The committee met on 2 October 2014 and resolved to recommend that the response be incorporated in Hansard without change. In considering the submission, the committee did not find it necessary to confer with the person making the submission.

1.4 The committee draws attention to paragraph 5(6) of the resolution which requires that, in considering a submission under this resolution and reporting to the Senate, the committee shall not consider or judge the truth of any statements made in the Senate or in the submission.

1.5 The committee **recommends:**

That a response by Ms Heather Sculthorpe, in the terms specified at Appendix 1, be incorporated in *Hansard*.

Senator the Hon Jacinta Collins  
**Chair**



# Appendix 1

**Ms Heather Sculthorpe, Tasmanian Aboriginal Centre Inc.**

**Pursuant to Resolution 5(7)(b) of the Senate of 25 February 1988**

**Reply to speech by Senator Jacqui Lambie**

**(23 September 2014)**

I am seeking a referral of the above-mentioned speech to the Senate Privileges Committee on the grounds that Senator Lambie defamed me, my family and the organisation of which I am the long-term administrative head, the Tasmanian Aboriginal Centre Inc. I say I have been misrepresented and my reputation damaged by the Senator's speech ("the speech").

The speech links me, my organisation and "members of the Mansell' family" to threats to the physical safety of Senator Lambie, her family and members of the Aboriginal community. I am wrongly described as the former wife of Michael Mansell. I categorically deny involvement in threats of physical violence and have never heard any credible evidence of senior TAC personnel being involved in any such threats.

One of the most damaging allegations is of "strong family links between the TAC and outlaw bikers" (page 86), that I am personally connected by family to "outlaw bikie gangs" and by that association I am implicated in causing the addiction to ICE and other drugs of young Aborigines in Tasmania and of "killing them" (page 87). Contrary to these claims, there are no links of any kind between me, my family or other influential members of the TAC known to me with "outlaw bikers".

The evidence for the assertion of my links to outlaws is said to be a photo of me in the Mercury newspaper "being supported by a group of Rebels Bikers on 26<sup>th</sup> of January 2014" (page 86). On that occasion there was a rally of motor cycle clubs about the Queensland laws banning bikers congregating in public. At the same venue, our organisation had a protest rally about the racially discriminatory nature of the 'Australia Day' celebrations. The bikers groups consisted of several different clubs including the 'God Squad' I was told. The group joined our protest while waiting for their own. We were pleased of their support but there was no prior arrangement, I did not know them and they did not know me. The Mercury photographer happened to take an interesting shot on the day. That is the sum total of my involvement with the Rebels Motorcycle Club.

Senator Lambie's assertions of a close connection between me and outlaw "bikie gangs" then moves seamlessly to an invitation to a special police operation to come to Tasmania to investigate their "violent and criminal activity" and moves back again to phone interviews with a "potential whistle blower" thereby implicating me personally and my organisation in such activities. I deny emphatically any such involvement.

The speech alleges people making allegations against my organisation have expressed "great fear of the physical, psychological and financial harm" that can be caused to those claiming Tasmanian Aboriginal identity without first seeking the approval of my organisation and 'the family'. This is untrue and no evidence is put forward to support such a claim.

The call in the speech for a Royal Commission to investigate management of government funds to "guarantee no criminal activity, misappropriation or fraudulent use of public funds has occurred" has no foundation in the facts. The TAC has been incorporated under the Associations Incorporation Act 1962 (Tas) since 1973 and has complied with the regulatory regime of the Tasmanian government over more than forty years. We have had annual external audits over all that time. We submit quarterly, half yearly and annual performance and financial reports to Commonwealth and State government agencies according to our many funding contracts. We have regular performance review meetings with Federal agencies, especially the Health and Attorney-General's departments.

We are not in breach of any of those funding contracts. I have never been investigated for any allegations of wrongdoing, either in my governance or personal capacities. I have had child safety screenings. I have worked as a Commonwealth public servant under a Labor Government, as a legal researcher in the Australian Parliamentary Library, as a State public servant in the Justice Department under a Liberal government, I have served on State Working Groups reviewing child protection legislation, on Working Parties reviewing Aboriginal land and heritage protection legislation under both Labor and Liberal State governments. I have two degrees and a post-graduate diploma from the University of Tasmania, been a barrister and solicitor of the Supreme Court of Tasmania and the High Court of Australia, and am a Graduate of the Institute of Company Directors.

The TAC has AGPAL accreditation for our Health Service general practices, has achieved 100% compliance with the online 'Standard Pathways and Performance System' for Aboriginal Legal Services, has recently been reaccredited for the provision of aged care services, maintains continuing State Education Department licensing for our child care facilities and has made substantial progress towards achieving Quality Improvement accreditation for the balance of our multi-program organisation, which we expect to achieve early in 2015.

I consider we have established a high degree of financial probity and integrity and have achieved significant social improvements for the Aboriginal community in Tasmania. We have unqualified financial audits; our community and stakeholder feedback surveys regularly achieve at least 99% approval ratings; we have never failed to hold an annual members meeting; elections to our governing committee are conducted by a legal practitioner; the time, place and business of our member meetings are widely advertised including in the press, by direct mail to members and on social media. Our operations are transparent including more recently through a published Annual Report available online.

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The Senator's allegations that "the TAC and associated Mansell family members and friends" only acknowledge approximately 3000 Aborigines in Tasmania (page 87), "if you have political differences to the TAC [you] are out" (page 88), and that TAC serves only "a few small family groups" (page 89) are untrue. TAC membership is open to everyone in the Tasmanian Aboriginal community without distinction as to family identification or any other factor. Our governing body is elected and staff are selected under transparent policies and procedures. Staff, committee and representational selection are subject to clear conflict of interest provisions or are open to general Aboriginal community election. We have a staff of around 150 people and a governing body of eleven elected representatives, including ensured regional representation.

The speech reports the Senator's staff member coaching an alleged whistleblower to claim "that the Aboriginal community has been terrorised by the TAC" (page 89). There is no truth in such an assertion and no evidence is given for it.

The speech reports the alleged whistleblower claiming my daughter has been State Secretary of the TAC "on and off for years and years and years and you know nobody has ever seen that as a conflict of interest" (page 89). The facts are that my daughter was elected in open and contested elections by the Aboriginal community for two consecutive terms as State Secretary about five years ago. That same person further alleges that "a lot of opportunities and stuff like that within the TAC just go to people within those family structures and never hits the people on the ground." In fact, it is 'the people on the ground' elected to governing Committee membership who make such decisions within the TAC.

The call for a Royal Commission into the administration of Aboriginal affairs in Tasmania is also linked in the speech to Michael Mansell's widely publicised visit to Libya in 1987 and 1988, a situation described by Senator Lambie as "strange and bizarre in the extreme" that Mansell and others who "formed friendship and links with one of the worlds' worst and most notorious terrorist networks – have been – over the years entrusted with the management of hundreds of millions of tax payers dollars" and that this situation has been "allowed to continue despite a number of serious public complaints".

This overlooks the fact that before, during and after those visits to Libya, the Commonwealth of Australia was also had good relations with Libya with its sheep and other exports. At the time, the operations of the TAC were severely curtailed by a Commonwealth "freeze" and audit of TAC finances seeking to find a breach of contract in the use of Commonwealth funds for unauthorised international travel. No such link was found despite the considerable hardship to TAC staff and its operations. Over 25 years later, the same allegations are being made.

The speech also alleges that there is a "recipe for a child safety disaster" through "persons from the TAC who are closely affiliated with out law motorcycle gang members – also have influence within the Tasmanian Department of Child Services and are possibly registered official foster carers". We are pleased that Aboriginal community members and TAC staff are registered carers and we work with the department to ensure the protection of Aboriginal children. The assertion that our involvement may harm Aboriginal children is wrong, baseless, and designed to hurt our reputation.

I consider the false statements and innuendos made by Senator Lambie to be an abuse of parliamentary privilege, defamatory and designed to injure the good standing and reputation of both myself and my organisation. The statements have an increased potential for harm at this time when my organisation, together with many other Aboriginal organisations around the country, are required to submit to an open tender process for the funds we have received historically for the provision of community services to the Aboriginal population of Tasmania. To recount these false allegations and innuendos in the Senate in Canberra, the home of decision makers who determine the future of our organisation, is designed to undermine our viability as the oldest-established and the largest Aboriginal organisation in Tasmania. I consider it is an abuse of privilege and I request that this statement in reply be read into the public record.