

Appendix B



AUSTRALIAN SENATE
CANBERRA ACT

COMMITTEE OF PRIVILEGES

rh.priv.let.6648

PARLIAMENT HOUSE
CANBERRA ACT 2600
PHONE: (02) 6277 3360
FAX: (02) 6277 3199
EMAIL: Priv.sen@aph.gov.au

24 November 2011

PRIVATE AND CONFIDENTIAL

Mr Michael Mijatov
Secretary – International Division
Flight Attendants Association of Australia
20 Ewan Street
MASCOT NSW 2020

Dear Mr Mijatov

As you know, the following matter was referred by the Senate to the Committee of Privileges on 17 August 2011 for inquiry and report:

Having regard to the material submitted to the President by the Rural Affairs and Transport References Committee, whether a witness was threatened with, or subjected to, any penalty or injury on account of his evidence to the committee, whether there was any attempt improperly to interfere with a witness before the committee, and whether any contempt of the Senate was committed in those regards.

The investigation arises from information provided to the Rural Affairs and Transport References Committee (the 'References Committee') regarding the circumstances surrounding the decision to remove Mr Brian Wilson from his roles within the Flight Attendants Association of Australia (FAAA).

The Privileges Committee regards the protection of persons providing information to the Senate, and in particular of witnesses before parliamentary committees, as the most important duty of the Senate (and therefore of the committee) in determining possible contempts.

In relation to the protection of witnesses, the Senate has determined that:

A person shall not inflict any penalty or injury upon, or deprive of any benefit, another person on account of any evidence given or to be given before the Senate or a committee.

To do so may be treated by the Senate as a contempt.

Documents before the committee

The matter was raised with the President by the Chair of the Rural Affairs and Transport References Committee in a letter, dated 1 August 2011, and that letter was tabled in the Senate on 16 August 2011.

As noted in that letter, the References Committee undertook an initial investigation to help determine the circumstances surrounding the matter, concluding that the Chair should raise the matter as a Matter of Privilege. The Privileges Committee sought and received relevant documents from the References Committee.

The committee wrote to you and to Mr Wilson on 25 August inviting submissions by 20 September and received submissions from each of you.

Procedural resolutions for the protection of witnesses

In conducting inquiries, the Privileges Committee follows the rules of procedural fairness set down by the Senate for the protection of witnesses. These are chiefly set down in Privileges Resolutions No. 1 (which sets out procedures to be followed by Senate committees generally) and No. 2 (which sets out additional protections for witnesses before the Privileges Committee).

In particular, Resolution No. 2 sets out the procedures that must be followed to ensure that a person against whom allegations are made:

- is informed of the nature of the allegations
- is informed of the particulars of any evidence given in respect of the person and
- is extended a reasonable opportunity to respond to such allegations and evidence.

It is therefore appropriate that I write to you now to inform you of the nature of the allegations made against you and the particulars of evidence given in respect of those allegations and give you an opportunity to respond.

Allegations

The allegations made against you are connected to the matters brought to your attention in a letter from the Acting Secretary of the References Committee, dated 12 April 2011, and in subsequent correspondence with that committee.

The letter of 12 April, in part, stated:

The investigation arises from information provided to the committee regarding the circumstances surrounding the decision to remove Mr Brian Wilson from his roles within the Flight Attendants Association of Australia (FAAA) as (a) delegate to the divisional council and (b) Government and Regulatory Affairs Officer (effective 4 April 2011).

The committee understands that this decision was made on your authority as the Secretary of the FAAA, and that the decision was formally noted by the FAAA divisional council on 6 April 2011.

The information received suggests that the removal of Mr Wilson from these roles was, either wholly or in part, on account of evidence given by Mr Wilson to the committee at an in-camera hearing of the inquiry on 18 March 2011.

The Privileges Committee is in particular investigating the allegation that you took action to remove Mr Wilson from these roles, either wholly or in part, on account of evidence he gave at an in-camera hearing on 18 March 2011.

The committee is also investigating whether the proof transcript of the 18 March hearing that was sent to you on 31 March 2011 was used for any improper purpose, including for any purpose connected with the decision to remove Mr Wilson.

Evidence

In order to afford you an opportunity to respond, I attach the following documents, which contain the particulars of the evidence the committee is considering in relation to this matter:

- The letter from the Chair of the References Committee to the President, dated 1 August 2011
- A submission received from Mr Wilson to the Privileges Committee, dated 18 September 2011
- Certain documents received by the References Committee in the course of its investigation into the matter, and subsequently obtained by the Privileges Committee.

I invite you to provide a response to the allegations and evidence contained in these documents.

After considering your response the committee will be in a better position to determine whether it wishes to proceed to hold a hearing on the matter.

The committee would appreciate receiving a response from you as soon as practicable. It would be of help to the committee if you were to forward the comments to the Committee Secretary Mr Richard Pye. While submissions are confidential until the committee authorises their release, the committee normally assumes that they will be made public at an appropriate stage of an inquiry. I emphasise that the attachments to this letter are also confidential committee documents until the committee authorises their release.

If you need any further information on the matter, you may care to get in touch with the secretary, using any of the contact details set out above.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'David Johnston', is written over a printed name and title.

Senator the Hon David Johnston
Chair