

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

THE SENATE
COMMITTEE OF PRIVILEGES

POSSIBLE FALSE OR MISLEADING EVIDENCE
AND MANIPULATION OF EVIDENCE BEFORE
SENATE COMMITTEES -
TRAVEL BY ABORIGINAL COMMUNITY REPRESENTATIVES

(14TH REPORT)

FEBRUARY 1989

MEMBERS OF THE COMMITTEE

Senator Patricia Giles (Western Australia), Chair
Senator John Black (Queensland)
Senator Bruce Childs (New South Wales)
Senator John Coates (Tasmania)
Senator the Honourable Peter Durack, Q.C. (Western Australia)
Senator Janet Powell (Victoria)
Senator Baden Teague (South Australia)

The Senate
Parliament House
CANBERRA A.C.T. 2600

REPORT

I. Introduction

1. On 7 November 1988, the President of the Senate (Senator the Honourable Kerry Sibraa) reported to the Senate that the Leader of the Opposition in the Senate (Senator the Honourable F. M. Chaney) had raised with him, in accordance with the Parliamentary Privilege Resolutions agreed to by the Senate on 25 February 1988, a matter of privilege. The President, having taken into account the criteria set out in the Privilege Resolutions (Resolution 4), determined that a motion relating to the matter raised by Senator Chaney should have precedence of other business and tabled certain material attached to Senator Chaney's letter (see Appendix I).
 2. Senator Chaney then gave notice that on the next day of sitting he would move:
 - (1) That the following matters be referred to the Committee of Privileges:
 - (a) whether false or misleading evidence was given to Estimates Committee E in relation to the attendance in Canberra on 1 and 2 September 1988 of Mr R. Robinson, Mr D. McCarthy and Mr N. Johnson; and
 - (b) whether, in relation to the appearance of those persons before the Select Committee on the Administration of Aboriginal Affairs, there was an attempt to manipulate the evidence laid before the Select Committee,
- and whether a contempt of the Senate was committed in respect of those matters.

(2) That the provisions of the resolution of 3 November 1988 referring matters to the Committee of Privileges apply in respect of the Committee's inquiry into the matters referred to in paragraph (1).

The motion was passed by the Senate on 8 November 1988.

Background

(a) Proceedings before Estimates Committee E

- 3 On 25 October 1988, Estimates Committee E considered proposed expenditure of the Department of Aboriginal Affairs. Senator the Honourable M. Tate, representing the Minister for Aboriginal Affairs, was asked whether the Department had committed any funds for any persons or organisations to prepare or present submissions to the Senate Select Committee on the Administration of Aboriginal Affairs. The Minister, after consultation with the then Secretary of the Department, Mr C. Perkins, answered '... to the best of the officers' knowledge, no'. (Hansard, p. E316)
- 4 On 26 October 1988, Mr Perkins was also questioned on this matter. Senator R. Collins asked whether the Department had paid for Mr R. Robinson, Mr D. McCarthy and Mr N. Johnson to visit Canberra on 2 September 1988 and what was the major purpose of their visit. Mr Perkins replied that the major purpose of the visit was to discuss Aboriginal sporting matters with him and confirmed that the visit was not related primarily to giving evidence to the Senate Select Committee. (Hansard, pp. E332-33)

(b) Matters raised with Mr President

5. In his letter to the President, Senator Chaney stated that the movement requisitions for the visit by Mr Robinson, Mr McCarthy and Mr Johnson gave the reason for the visit as 'consultations with the Secretary'. However, these Aboriginal community representatives had appeared before the Senate Select Committee on the Administration of Aboriginal Affairs to give evidence on 2 September 1988.

6. Senator Chaney also drew the President's attention to correspondence between Senator J. Coulter and the Minister for Aboriginal Affairs. Senator Coulter had written to the Minister on 2 November 1988 concerning the Aboriginal and Torres Strait Islander Council [ATSIC] Bill and stated:

I am personally concerned that it now appears that DAA provided funding for travel for three prominent Queensland Aboriginal people [Mr Johnson, Mr Robinson and Mr McCarthy] to come to Canberra precisely at the time the Senate Committee Inquiry into ATSIC was taking evidence. All three were, and presumably still are, strongly in favour of ATSIC. I know it was said they were funded to attend a sport meeting in Canberra. All three contacted me in Canberra late the day before [1 September] they appeared before the Committee, told me they had just arrived and were going back next afternoon at 4 pm. All the next day they were in Parliament House. I have great difficulty accepting the assertion they were funded to attend a sport related meeting in Canberra. It does not look good that someone who may be in line to take the top job in ATSIC may have had a hand in attempting to distort the Senate Committee perception of the strength of support for ATSIC.

7. Senator Chaney stated that 'at issue is the purpose of the visit' and concluded that 'there must be real doubt about whether the Estimates Committee has been told the truth in relation to the visit of these men'. He asked the President to give consideration to the matter as a question of privilege.

Conduct of the Inquiry

8. The Committee of Privileges wrote to Mr Robinson, Mr McCarthy, Mr Johnson, Mr Perkins, Mr W. Gray, Chairman, ATSIC Task Force, and Mr R. Winroe, then Acting Secretary, Department of Aboriginal Affairs inviting them to make a written submission to the Committee on the matters referred to it. The Chair also made a statement to the Senate, inviting any other persons who wished to make a submission on the matters raised to do so.
9. Mr Gray replied that he would not be making a submission to the Committee as he was unable to make any specific contribution to the inquiry. Submissions were received from Mr Robinson, Mr McCarthy, Mr Johnson, Mr Perkins and the Department of Aboriginal Affairs (see Appendix II). The Committee also requested and received comments from Senator Coulter and Mr D. Abbott, Secretary, Senate Select Committee on the Administration of Aboriginal Affairs (see Appendix III). The travel requisitions of the three Aboriginal community representatives to visit Canberra were supplied by the Department of Aboriginal Affairs (copies are attached to Mr Perkins' submission at Attachment B).
10. Briefly, Messrs Robinson, McCarthy, Johnson, and Perkins all asserted that the Aboriginal community representatives' visit to Canberra was totally unconnected with the hearings of the Select Committee; that the Aboriginal community representatives concerned did not know before arriving in Canberra that the Select Committee was taking evidence on the days when they were in Canberra; and that the first that they knew of the Committee's hearings was during a conversation between Mr Johnson and Senator Coulter.

1.. Senator Coulter confirmed that he had advised Mr Johnson, and therefore the other two Aboriginal representatives, of the meeting, although he was not able to confirm that this was their first knowledge of the hearings. The Secretary of the Select Committee, Mr Abbott, confirmed that he had spoken with the three Aboriginal representatives on the evening of 1 September, after they had been in touch with Senator Coulter. He further indicated that, having been asked during the meeting with them whether they could appear before the Select Committee the next day, he told them that he would discuss their possible appearance with the Chairman and advise them during the course of the hearings on 2 September whether they could appear. The Secretary was able to make appropriate arrangements, and they appeared in a private capacity on the afternoon of 2 September.

Conclusion

12. Having noted the circumstances of the trip by the three Aboriginal community representatives to Canberra, as outlined in all the submissions before the Committee of Privileges, the Committee has found no evidence that the three representatives came to Canberra for purposes other than those stated in evidence given before Estimates Committee E on 25 and 26 October 1988.

Report

13. The Committee reports to the Senate that, on the evidence available to the Committee:

- (a) no false or misleading evidence was given to Estimates Committee E in relation to the attendance in Canberra on 1 and 2 September 1988 of Mr R. Robinson, Mr D. McCarthy and Mr N. Johnson; and
- (b) there was no attempt to manipulate the evidence laid before the Select Committee.

It follows, therefore, that no contempt of the Senate was committed in respect of those matters.

Patricia Giles
Chair

February 1989