

## **APPENDICES**



**SENATE SELECT COMMITTEE ON  
THE ADMINISTRATION OF  
ABORIGINAL AFFAIRS**

**Matter of Privilege**

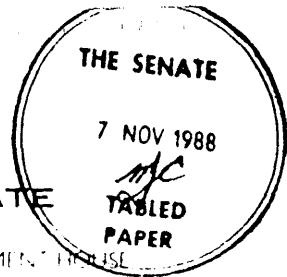
**The PRESIDENT**—On Friday last, 4 November 1988, Senator Chaney, in accordance with the procedures laid down by the Senate on 25 February 1988, raised with me a matter of privilege. The matter raised by Senator Chaney involves the questions of whether false evidence was given to Estimates Committee C in connection with the appearance of certain persons before the Select Committee on the Administration of Aboriginal Affairs, and whether there was an attempt to slant the evidence placed before the Select Committee.

Under the resolutions of the Senate I am required to determine whether a motion relating to the matter should have precedence over other business, having regard to certain criteria. The criteria refer to the principle that the Senate's powers should be used only where necessary to provide reasonable protection for the Senate and its committees and Senators against improper acts tending substantially to obstruct them, and to the existence of any other remedy. The giving of false or misleading evidence before a Senate committee is declared by the resolutions of the Senate to be a contempt.

I believe that the matter raised by Senator Chaney, if the facts are found as Senator Chaney suggests, is capable of being regarded by the Senate as a serious matter involving potential substantial obstruction of the Senate, requiring the use of the Senate's powers. There does not appear to be any readily-available other remedy. I therefore conclude that a motion relating to the matter raised by Senator Chaney should have precedence. In accordance with the procedures laid down by the Senate, Senator Chaney may now give a notice of motion which will have precedence over all other business tomorrow. Because the material attached to Senator Chaney's letter may be required for any inquiry into the matters he has raised, I table the letter and attachments.



PARLIAMENT OF AUSTRALIA · THE SENATE



SENATOR FRED CHANEY  
LEADER OF THE OPPOSITION IN THE SENATE  
SHADOW MINISTER FOR INDUSTRY,  
TECHNOLOGY AND COMMERCE



PARLIAMENT HOUSE  
CANBERRA, ACT 2600  
PHONE (06) 252 1111 FAX (06) 252 1111  
FACSIMILE (06) 252 1111

4 November 1988

My dear President,

I am writing to raise a matter of privilege in accordance with the procedures established by the Resolution of the Senate of the 25th February 1988.

The matter I am raising was referred to by me in the Senate today and in the Hansard of Estimates Committee E. The first relevant reference occurs in the Hansard of Tuesday October 25 at page E316, the second occurs in the Hansard of Wednesday October 26 at page E332 and E333.

Also relevant is the answer to a question on notice (see attachment A) to Estimates Committee E.

The matter concerns the payment by the Department of Aboriginal Affairs of air fares and travelling allowances to enable people to visit Canberra on September 2nd. At issue is the purpose of the visit.

The questions asked specifically whether these persons were brought to Canberra to prepare or present evidence to the Senate Select Committee into the administration of aboriginal affairs.

The Estimates Committee was told on Tuesday 25 October by the Minister, after consultation with Mr. Perkins, that "to the best of the officers' knowledge, no." (that is, that no Departmental funds had been so committed). The Hansard extract is attachment B.

On Wednesday October 26, Senator Collins asked a further question of Mr. Perkins on the same subject. That question and the answer appear at page E332-3 and is attached as attachment C.

In these answers the Committee was clearly told that the three people had been brought to Canberra for consultations with the Secretary. Additionally, the movement requisitions raised in Brisbane all sought authorisation to travel Brisbane/Canberra on 1 September and Canberra/Brisbane on 3 September. The reasons given on the forms are "consultations with the Secretary on sports matters" (Robinson) and "consultations with the Secretary on alcohol matters" (Johnson and McCarthy). Further, an answer was provided on notice (attachment A) which indicates that the Secretary had authorised the travel.

It now transpires that the information given to the Committee was wrong.

Senator Coulter has advised the Minister for Aboriginal Affairs that the three men contacted him after arrival in Canberra on the afternoon of September 1st. Senator Coulter wrote :

"I am personally concerned that it now appears that DAA provided funding for travel for three prominent Queensland aboriginal people 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 in the day before they appeared before the Committee, told me they had just arrived and were going back next afternoon at 4 pm. All next day they were in Parliament House. I have great difficulty accepting the assertion that 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."

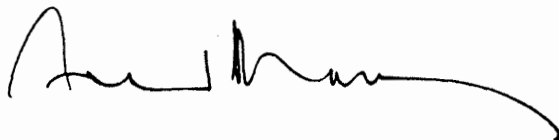
The next day was taken up with public hearings of the Select Committee from 9.08 am until 4.02 pm. The three men attended in Parliament House for most of the day, were in the gallery when others gave evidence, gave evidence themselves from 3 pm to 4.02 pm, and were seen in the foyer outside by members of the Committee.

There must be real doubt about whether the Estimates Committee has been told the truth in relation to the visit of these men. Certainly it has not been told the whole truth, and it has likely been told lies. Since the evidence was given to a Committee of the Senate, any untruths constitute a serious contempt and breach of the privilege of Parliament.

There is a matter of major public interest involved in the ATSIC enquiry. It is clear from the public evidence that there is widespread opposition to the ATSIC proposal, much of it from aboriginals and aboriginal communities. In these circumstances, any attempt by officials to weight or slant the evidence being brought before the Committee is a matter of great significance. Any attempt to mislead the Parliament on Departmental involvement in these matters is especially serious.

I ask that the matter I have raised be referred to the Privileges Committee for examination.

Yours sincerely,



(FRED CHANEY)

Senator the Hon. Kerry Sibraa,  
President of the Senate,  
Parliament House,  
CANBERRA. ACT. 2600.

*to Aust for advice*

*4/11/88  
BJW*

*For advice  
Kerry Sibraa  
4/11/88*

DEPARTMENT OF ABORIGINAL AFFAIRS  
SENATE ESTIMATES COMMITTEE  
QUESTIONS ON NOTICE

Senator Short asked:-

QUESTION F:

1. What are the normal places of residence of Mr R. Robinson, Mr D. McCarthy and Mr N. Johnson, each of whom appeared before the Committee during its hearings in Canberra on 2 September 1988?
2. Were the fares and/or travelling expenses of any or all of the three directly or indirectly paid, in whole or in part, by any of the following:
  - (a) The Department of Aboriginal Affairs or some agency within the Aboriginal Affairs portfolio;
  - (b) An agency of the Commonwealth other than an agency of the Aboriginal Affairs portfolio;
  - (c) The Charleville Aboriginal Housing Company;
  - (d) The QEB Legal Service; or
  - (e) Some Aboriginal community organisation other than the Charleville Aboriginal Housing Company or the the QEB Legal Service?
3. What were the sums involved in each or any case of funding identified in reply to Q.2?
4. In each or any case of funding identified in reply to Q.2, who authorised the expenditure involved?

Answer

1. Mr R. Robinson - Charleville  
Mr D. McCarthy - Toowoomba/Brisbane  
Mr N. Johnson - Brisbane
2. In whole by the Department of Aboriginal Affairs.
3. Fares of \$446 and Travelling Allowance of \$216.50 in each case.
4. (a) The travel was actually authorised by Mr W. Jacobsen, Assistant Director, Management Services, Brisbane on the basis that approval had been given by the Secretary and State Director.  
(b) The purpose of the visit was to discuss alcohol and sporting issues with the Secretary.  
(c) The length of the visit was dictated by the availability of airline flights which were difficult to arrange because of EXPO.

**Senator TAMBLING**—Can I put that question to other officers? Have any commitments been given to employment with ATSIC?

**Mr Perkins**—Not to my knowledge.

**Senator TAMBLING**—Is anyone aware of any commitments that have been given to fill any of the positions on the Board of ATSIC, either the chairman or those positions that are to be filled by the Cabinet? Have any commitments or discussions been taken on that?

**Senator TATE**—Any discussions, and I do not say that any have been held, in relation to the possible appointment by Government of members of the ATSIC Board are matters for Government alone. Certainly we would not talk about them here.

**Senator TAMBLING**—There is another question that will come up later when we are looking at consultants and I will leave it till then but the matter does have relevance to these finances, with regard to the procurement of certain people. Has the Department committed any funds for any person or organisation to prepare or present submissions to the Senate Select Committee on the Administration of Aboriginal Affairs?

**Mr Gray**—Are you asking that of the Department?

**Senator TAMBLING**—Yes. Has the Department committed any funds for any person or organisation to prepare or present submissions to the Senate Select Committee on Aboriginal administration?

**Mr Gray**—You are asking that of the Department?

**Senator TAMBLING**—Of the Department. Has the Department committed any funds?

**Senator TATE**—The present committee into the administration of Aboriginal Affairs—to the best of the officers' knowledge, no.

#### Short adjournment

**Senator TAMBLING**—Mr Chairman, I wish to pursue my questions with regard to ATSIC and refer to a question that I asked of Senator Tate in the Senate last week concerning the engagement of people to prepare various maps that have been distributed

showing the zones and regions proposed for ATSIC. The Minister replied in answer, that the map referred to was drawn up by a professional firm of graphic artists. My first question is why a firm of graphic artists was used in the preparation of that map and not either the Department of Administrative Services survey unit or a professional firm of cartographers?

**CHAIRMAN**—Would you like to put us in the picture?.

**Mr Gray**—The map to which you refer, as you can see, is a composite of all of the regions. Some 60 regions were identified as precisely as we were able to do. That particular map—the original, if you like—was done within the ATSIC task force. It was the original map on which lines were drawn following various consultations over a period of time. The boundaries were given to the task force by the regional and State offices of the Department of Aboriginal Affairs and on that basis the boundaries were identified on a large map of Australia. That then served to be the base upon which that particular map was printed. We sought the assistance of professional graphic artists to print that map in such a way that we could then circulate it and identify as precisely as we could on that scale what we believed to be the boundaries. I should point out to you that that does not constitute a final position in relation to boundaries. Boundaries, under the legislation, will have to be gazetted and in that particular process we will be seeking again very precise identification of the boundaries of each of the regions that are identified on that particular map, or, indeed, of such other areas as might be identified and with which the Minister may finally agree following further discussion and circulation of that map.

**Senator TAMBLING**—Would you accept that the production of this map to a certain scale has the potential for causing considerable heartache and concern to various Aboriginal communities where errors may have occurred in the preparation of the map? For example, during the brief recess, I was able to show you two maps of the Northern Territory. On one the scale is superimposed across the tribal areas map and there appears to be no commonsense or logic. On the second it is superimposed across the top of the

pastoral leases of the Northern Territory and though there does appear to be a form of logic, the boundaries to scale are in some places 60 to 100 kilometres out. I am certainly aware—I do not know whether Senator Collins is—that in the Northern Territory the distribution of this coloured map is currently causing concern because of the discrepancies.

**Mr Gray**—Firstly, if they are, we have not yet been made aware of those—I will say that. Secondly, I think that it was the best attempt to try to identify those boundaries which emerged from consultations around Australia. To the extent that that may be not wholly accurate or may not reflect precisely what some particular groups thought that they wanted by way of boundaries, I guess that is the risk one takes in trying to circulate a map of that scale and trying to identify where we thought and have understood the boundaries to be located. The other thing I would say to you is that when you say there is no logic or commonsense when superimposed over a tribal map of Australia, it was never intended that there be some sort of coincidence between the regions and tribal areas as they have been identified from time to time on various maps.

The consultations were very much in the hands of the Aboriginal people as to where they felt, for whatever reason, boundaries ought to be established. There is no common thread or common basis upon which that decision was taken. The boundaries, therefore, do not attempt or do not allege to be some sort of replica of tribal affiliations, ceremonial affiliations or whatever. The Aboriginal people themselves, or at least those who were able to consult and did consult, both with the Minister and with officers of the Department in follow-up meetings, sought to identify boundaries based on whatever reason they thought appropriate, and that is what those lines attempt to describe.

**Senator TAMBLING**—Could those reasons have included political reasons of political advantage in the determination of zones or regions?

**Mr Gray**—I do not know if it was for political advantage. I would certainly say—and it is on the public record—that there was a concern, particularly by what might

be described as rural or traditional groups, when it came to being included in regions comprising a metropolitan or urban group. There was always, at least in my experience during those consultations, the desire on the part of the traditional or rural or bush people, to be excluded from regions that included metropolitan areas.

**Senator TAMBLING**—Given that the zones and regions vary considerably in both population and geographic size, was there no consideration given to the principles of the Government relating to one vote, one value, or to community of interest.

**Mr Gray**—Again, I believe that the Minister sought to try to accommodate what he understood to be and what we have understood to be the preferences of the Aboriginal people with whom we consulted. I appreciate that there are the principles that you have identified but again it is a question of weighing up those principles against what the Aboriginal people saw and articulated as being their preference.

**Senator TAMBLING**—Would you see the same argument applying to the recent principles that were applied to the Government's referendum proposals—

**Senator TATE**—That referred to the election of legislators. As I understand it the ATSIC machinery is for the election of people to administer moneys and programs on behalf of the Aboriginal people. I think there is a difference.

**Senator TAMBLING**—Referring to some of the questions that I have put on notice, one talks about the public relations campaign and in the answer there is reference to a report that has been prepared by Dr Murray Goot, as a consultant, to study and report on the outcomes of various polls and surveys that have been undertaken by outside organisations. Can a copy of that report be made available to this Committee?

**Senator TATE**—I will have to ask the Minister whether he is prepared to do that.

**Senator TAMBLING**—With regard to the various expenditure that is proposed under this subprogram 2.3, public awareness vote, for the promotion of ATSIC, I notice that there is the provision of some \$718,000 as the cost of consultation and conferences held



Mr M. Pope, Assistant General Manager, Strategic Planning and Review

Mr M. Stewart, Assistant General Manager, Commissioner Liaison

Mr C. Kay, Manager, Finance Branch

Mr R. Powell, Financial Accountant, Finance Branch

Mr G. Freebody, Financial Adviser

Miss J. Donnelly, Assistant Manager, Finance Operations

Mrs L. Hall, Systems Design Accountant

Mr R. Callanan, Manager, Commercial Programs Monitoring and Support

Mr L. Sadlo, Manager, Business Development and Land

Mr P. Kauffman, Manager, Housing Loans

Mr P. Fitzwarryne, Manager, Corporate Planning and Program Evaluation

Mr M. O'Ryan, Manager, Personnel Management

Department of Finance—

Dr W. Jarvie, Chief Finance Officer

Mr Q. Perks, Senior Finance Officer

Ms H. McLaren, Finance Officer

**CHAIRMAN**—I declare open this session of Estimates Committee E and I welcome again the Minister for Justice, Senator Tate, representing the Minister for Aboriginal Affairs, and the officers of the Department of Aboriginal Affairs.

**Senator TAMBLING**—I want to clarify a couple of points from yesterday before we start.

**Senator COLLINS**—I have a question to ask which also concerns clarification of some points that were raised yesterday.

**CHAIRMAN**—Please ask your question, Senator Collins, and then Senator Tambling can make a statement.

**Senator COLLINS**—You simply want to make a statement, do you not?

**Senator TAMBLING**—No. I have a series of questions that I need to ask to clarify some statements which were made late yesterday. They relate to Mr Perkins's travel and Tranby.

**Senator COLLINS**—I have a question for Mr Perkins which relates to some information that he gave the Committee yesterday responding to a question from, I think, Senator Tambling, but it may have been from Senator Short. I will have to paraphrase it. The question was: In broad terms, did the Department of Aboriginal Affairs pay the expenses of any witnesses who appeared before the Senate Select Committee on the Administration of Aboriginal Affairs? The answer to that question was no. The reason I want to ask Mr Perkins the question is that I am a member of that Committee and there were three witnesses, Mr Ray Robinson, Darby McCarthy—I think his correct name is Richard McCarthy—and Norman Johnson, who appeared before our Committee in Canberra. This may well be where the confusion lies.

The reason I raise the question is this: I spoke to Mr Robinson about the evidence that he gave to the Committee because I was curious as to why these three witnesses had appeared before us in Canberra when the Committee was going to Queensland. In fact, it is in Queensland at this moment. I actually said to 'Sugar' Ray Robinson that I was curious about why they had actually come to Canberra and were giving evidence before the Committee when they knew the Committee was to go to Queensland and we could have taken evidence from them there. He did tell me, although there was not time to go into it in detail, that they had come to Canberra not for that reason but that they had simply taken the opportunity to appear before the Committee while they were there. What I want to ask the Secretary to the Department is this: Were the expenses of the three people that I have named paid for by the Department, and what was the major purpose of their visit to Canberra on that occasion?

**Mr Perkins**—The major purpose was sport. Mr Darby McCarthy is employed by us to help us organise a number of things, one of which is sport, in that area but particularly the forthcoming 12 November national sports awards night in Brisbane. We were very concerned about that, and that was one of the things. The same applies to Mr Norm Johnson, who is an officer in the Department. He is coordinating that. Mr Ro-

binson is chairman of the southern Queensland aboriginal and Islander sports and recreation group. We just wanted to try to clarify those matters and matters relating to sport generally because we do have some difficulties there in the distribution of funds. Some people say they are not getting enough and others say they should spend it on other things apart from sport. So we just wanted to work that out with them. The main reason was really the first one, which was the 12 November sports night.

We have a problem in Brisbane trying to get an oval. We have been trying for two years to get Sandgate Oval but every time we get an oval or anybody thinks we are getting an oval, we have a petition taken up against us. We had a big petition taken up against us by the residents at Sandgate—not all of the residents but a fair few of them—so we were not able to get that oval, and we tried to renegotiate it. What we are trying to get is an oval—I am not really familiar with Brisbane—on the south side of Brisbane, right near the river. We are trying to get that one and a licensed club there but we do not think we will be successful in that either. So we are still striving to get a piece of ground somewhere where we can build a football oval and, hopefully, a small grandstand and clubroom, mainly ablution blocks and changing rooms. We are trying to do that; we are trying to do that in every capital city, so we do bring people over who can try to help us on that. We were successful in Melbourne, we were successful in Adelaide, but we are not successful anywhere else. We are trying to do that in Sydney and Brisbane because they have the biggest populations.

**Senator COLLINS**—So you can confirm Mr Robinson's advice to me that the primary reason for being in Canberra at that time had to do with consultations with you on sporting matters and was not related primarily to giving evidence to the ATSIC Select Committee?

**Mr Perkins**—Consultations on sport.

**Senator TAMBLING**—My question to clarify thing with Mr Perkins is this: Yesterday, in an answer to a question about his personal travel, he said—it is reported in today's media—that in the last 10 years he had taken only one week's holiday and three

days' sick leave. I ask whether that is consistent with the personnel records of the Department. What leave under the Public Service arrangements has Mr Perkins forgone in the last 10 years?

**Mr Perkins**—I will have to take that on notice. I said that as a general statement. I am sorry if it is a day or two out or a week or two out here and there. I was trying to make the point, basically, that I did not take much leave at all—

**Senator TAMBLING**—I would like to know how accurate you were. You said that you had one week's holiday and three days' sick leave in 10 years, when you would, obviously, be entitled in that period to 50 or 60 weeks' leave. How accurate would your statement be?

**Mr Perkins**—I will be able to get that for you, exactly, later on. But I am due for six months' sick leave on full pay at the moment, so I understand, and about a year's sick leave on half pay because I have never taken any. I have been in the Service 20 years.

**Senator TAMBLING**—That is normal sick leave. I am interested also in the recreation and annual leave.

**Mr Perkins**—Yes, and the same there too, but not as much, of course.

**Senator TAMBLING**—I would like to know any that has been forgone in that period under the normal Public Service arrangements.

**Mr Perkins**—I will find that out for you.

**Senator SHORT**—Mr Perkins, my question is supplementary, I think, to Senator Mr Tambling's. Were you formally on recreation leave from mid-December 1987 to 28 January 1988—a period of six weeks?

**Mr Perkins**—Yes, I started formally on recreation leave then.

**Senator SHORT**—So you had six weeks' recreation leave—

**Mr Perkins**—No, I did not really. It was interrupted because I had to come back to Canberra on about three occasions.

**Senator SHORT**—Was your Deputy Secretary acting in your place at that time?

**Mr Perkins**—Yes.



PARLIAMENT OF AUSTRALIA - THE SENATE

John R. Coulter

Australian Democrat Senator for Queensland

41 George Street  
Norwood  
S.A. 5067  
Telephone (08) 333 0277

Parliament House  
Canberra  
Aust. Capital Territory 2600  
Telephone (062) 72 6688

2 November 1988

The Honourable Mr Gerry Hand  
Minister for Aboriginal Affairs  
Parliament House  
CANBERRA ACT 2600

Dear Gerry

The confluence of a number of matters in the past several weeks is making it unwise for the ATSIC Bill to be debated before the Senate Committee has reported in February. It is now my opinion that that is a view shared by all members of the Senate Committee. I now believe it would be politically unwise for the Government to be seen to be pushing ahead with the legislation at this time and before some of these matters have been resolved or at least allowed to cool somewhat.

I have not changed in my support for the general thrust of the legislation. It may have an easier and quicker passage in February than November. If we attempt to proceed on 22 November the remainder of the session could well be given over entirely to the ATSIC debate without a vote being taken.

As explained to you earlier, the Democrats have argued for as much time for review of the Bill by Aboriginal and Islander people as possible and for a full Senate debate of all the issues that they may raise or which impinge on them in any way as a result of this legislation. For these reasons we have said we would not support a guillotine on this Bill.

Let me outline some of these matters:

1. It is widely and strongly asserted in the Aboriginal Community that you have offered the position of Chairman of ATSIC to Mr Perkins. Several groups have expressed opposition to this possibility. Mr Perkin's probity has now been questioned as a result of questions and revelations before the Estimates Committee and elsewhere.

I am personally concerned that it now appears that DAA provided funding for travel for three prominent Queensland Aboriginal people 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 they appeared before the Committee, told me they had just arrived and were going back next afternoon at 4 pm. All 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.

2. I understand you have communicated with over 900 Aboriginal and Islander groups since the Bill became available and have sent copies of the Bill, explanatory memorandum and second reading speech. The Committee has sent letters to a similar large number. I have personally communicated the proposed timetable for ATSIC and sought comments from over 600 such groups. There is no doubt that there must now have been reasonably wide availability of information on ATSIC including copies of the Bill. The overwhelming content of the response so far has been to request more time. Some, who earlier would have been included with those supporting ATSIC, have now expressed opposition on grounds which can probably be resolved. I believe you have received a letter from the Anmatjara Tribe for example.

More time will not resolve all the opposition; it will remove, however, the force of any accusation that insufficient time was allowed for those who are seeking legal advice with a view to making a considered and detailed response. The ICC is one such group.

On balance I believe it would be best to allow the Senate Committee to bring in an interim recommendation that the Bill not be debated until after the Committee has reported.

You may wish to meet to further discuss this proposal.

Yours faithfully



Senator John Coulter