

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

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)

(c) 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, ATSIK 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

APPENDICES

SENATE SELECT COMMITTEE ON
THE ADMINISTRATION OF
ABORIGINAL AFFAIRS

Matter of Privilege

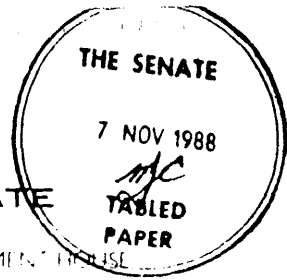
The PRESIDENT—On Friday last, 4 November 1988, Senator Chaney, in accordance with the procedures laid down by the Senate on 25 February 1988, raised with me a matter of privilege. The matter raised by Senator Chaney involves the questions of whether false evidence was given to Estimates Committee C in 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."

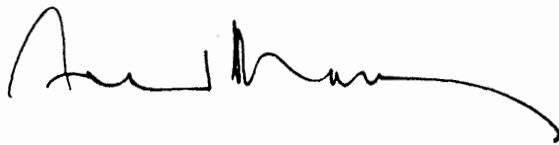
The next day was taken up with public hearings of the Select Committee from 9.08 am until 4.02 pm. The three men attended in Parliament House for most of the day, were in the gallery when others gave evidence, gave evidence themselves from 3 pm to 4.02 pm, and were seen in the foyer outside by members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

APPENDIX II

1. Submission from Mr R. Robinson
2. Submission from Mr D. McCarthy
3. Submission from Mr N. Johnson
4. Submission from Mr C. Perkins

REF: IR/kl

12th December, 1988.

Miss Aine Lynch,
Secretary,
Senate Privileges Committee,
Parliament House,
CANBERRA. A.C.T. 2600.



Dear Miss Lynch,

In answer to your letter to me regarding my travel to Canberra, on 1st and 2nd September, 1988.

I am State Chairman of the Aboriginal Legal Services in Queensland also South Queensland Representative on the Nation Sporting Council. I attended a meeting in Canberra on that date to speak to the Secretary of the Department of Aboriginal Affairs Mr Charles Perkins in regards to the Sports Awards night to be held in Brisbane on 12th November, 1988.

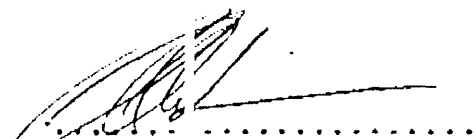
On our arrival in Canberra which was about 5.30 p.m. in the Company of Darby McCarthy and Norman Johnson. Norman Johnson contacted John Coulter who informed him that the Senate Committee was sitting and taking evidence on A.T.S.I.C. proposal and any concerns Aboriginal people or Aboriginal Organisations may have in this regard.

I then spoke briefly to Mr Coulter regarding a community meeting held in Brisbane which he had attended. Norman Johnson then spoke to Senator Coulter again who informed him that if we were interested to contact Derek Abbot at Parliament House. We went to Parliament House and spoke briefly to Mr Abbot who informed us what was taking place the next day and said to us if you are interested and you have time, come over tomorrow.

The next morning Darby McCarthy and myself arrived at the Department of Aboriginal Affairs, Canberra to attend a meeting with the Secretary in regards to the Brisbane Sports Award night, we arrived at the

Department of Aboriginal Affairs office at about 8.30 a.m. After meeting with Mr Perkins we then went downstairs where Darby spoke to Bob Huddleston in regards to alcohol programmes in Toowoomba. Because we could not get a flight until later on that night we went across to Parliament House, we arrived there between 10.15 a.m. and 10.30 a.m. Norman Johnson met us at Parliament House after talking to a number of Department of Aboriginal Affairs Officers, there Derek Abbot approached the three (3) of us and asked if we would want to give evidence to the Senate Inquiry Committee, we said that we would and we did.

End of statement.



.....
Ray Robinson

Anne Lynch,
Secretary,
Senate Committee of Privileges,
Parliament House,
CANBERRA. ACT. 2600

Dear Ms. Lynch,

In relation to your letter of 10th November, 1988, I would just like to clarify my visit to Canberra on 1st and 2nd September, 1988.

I am State Chairman of the substance Abuse in Queensland, and am on a National Working Party regarding the Policy Paper, and also at that time I was Co-ordinating the National Aboriginal Sports Awards in Brisbane, which were held on 12th November, 1988.

I arrived in Canberra between 5 - 6p.m. on 1st September, 1988, with Mr. Ray Robinson and Mr. Norman Johnson.

Owing to air line flight times, we had our booking made for late the following afternoon.

Mr. Norman Johnson rang Senator Coulter and he advised Mr. Robinson that there was a Senate Meeting on the next day, involving A.D.C. and also A.T.S.I.C.

Senator Coulter advised us to go and see Mr. Abbott at Parliament House, because of our concern of the A.T.S.I.C. Paper. So we visited Mr. Abbott and he confirmed what Senator Coulter had already told us.

On Friday 2nd September 1988, Mr. Ray Robinson and

myself went to the Department of Aboriginal Affairs to see the Secretary Mr. Perkins with regards to the Aboriginal Sports Awards, and also the problems concerning a Sports Oval in Brisbane, and also the Q.E.B. Sports.

We left there and went downstairs and spoke with Mr. Bob Huddleston regarding Substance Abuse.

We had finished all of our business at the Department of Aboriginal Affairs at 9.30 a.m.

Because of the flight times, we could not get a flight home that night, we then decided to have a look to see what was happening with regards to A.D.C. and A.T.S.I.C.

When we arrived at Parliament House, they were having sandwiches and we down and had a cup of Tea and some sandwiches.

We were informed after Lunch by Mr. Abbott, that we may address the Senate Committee, if we wish to. When this opportunity was offered to us, we decided that the three of us would take this time to address A.T.S.I.C. because we firmly believe that it is a step for Aboriginal People. I did not go to the Senate to give false information to mislead the Senate in any way.

R. (Darby) McCARTHY

Senate Committee of Privileges
Parliament House
Canberra ACT 2600

Attention: Secretary - Ann Lynch

Re: N A Johnson - Canberra Visit 1 & 2 September 1988

Outlined below is my submission in response to the allegations of "Contempt and a Breach of the Privilege of Parliament".

To start with I fail to understand how Senator Coulter could make any such allegation of any impropriety as used by Senator Fred Chaney in his letter of 4 November 1988, to the President of Senate, when it was he (Senator Coulter) who first advised me that the Senate Committee Inquiry into ATSIC was to meet on the 2 September 1988.

However, the reason for my travel is as follows:

- (a) To have discussions with Peter Windson, DAA, Sports Section Director about:
 - i. sports in general in Queensland, in particular Queensland's sports allocation for this financial year.
 - ii. a specific project that the Hopevale community had asked that I help them with, that is for a sports club house etc.
 - iii. to put in a bid for a number of multi purpose sports complexes for Queensland for this financial year.
- (b) To have discussions with Ron Moroni, the Director of the AEDP Section about:
 - i. a commitment that Palm Island will be able to commence this financial year and associated resources will be provided to support that CDEP.
 - ii. to discuss EDC State Allocations and how these funds should be used in the states.
 - iii. to put in a bid for Queensland's share of AEDP resources for this financial year.

On arrival in Canberra on Thursday 1 September at about 6.00 pm, I went with Mr Robinson and Mr Mc Carthy to the Statesmans Hotel where we booked in. After settling in and planning my discussion points for the meetings, next day, I decided to conduct some matters of my own business. I am an Australian Democrat, I rang Mr John Coulter, Democrat Senator, spokes person on Aboriginal Affairs, about the Democrats position on ATSIC. It was during these discussions that Mr Coulter advised me of the Senate Committee Inquiry into ATSIC on Aboriginal Affairs Meeting that was to be held the next day. This was the first knowledge that I had of any such meeting.

I passed this information on to Mr Robinson who's concern about ATSI.C Legislation was such that he immediately contacted Parliament House to find out what the meeting was all about. I later went with him and Mr Mc Carthy to Parliament House to discuss this matter further with the Secretary of the Committee, Mr Abbott. We left Parliament at approximately 9.30 pm.

The reason for going to Canberra to discuss these departmental matters, was that I was at that time the AEDP co-ordinator in Queensland and as Mr Morsue the sports co-ordinator for Queensland was unavailable, and as I had established the structure for the sports Program in Queensland, I therefore had enough knowledge of the program to discuss sports matters on his behalf.

The fact that both Mr Robinson and Mr Mc Carthy both travelled at the same time as myself was that we wanted to travel together, and both rely on my advice in respect of departmental matters, it was just coincidence that allowed things to happen than way. They also had to meet with DAA Central Office staff, but on some specifically different matters. Mr Robinson discussed the QEB Legal Service and other matters and Mr Mc Carthy discussed Substance Abuse matters. I seriously doubt if Mr Perkins knew that I was travelling with or at the same time as Mr Robinson and Mr Mc Carthy because approval for my travel is only required at State Office level.

The next morning I went to DAA in Woden with Mr Robinson and Mr McCarthy, because we all had business at the same address. As my meeting with Mr Moroni and Mr Windsor were late I went with Mr McCarthy and Mr Robinson into a meeting with Mr Perkins. This meeting commenced about 9.10 - 9.20 am and my specific point of discussion was the abandonment of the proposed purchase of the Sandgate Aussie Rules Club as a multi purpose Sports Centre for Brisbane, the urgent need for such a facility and planned action to look at alternatives.

When the meeting finished with Mr Perkins, I went with Mr Robinson and Mr Mc Carthy to a meeting with Mr Windsor. After this meeting I went by myself to have discussions with Mr Maroni. This meeting took place sometime between 11.00 am and 12.00 pm. I then proceeded to Parliament House to find Mr Robinson and Mr McCarthy to find out what arrangements they had made for returning to Brisbane.

I was unaware that we would meet with the Senate Committee Inquiry into ATSI.C, although I was aware that Mr Robinson had made approaches in that direction. It was only on arrival at Parliament House was I notified that Mr Robinson had been given approval to address the committee. Mr Robinson said that as I had nothing to do except to wait for a flight out, that I might as well go with them to address the committee. This I agreed to. When addressing the Committee, I was speaking as an individual of the Aboriginal race, on matters of concern to my people. I can see no problem with this as I was on my own time, travelling time between one work location, and my permanent work location in Brisbane.

certainly hope that this information helps clarify all of the points of concern that have been raised with this visit.

I am willing to give "Oath" to or sign a "Statutory Declaration" about any of the information provided in this or my previous briefs on this matter.



N. A. Johnson

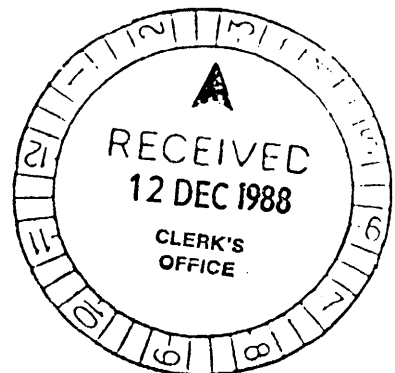
Regional Manager - Mount Isa

22 November 1988

SUBMISSION BY CHARLES PERKINS

TO THE SENATE COMMITTEE OF PRIVILEGES

REFERENCE OF 8 NOVEMBER 1988



SUBMISSION TO THE SENATE COMMITTEE OF PRIVILEGES

REFERENCE OF 8 NOVEMBER 1988

1. This submission sets out the facts relating to the Department of Aboriginal Affairs and my own involvement in the trip of Messrs. R Robinson, D McCarthy and N Johnson to Canberra on 1-2 September 1988.

The submission also offers comments upon the specific matters to be considered by the Committee of Privileges.

2. At all relevant times I was the Secretary of the Department of Aboriginal Affairs.
3. I was also Chairman of the National Aboriginal Sports and Recreation Advisory Committee.

For many years I have taken a direct personal interest in sports matters and alcohol related problems in Aboriginal communities.

I firmly believe that the encouragement of sporting and recreational activities amongst Aboriginals is an important element in the fostering of Aboriginal advancement, as well as being one of the most effective methods of dealing with substance abuse and, more specifically, alcohol related problems.

4. Mr Robinson is a member of the National Aboriginal Sports and Recreation Advisory Committee. He is also a member of the Aboriginal

Sports Committee for the Queensland QEB region.

Mr McCarthy has been involved in departmental sports and substance abuse programs for some time.

Mr Johnson is an officer of the Department of Aboriginal Affairs. He is the ADEP co-ordinator in Queensland and is also involved in sports matters.

5. In the past I have had a great deal of contact with all three individuals in relation to sports and substance abuse projects.
6. All three persons travelled to Canberra on 1 September and returned to Queensland on 2 September.
7. The airfares and travelling allowances for all three were paid for by the Department of Aboriginal Affairs.
8. All three persons contacted me early in the week commencing 29 August and asked to come to Canberra for discussions with me on a range of sports and related matters. I had been travelling a great deal in the period immediately prior to this and had not spoken to them for some time.

I agreed to them coming to Canberra for a meeting on Thursday 1 September and I planned to have discussions with them that afternoon.
9. The travel arrangements were organised by Mr J Wauchope, State Director of the Department of Aboriginal Affairs in Queensland, on my instructions. (A Statutory Declaration by Mr Wauchope is at Attachment A.)

10. On 31 August I rang Mr Wauchope at home but he was not available.

I left a message to the effect that I had agreed to all three gentlemen coming to Canberra on the following day. I asked that they be booked on the earliest possible flight on the morning of Thursday 1 September. It was my intention that they return to Brisbane on either Thursday evening or on Friday morning at the latest.

11. Early on the morning of 1 September I contacted Mr Wauchope to confirm the above travel arrangements.

Mr Wauchope had not yet contacted the three persons and it was clear that they would not be able to arrive in Canberra until late that afternoon. It was apparent, therefore, that discussions would have to be postponed until the morning of Friday 2 November. I informed Mr Wauchope that these discussions would be completed by late morning on Friday and asked him to book a return flight for that time.

I advised Mr Wauchope that the purpose of the trip was for consultations on sports and other matters with myself and other departmental officers.

12. Mr Wauchope arranged for all three persons to travel to Canberra on the afternoon of 1 September, but was unable to arrange for a return flight at the requested time due to heavy bookings for Expo in Brisbane.

I was not personally informed that Mr Wauchope was unable to book a return flight at the requested time.

- 13 The primary purpose of the trip, as far as I was concerned, was to enable the three persons to engage in consultations with myself and other departmental officers on sports and related matters. Some of these matters required urgent attention.

The movement requisitions for each person confirm that this was the basis upon which travel was arranged by the Department (Attachment B)

14. On the morning of Friday 2 September I met with all three persons in my office some time after 8.30am.

Discussions on a range of matters took place, including discussions relating to the forthcoming National Aboriginal Sports Awards Night in Brisbane, problems relating to Sandgate Oval and substance abuse programs and personnel matters.

15. Messrs Robinson, McCarthy and Johnson left my office at approximately 9.20am.

I was unable to devote further time to these discussions as I had departmental business to attend to.

I had arranged my schedule on the basis of discussions taking place on Thursday afternoon and I was unable to rearrange my commitments on Friday. However I was satisfied that my discussions on various matters with the three persons concerned had been worthwhile.

It was my understanding that further discussions with other departmental officers were to take place after they had left my office.

16. During this meeting I was informed that all three intended to attend the hearings of the Senate Select Committee on the Administration of Aboriginal Affairs being held that day in Canberra.

It was my firm understanding that their appearance before the Senate Select Committee would take place after their discussions with other departmental officers had concluded.

I also believed, at that time, that they were due to return to Brisbane on a late morning flight and therefore did not attach any importance to their attendance at the Committee hearings.

I was not aware that they intended to give evidence to the Committee.

17. I have no direct knowledge of their movements after leaving my office but I have been informed that discussions with other departmental officers did take place.

All three persons met with Mr Peter Windsor, Director of Sport and Recreation Section, between approximately 9.30 and 10.00 am.

Discussions with Mr Windsor related to arrangements for the Aboriginal Sports Awards Night and new policy initiatives in the sports area.

(Statutory Declaration by Mr Windsor is at Attachment C.)

Mr Johnson met with Mr Ron Morony, Director of the Aboriginal Employment Development Section, between approximately 11.15am and 11.50am. Discussions relating to AEDP matters took place.

(Statutory Declaration by Mr Morony is at Attachment D.)

18. I note that both matters to be considered by the Committee were raised by Senator Chaney and that in doing so he relied heavily on a letter of 2 November from Senator Coulter to the Minister for Aboriginal Affairs.
19. In his letter Senator Coulter notes that the Department of Aboriginal Affairs funded the travel of the three person in question to Canberra on the precise day that the Senate Select Committee was taking evidence. He further states that all three persons were in Parliament House "all ... day" on 2 September. Senator Coulter then draws two conclusions:
- (a) "I have great difficulty accepting the assertion that they were funded to attend a sport related meeting in Canberra"
 - (b) That Mr Perkins "may have had a hand in attempting to distort the Senate Committee's perception of the strength of support for ATSIC."
20. I would make the following brief comments on the points made by Senator Coulter:
- (a) I accept that the Department did fund the travel of all three persons to Canberra and that this trip co-incided with the Senate Select Committee hearing on 2 September.
- The original intention, however, was that all three would return to Queensland on the evening of Thursday 1 September. Even on the morning of Friday 2 September I was still under the impression that they were to leave Canberra before

midday on that day.

It was only because the original arrangements could not be effected that they were still in Canberra on the Friday afternoon.

- (b) I believe the assertion that all three persons were in Parliament House "all ... day" on 2 September to be incorrect.

To my own knowledge, all three persons had discussions with me in my office until 9.20am on that day and, as previously described, discussions with other departmental officers took place after that time.

- (c) I reiterate that, as far as I was concerned and as far as the Department was concerned, the purpose for which these three persons were in Canberra on 2 September was for consultations on sports and other matters.

- (d) It is therefore my firm contention that, to the best of my knowledge, the information provided by myself and other representatives of the Department to Senate Estimates Committee E in relation to this matter was true and accurate. The specific answers provided by myself and others to questions asked by Senators Short, Tambling and Collins were, to the best of my knowledge, both true and accurate.

- (e) I reject any suggestion that I attempted to manipulate any evidence given by Messrs Robinson, McCarthy and Johnson.

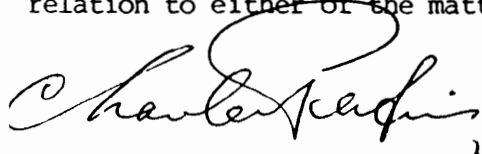
As stated previously, I was not aware that they intended to give evidence to the Committee prior to their appearance before it, and, as far as I am aware, they themselves were responsible for the evidence they gave.

This being so, I have difficulty in seeing how the evidence given by these persons to the Committee was manipulated in any fashion whatsoever, and I reject any suggestion that I attempted to manipulate the evidence which they gave in any way.

21. In summary, I would simply state that:

- (a) In relation to point (a) of the terms of reference no false or misleading evidence was given by departmental representatives to Senate Estimates Committee E.
- (b) In relation to point (b) of the terms of reference there was no attempt by myself to manipulate evidence put before the Senate Select Committee.

22. I therefore submit that there has been no contempt of the Senate committed by myself or representatives of the Department in relation to either of the matters cited in this reference.



CHARLES PERKINS

12/12/88

STATUTORY DECLARATION

(1) Here insert name, address and occupation of person making the declaration

I, ⁽¹⁾ JAMES LITTLETON WANCHOPE, FORMER PUBLIC SERVANT,
OF 53 GARDONA ST, ROCKDALE STN Q 4123
do solemnly and sincerely declare⁽²⁾

(2) Here insert matter declared to. Where the matter is long, add the words 'as follows' and then set the matter out in numbered paragraphs.

VISIT TO CANBERRA - MESSRS. JOHNSON, MCCARTHY & ROBINSON

1 - 3 SEPTEMBER 1988

On 31 August Mr Charles Perkins rang my home in the evening and spoke to my daughter in my absence. He informed her to advise me that he had agreed to a visit to Canberra by the three gentlemen referred to above to discuss a range of issues and would I please arrange their travel as early as possible the next day. I was unable to contact the gentlemen concerned early on 1 September and after arrangements were made they departed at 2.00p.m. on 1 September. Mr Perkins' instructions to me in a telephone conversation during the early morning of 1 September were that the people were to spend as little time as possible in Canberra but enough to allow them to discuss substance abuse, sport and AEDP matters with him and more particularly relevant officers. He advised that arrangements made in Canberra were such that it should be possible for the gentlemen to conclude their business by mid morning Friday.

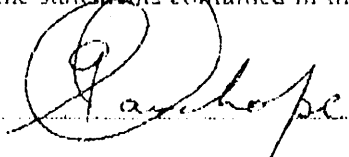
Due to the pressure on aircraft to and from Brisbane caused by Expo, it was not possible to book an early return flight to Brisbane and arrangements were made for the gentlemen to return on Saturday afternoon (3 September). At the same time they were instructed to make every effort to get an early flight should one become available. I understand that all three were able to do so and subsequently returned to Brisbane on late evening of 2 September.

In subsequent discussions with Mr Johnson, he informed me that the group had been able to have useful discussions with Mr Perkins and a number of other officers during their visit to Canberra even though the original arrangements were disrupted. He also informed me that the group had made

I make this solemn declaration by virtue of the *Statutory Declarations Act 1959* as amended PTO
and subject to the provisions provided by that Act for the making of false statements in statutory declarations, conscientiously believing the statements contained in this declaration to be true in every particular.

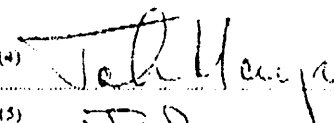
(3) Signature of person making the declaration.

Declared at BRISBANE

(3) 

on the 9th Dec, 1988,

before me,

(4) 
(5) J.P.

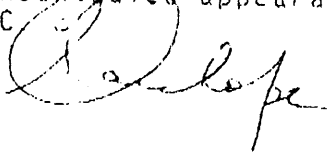
(4) Signature of person before whom the declaration is made

(5) Here insert title of person before whom the declaration is made

NOTE 1.—A person who willfully makes a false statement in a statutory declaration under the *Statutory Declarations Act 1959* as amended is guilty of an offence against that Act, the punishment for which is a fine not exceeding \$200 or imprisonment for a term not exceeding six months or both if the offence is prosecuted summarily, or imprisonment for a term not exceeding four years if the offence is prosecuted upon indictment.

NOTE 2.—A statutory declaration under the *Statutory Declarations Act 1959* as amended may be made only before a Chief, Police, Resident or Special Magistrate, Stipendiary Magistrate or any Magistrate in respect of whose office an annual salary is payable, a Justice of the Peace, a person authorized under any law in force in Australia or its Territories to take affidavits, a person appointed under the *Statutory Declarations Act 1959* as amended or under a State Act to be a Commissioner for Declarations, a person appointed as a Commissioner for Declarations under the *Statutory Declarations Act 1911*, or under that Act as amended, and holding office immediately before the commencement of the *Statutory Declarations Act 1959*, a Notary Public, a person before whom a statutory declaration may be made under the law of the State in which a declaration is made, or a person appointed to hold or act in, the office in a country or place outside Australia of Australian Consul-General, Consul, Vice Consul, Trade Commissioner, Consular Agent, Ambassador, High Commissioner, Minister, Head of Mission, Chargé d'Affaires, or Counsellor, Secretary or Attaché at an Embassy, High Commissioner's office, Legation, or other post.

an unscheduled appearance before the Senate Committee investigating
ATSIIC

A handwritten signature in cursive script, appearing to read "D. L. ...".

Requisition No. **98.061-9.**

MOVEMENT REQUISITION

NAME: **N. JOHNSON** SECTION: **ADP** EXT. NO. _____
 Designator: **ASO CLASS 7.** Private Address: _____ Phone No. _____
 Travel Itinerary _____

From	Time	To	Time	Date	Contact at Stopover
BNE	1400	CBA	1630	1/9	AA 465/445
CBA	1800	BNE	2155	3/9	AN 368/036

Reason for Travel:

CONSULT WITH SECRETARY ON ALCOHOL MATTERS and Sporting matters.

[Signature]
 Offices Travelling Signature
 11/9/88

Travel by Private Vehicle: Engine Capacity cc.
 Car Allowance: _____ KM@ _____ Per KM @ \$ _____ Equivalent Airfare (if applicable) \$ _____
 Cost of Travel: Officer To Complete.

Item	Charge Code	Cost
T/A	\$ 216.50
Fares	2561-12372	\$ 446.00

Item	Charge Code	Cost
MV Allo.	\$.
Other	\$.

Charge Vouchers: Number Required

CHECK LIST

- Funds are Available
- Flights Booked
- Accomm. Booked
- Cars Booked
- T/A Entitlement Correct

06/012
 Offices Signature *[Signature]*
 T/A Entitlement Received \$ _____
 CPM Signature _____

Travel Approved/Funds Available _____
 Delegate Signature *[Signature]*
 11/9/88

For Direct Credit of Travelling Allowance to a Bank Account please supply details:

Bank: _____ Branch: _____ Suburb: _____
ADV TA Rec'd \$216.50 3/1/88

Account Type: _____ Account No: _____

Note: For Order to pay AGENT see back of Page One

This copy to CPM for payment of Travelling Entitlement

Requisition No.

98062-7

MOVEMENT REQUISITION

NAME: R. ROBINSON SECTION: _____ EXT. NO. _____
 Designation: _____ Private Address: _____ Phone No. _____
 Travel Itinerary: _____

From	Time	To	Time	Date	Contact at Stopover
BNE	1400	CBA	1630	1/9	AA 465/445
CBA	1700	BNE	2155	2/9	AN 368/036

Reason for Travel:

CONSULT WITH SECRETARY ON SPORTS MATTERS

Offices Travelling Signature

Travel by Private Vehicle: Engine Capacity cc.
 Car Allowance: _____ KM@ _____ Per KM @\$ _____ Equivalent Airfare (if applicable) \$ _____
 Cost of Travel: Officer To Complete.

Item	Charge Code	Cost
T/A	\$ 216-50
Fares	256:1-1:2:372	\$ 446.00

Item	Charge Code	Cost
MV Allo.	\$
Other	\$

Cabcharge Vouchers: Number Required

CHECK LIST

- Funds are Available
- Flights Booked
- Accom. Booked
- Cars Booked
- T/A Entitlement Correct

<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

06/012
 Offices Signature: *[Signature]*
 T/A Entitlement Received \$ _____
 CPM Signature: _____

Travel Approved/Funds Available
 Delegate Signature: *[Signature]*
 119 188

For Direct Credit of Travelling Allowance to a Bank Account please supply details:

Bank: _____ Branch: _____ Suburb: _____

ADV TA Rec'd \$216-50 1/9/88

Account Type: _____ Account No: _____

Note: For Order to pay AGENT see back of Page One

● This copy to CPM for payment of Travelling Entitlement

Movement Requisition

Requisition No.

98.0601-0

NAME: D. MCCARTHY

SECTION: C.D.

EXT. NO.

Designation: ASO CLASS 2.

Private Address:

Phone No.

Travel Itinerary

From	Time	To	Time	Date	Contact at Stopover
BRISBANE	1400	CANBERRA	1630	1/9/88	AA 265/445
CANBERRA	1700	BRISBANE	2155	3/9/88	AN 368/036

Reason for Travel:

CONSULT WITH SECRETARY ON ALCOHOL MATTERS

[Signature]
Offices Travelling Signature
1/9/88

Travel by Private Vehicle: Engine Capacity cc.

Car Allowance: KM@ Per KM @ \$ Equivalent Airfare (if applicable) \$

Cost of Travel: Officer To Complete.

Item	Charge Code	Cost
T/A		\$216.50
Fares	25:6:1-1:2:3:7.2	\$446.00

Item	Charge Code	Cost
MV Allo.		\$
Other		\$

Subject Vouchers: Number Required

CHECK LIST

Funds are Available

Flights Booked

Accom. Booked

Cars Booked

T/A Entitlement Correct

<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

Offices Signature

06/017
[Signature]

T/A Entitlement Received \$

CPM Signature

[Signature]

Travel Approved/Funds Available

Delegate Signature.

[Signature]
11/9/88

For Direct Credit of Travelling Allowance to a Bank Account please supply details:

Bank

Branch:

Suburb:

ADV TA Rec'd \$216.50 1/9/88

Account Type:

Account No:

Note: For Order to pay AGENT see back of Page One

• This copy to CPM for payment of Travelling Entitlement

STATUTORY DECLARATION

(1) Here insert name, address and occupation of person making the declaration

I, (1) Peter John Windsor of 19 Eildon Place, Duffy in the Australian Capital Territory, Public Servant do solemnly and sincerely declare⁽²⁾

(2) Here insert matter declared to. Where the matter is long, add the words 'as follows:' and then set the matter out in numbered paragraphs

1. I hold the position of Director of Sport and Recreation within the Department of Aboriginal Affairs and I have held that position approximately two years.
2. At approximately 8.30 a.m. on Friday, 2 September 1988 I was in my office and received a call from Mr Charles Perkin's secretary, who informed me that three gentlemen would be visiting the Department that morning and Mr Perkins wanted me to confer with them concerning the Federal Government's new policy proposals for sport and recreation, which in the budget earlier that year had attracted an additional 3.5 million dollars over two years.
3. As far as I can recollect the meeting began between 9.15 and 9.30 in the Department's Conference Room on the 16th floor of the MLC Tower at Woden. The three gentlemen to whom I referred in the preceding paragraph are Messrs Ray Robinson, Richard ('Darby') McCarthy and Norm. Johnson.
4. The conference lasted for about 30-40 minutes. The discussion centred around policy proposals which had been circulated only a few weeks before the meeting to State Directors for action. In addition, the discussion dealt with arrangements for the National Aboriginal Sports Awards which were to be held in Brisbane, and which subsequently took place on 12 November this year. I explained what was proposed within the new policy, 'as follows'

~~I make this solemn declaration by virtue of the Statutory Declarations Act 1959 as amended~~ and subject to the penalties provided by that Act for the making of false statements in statutory declarations, conscientiously believing the statements contained in this declaration to be true in every particular.

(3) Signature of person making the declaration.

Declared at

(3)

on

, 19

before me,

(4)

(4) Signature of person before whom the declaration is made.

(5)

(5) Here insert title of person before whom the declaration is made.

NOTE 1.—A person who wilfully makes a false statement in a statutory declaration under the *Statutory Declarations Act 1959* as amended is guilty of an offence against that Act, the punishment for which is a fine not exceeding \$200 or imprisonment for a term not exceeding six months or both if the offence is prosecuted summarily, or imprisonment for a term not exceeding four years if the offence is prosecuted upon indictment.

NOTE 2.—A statutory declaration under the *Statutory Declarations Act 1959* as amended may be made only before a Chief, Police, Resident or Special Magistrate; Stipendiary Magistrate or any Magistrate in respect of whose office an annual salary is payable; a Justice of the Peace; a person authorised under any law in force in Australia or its Territories to take affidavits; a person appointed under the *Statutory Declarations Act 1959* as amended or under a State Act to be a Commissioner for Declarations; a person appointed as a Commissioner for Declarations under the *Statutory Declarations Act 1911*, or under that Act as amended, and holding office immediately before the commencement of the *Statutory Declarations Act 1959*; a Notary Public; a person before whom a statutory declaration may be made under the law of the State in which a declaration is made; or a person appointed to hold, or act in, the office in a country or place outside Australia of Australian Consul-General, Consul, Vice-Consul, Trade Commissioner, Consular Agent, Ambassador, High Commissioner, Minister, Head of Mission, Commissioner, Charge d'Affaires, or Counsellor, Secretary or Attache at an Embassy, High Commissioner's office, Legation or other post.

Page 2

STATUTORY DECLARATION

(1) Here insert name, address and occupation of person making the declaration.

I, _____ do solemnly and sincerely declare

(2) Here insert matter declared to. Where the matter is long, add the words 'as follows:' and then set the matter out in numbered paragraphs.

particularly the two major aspects of providing multi purpose facilities to Aboriginal communities around Australia and the upgrading of sports ovals and associated facilities. We also discussed plans to introduce a part time sports scholarship scheme for outstanding Aboriginal sporting achievers.

5. Mr McCarthy in particular discussed arrangements for the National Aboriginal Sporting Awards in Brisbane. The awards run by the National Aboriginal Sporting and Recreational Advisory Committee for outstanding Aboriginal achievers both past and present. Over 60 gold medals were presented and the event was telecast by SBS and subsequently by Imparja Television in the Northern Territory and the Golden West Network in Western Australia. Both Mr McCarthy and Mr Robinson being prominent Aboriginal leaders in Queensland both wanted to ensure that there would be maximum community support for the event as it was planned to sell over 200 tickets at \$40 a head. This was achieved and at the time Mr McCarthy was working for the Department on a temporary employment to assist in coordinating the event and to also assist the Department's Queensland based sports and recreational officer, Danny Morseu, in general sports administrative matters.

6. Presentations of major gold medals at the event were made 'as follows'

~~I make this solemn declaration by virtue of the Statutory Declarations Act 1959 as amended and subject to the penalties provided by that Act for the making of false statements in statutory declarations, conscientiously believing the statements contained in this declaration to be true in every particular.~~

(3) Signature of person making the declaration.

(3)

Declared at

on

, 19

before me,

(4) Signature of person before whom the declaration is made.

(4)

(5) Here insert title of person before whom the declaration is made.

(5)

NOTE 1.—A person who wilfully makes a false statement in a statutory declaration under the Statutory Declarations Act 1959 as amended is guilty of an offence against that Act, the punishment for which is a fine not exceeding \$200 or imprisonment for a term not exceeding six months or both if the offence is prosecuted summarily, or imprisonment for a term not exceeding four years if the offence is prosecuted upon indictment.

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STATUTORY DECLARATION

(1) Here insert name, address and occupation of person making the declaration.

I, _____

do solemnly and sincerely declare⁽²⁾ _____

(2) Here insert matter declared to. Where the matter is long, add the words 'as follows:' and then set the matter out in numbered paragraphs.

by such prominent Australians as Sir Nicholas Shehadie, Dawn Fraser, Rick Charlesworth, Neville Bonner and a former Australian of the Year, Lois O'Donohue.

7. I felt the meeting was useful, particularly from the point of view of ensuring that there would be community support for the National Aboriginal Sporting Awards, an event that is held every two years.

I make this solemn declaration by virtue of the Statutory Declarations Act 1959 as amended and subject to the penalties provided by that Act for the making of false statements in statutory declarations, conscientiously believing the statements contained in this declaration to be true in every particular.

(3) Signature of person making the declaration.

(3)

Declared at Canberra

on 7 December, 1967,

before me,

(4) Signature of person before whom the declaration is made.

(4)

(5) Here insert title of person before whom the declaration is made.

(5)

NOTE 1.—A person who wilfully makes a false statement in a statutory declaration under the Statutory Declarations Act 1959 as amended is guilty of an offence against that Act, the punishment for which is a fine not exceeding \$200 or imprisonment for a term not exceeding six months or both if the offence is prosecuted summarily, or imprisonment for a term not exceeding four years if the offence is prosecuted upon indictment.

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AUSTRALIA

STATUTORY DECLARATION

(1) Here insert name, address and occupation of person making the declaration.

I, (1) Ronald Arthur Morony of 6 Hawdon Street, Ainslie in the Australian Capital Territory

do solemnly and sincerely declare(2)

(2) Here insert matter declared to. Where the matter is long, add the words 'as follows:' and then set the matter out in numbered paragraphs.

- 1. I am Director of the Aboriginal Employment Development section, and have been in this position for two and a half years.
2. On Wednesday, 31 August 1988 at approximately 4 in the afternoon, Mr Norm. Johnson phoned to say that he would be visiting Canberra for a sports meeting and requested some time to discuss the Aboriginal Employment Development Policy and future directions in the implementation of the policy in Queensland. Mr Johnson was the Aboriginal Employment Development Policy coordinator for the Department in Queensland. No set time was agreed upon at that stage given that he was not sure how long the sports meeting would take.
3. On the evening of 1 September 1988 I met Mr Johnson at a social event and we agreed to meet at approximately 11 a.m. the next day.
4. Mr Johnson visited my office at approximately 11.15 a.m. on 2 September, at which time we discussed the outcome of a joint agency training team exercise, involving offices of the Departments of Aboriginal Affairs, Employment Education and Training and The Aboriginal Development Commission, which Mr Johnson had supervised. We agreed that Mr Johnson should, as the next step, develop a State strategy for local economic 'as follows'

I make this solemn declaration by virtue of the Statutory Declarations Act 1959 as amended and subject to the penalties provided by that Act for the making of false statements in statutory declarations, conscientiously believing the statements contained in this declaration to be true in every particular.

(3) Signature of person making the declaration.

(3) [Handwritten signature]

Declared at

on , 19 ,

before me,

(4) Signature of person before whom the declaration is made.

(4) [Handwritten signature]

(5) Here insert title of person before whom the declaration is made.

NOTE 1.—A person who wilfully makes a false statement in a statutory declaration under the Statutory Declarations Act 1959 as amended is guilty of an offence against that Act, the punishment for which is a fine not exceeding \$200 or imprisonment for a term not exceeding six months or both if the offence is prosecuted summarily, or imprisonment for a term not exceeding four years if the offence is prosecuted upon indictment.

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STATUTORY DECLARATION

(1) Here insert name, address and occupation of person making the declaration.

I, (1)

(2) Here insert matter declared to, /here the matter is, add the word 'as follows:' and then set matter out in numbered paragraphs.

do solemnly and sincerely declare⁽²⁾

development conferences and encourage regional office staff of all these agencies to work with Aboriginal communities to develop long term development plans. I also indicated to Mr Johnson that the National Aboriginal Employment Department policy taskforce proposed to visit Queensland and the Torres Straits in December, and that we would require considerable support from him and his staff in the form of briefs and arrangements for meetings. We also discussed the issue of resources for the implementation of a Community Development Employment Project (C.D.E.P.) for the Palm Island community. The meeting lasted approximately 35 minutes and was helpful both from my point of view in obtaining some feedback on the joint agency training team exercises and the problems faced in implementing C.D.E.P. in Palm Island.

- 4. I believe Mr Johnson benefited from the visit to central office as well, as it would have provided him with an understanding of the processes that we undertake at the national level, particularly in regard to the role of taskforce in the implementation of the Government's Aboriginal Employment Development policy.

I make this solemn declaration by virtue of the *Statutory Declarations Act* 1959 as amended and subject to the penalties provided by that Act for the making of false statements in statutory declarations, conscientiously believing the statements contained in this declaration to be true in every particular.

(3) Signature of person making the declaration.

(3)

Declared at **CANBERRA**

on the **8th** day of **December**, **1988**

before me,

(4) Signature of person before whom the declaration is made.

(4)

(5) **BAVANTON & SOLICITORS**

(5) Here insert title of person before whom the declaration is made.

NOTE 1.—A person who wilfully makes a false statement in a statutory declaration under the *Statutory Declarations Act* 1959 as amended is guilty of an offence against that Act, the punishment for which is a fine not exceeding \$200 or imprisonment for a term not exceeding six months or both if the offence is prosecuted summarily, or imprisonment for a term not exceeding four years if the offence is prosecuted upon indictment.

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APPENDIX III

1. Letter from Senator J. Coulter
2. Letter from Mr D. Abbott, Secretary, Select Committee on the Administration of Aboriginal Affairs



PARLIAMENT OF AUSTRALIA · THE SENATE

John R. Coulter

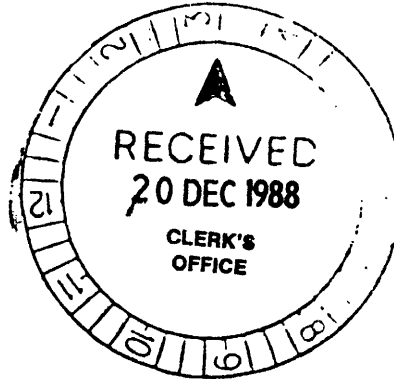
Australian Democrat Senator for South Australia

41 George Street
Norwood
S.A. 5067
Telephone (08) 333 0277
Facsimile (08) 332 5254

Parliament House
Canberra
Aust. Capital Territory 2600
Telephone (062) 77 3645

December 20, 1988

Senator Pat Giles
Committee of Privileges
Australian Senate
Parliament House
CANBERRA ACT 2600



Dear Senator Giles

In answer to your letter of 19 December, 1988, I can provide the following information.

Late in the afternoon of 1 September I was rung by Mr Norman Johnson who spoke at length about ATSIIC. He expressed a view in strong support of ATSIIC and was aware that I had successfully moved that ATSIIC lie before the Senate for six months and that I had supported the Opposition's successful motion to appoint a Senate Committee to consider the ATSIIC legislation.

He telephoned from Canberra and said 'they' had just arrived. The conversation continued for about an hour. He urged me to abandon the Committee and support rapid passage of the ATSIIC Bill. In the course of the conversation he said he was likely to become a Regional Manager under ATSIIC administering a budget of \$5 million, a matter I questioned him about in committee the next day, when he explained he would rather administer such a budget under direction from an elected Aboriginal Regional Council, than, as now, under direction from DAA.

After this long conversation Mr Ray Robinson came to the telephone and continued very strongly to urge support for immediate passage of the ATSIIC Bill. At one stage he threatened that next day they, Robinson, Johnson and McCarthy would demonstrate against the Australian Democrats outside Parliament House during during which they would burn their membership cards. As far as I am aware, Robinson has never been a member of the Australian Democrats.

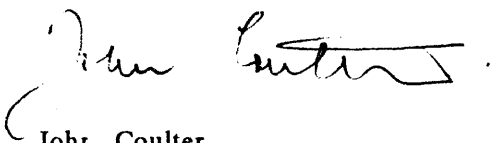
I can not be certain whether it was Robinson or Johnson to whom I said they should appear before the Committee -- I think it was Johnson. I cannot say whether they were aware of the sitting of the Committee next day before this telephone conversation. When I mentioned the Committee I was told they were returning to Queensland by air at 4 o'clock the next day. I did suggest they contact Derek Abbott, secretary to the Senate Committee. At no stage did I meet with Johnson, Robinson or McCarthy on 1 September. The whole interchange occurred on the telephone.

Next day when I went to the Committee Room for the hearing I saw Robinson outside the Committee Room. He is unmistakable. I think Johnson and/or McCarthy were with him but I can not be sure. I did not make and keep notes of these events at the time thinking them not especially important. Robinson was not alone. Later that day Mrs Shirley McPherson gave evidence and indicated she was aware of Robinson outside the Committee Room.

All three appeared as witnesses before the Committee on the afternoon of 2 September and were still before the Committee when I left at approximately 4:10pm to catch the 425/50 planes to Adelaide. I thought this strange at the time as I remember quite clearly being told the night before that they were returning to Queensland on a four o'clock flight.

Thus I can confirm that I did tell Mr Johnson of the meeting of the Committee on 2 September but I cannot say whether it was Mr Johnson's first knowledge of that meeting. I was told that they had just arrived when they telephoned on the late afternoon of 1 September and I was told they were departing at four o'clock the next day. Robinson and possibly Johnson and McCarthy were outside the Meeting Room at the start of the hearing and all were with the Committee for several hours in the afternoon -- continuing after four o'clock. I cannot say whether they stayed outside the Committee Room between the start of the hearing and when they were called. I believe from what Mrs McPherson said, one or more of them were there some of this time.

Yours sincerely



John Coulter
Senator for South Australia
Australian Democrats



THE SENATE

CANBERRA, A.C.T.

C/489

SELECT COMMITTEE ON THE ADMINISTRATION OF ABORIGINAL AFFAIRS

PARLIAMENT HOUSE
CANBERRA, A.C.T. 2600
TEL (062) 773540

13 January 1988

Miss A. Lynch
Secretary
Committee of Privileges
The Senate
Parliament House
CANBERRA A.C.T. 2600

Dear Miss Lynch,

I refer to your letter of 19 December regarding the appearance of certain witnesses before this Committee.

Messrs Robinson, Johnson and McCarthy telephoned my office at approximately 5.50pm on the evening of Thursday 1 September 1988. They spoke only to my secretary and told her that they were coming to Parliament House immediately and wished to speak to me about the work of this Committee.

They arrived at approximately 6.20pm and I met them at the security desk at the Senate entrance. We then went to Senate Committee Room 18. I explained to them what the Committee was inquiring into, how it conducted its business and what the program of the meeting on Friday 2 September 1988 was. During this discussion the question of their appearance before the Committee was raised.

My recollection of the discussion (I made no written notes) is that Mr Robinson raised the question of him and his colleagues appearing before the Committee on the following day. I explained that I had no authority to invite them to appear; that was a matter for the Committee members to decide. I also pointed out that the Committee already had a very full program for the following day. However, I undertook to approach the Committee's Chairman, Senator McMullan, and ask him if he would be prepared to fit the group into the program for that day. They indicated that they would attend the hearings and I said that I would advise them as to whether the Committee would hear them.

I then showed them the room where the 2 September meeting was to be held and escorted them back to the Senate entrance at approximately 7.05pm.

On September 2 the Committee met in public for a short time and was then in-camera until 1.00pm. Thus I am not aware of when Messrs Robinson, McCarthy and Johnson arrived at the Committee Room. However I did advise them at some stage during the day that the Committee would hear them.

I have no recollection of the precise wording of any conversations I had with Messrs Robinson, McCarthy and Johnson or that day. The statement "... approached the three of us..." should be read in the context of the previous evening's discussion where they had asked to appear and I had undertaken to approach the Chairman to see if the Committee would accommodate them. As quoted in your letter the statement suggests that I had taken the initiative in inviting the three person to appear which was not the case.

I had had no prior contact with any of the three person involved prior to the evening of 1 September 1988. The Committee met no travel or accommodation expenses with regard to their appearance.

Yours sincerely,



Derek Abbott
Secretary

Committee on Aboriginal Affairs