

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

THE SENATE

COMMITTEE OF PRIVILEGES

**POSSIBLE FALSE OR MISLEADING EVIDENCE
BEFORE A SENATE ESTIMATES COMMITTEE -
DEPARTMENT OF DEFENCE
PROJECT PARAKEET**

(15TH REPORT)

MARCH 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
CANBERA A.C.T. 2601.

REPORT

Introduction

1. On 5 December 1988, the President of the Senate (Senator the Honourable Kerry W. Sibraa) advised the Senate that, following consideration of a matter of privilege raised by Senator MacGibbon, he had determined that a motion relating to the matter should have precedence in accordance with the procedures contained in the privilege resolutions of 25 February 1988. The President's statement is at Appendix 1. Accordingly, Senator MacGibbon thereupon gave notice of the following motion:

Whether false or misleading evidence was given to a Senate Estimates Committee in relation to the Department of Defence Project known as Project Parakeet, and whether a contempt of the Senate was committed in the giving of that evidence.

The motion was agreed to by the Senate on 6 December 1988.

2. As the President indicated in his statement when giving the motion precedence, the matters giving rise to the Committee's inquiry were set out by Senator MacGibbon during debate on Appropriation Bill (No.1) 1988-89 on 29 November 1988. The speech is at Appendix 2 to the report.

Conduct of Inquiry

3. The Committee of Privileges decided to invite Dr McIntosh, the officer who gave evidence to Estimates Committee B in April 1988, and Major General Francis, who appeared before Estimates Committee D, together with Dr McIntosh, in October 1988, to make submissions to the Committee on the question before it. The submissions are at Appendix 3 to the report.

4. The Committee, through the written submissions, has available to it the circumstances surrounding the evidence placed before the Estimates Committee in April 1988. It further notes the following comments made by Dr McIntosh in his submission of 2 February:

While the discussions of the project were of a partial nature so as not to preempt Ministers and were clearly unsatisfactory to Senators [emphasis added], I do not believe that false or misleading evidence was given by what I said (as opposed to the paraphrasing by others of what I said) as to the facts or status of the project.

If Senators were misled, it was certainly not deliberate on my part and I can only apologise for any deficiencies in the phrasing of my responses, which did not make the position, as outlined in this submission, sufficiently clear.

Conclusion

5. It would have been helpful to the Senators concerned if the officer had been more forthcoming in

answering the questions put to him, but the Committee of Privileges accepts the explanation and apology contained in the submission before it.

However, the Committee makes the following observations:

6. The submissions of Dr McIntosh and Major General Francis have presented the factual background at the time of the Estimates hearings and technically the answers that were given to the Committee were correct.

7. We appreciate the problem faced by public servants in the position of Dr McIntosh at the time of the hearings, but it is fair comment that he was an experienced public servant and quite familiar with dealing with Ministers and Members of Parliament. He should have been able to have overcome the problem without leaving the Senators in the state of dissatisfaction which was created by his unhelpful approach.

8. Although public servants should not be pre-empting the decisions of Ministers or disclosing advice given to them, there is no reason why information should not be volunteered when it is quite clear that Senators are seeking more information than has been made available or if they seem confused by such information. In this case there had been news reports which had given Senators some inaccurate information about the situation with Project Parakeet. Senators may also have been given inaccurate information from other sources.

9. If Dr McIntosh had been as helpful to the Senate Estimates Committee as he has been to the Privileges Committee this whole exercise would have been avoided.

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10. The Committee has concluded that there was no intention to give any false or misleading evidence to a Senate Estimates Committee in relation to the Department of Defence project known as Project Parakeet. It follows, therefore, that no contempt of the Senate was committed in the giving of that evidence.

Patricia Giles
Chair

March 1989