

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

THE SENATE

COMMITTEE OF PRIVILEGES

POSSIBLE THREAT TO A SENATOR

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The Senate
Parliament House
CANBERRA ACT 2600

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POSSIBLE THREAT TO A SENATOR

Introduction

1. On 20 October 1994 the following matter was referred to the Committee of Privileges on the motion of Senator Parer:

Whether Senator Woodley was threatened in relation to the Port Hinchinbrook development in the manner referred to by him in debate in the Senate on 21 September 1994, and, if so, whether any contempt was committed.

Background

2. In the words of the President when giving precedence to Senator Parer's notice of motion:

The matter raised by Senator Parer concerns an allegation made by Senator Woodley, in debate in the Senate on 21 September 1994, that when Senator Woodley raised matters concerning the Port Hinchinbrook development with the principal involved in that development, he was threatened by that person.

When it was suggested by way of a point of order that this was a matter of privilege and that Senator Woodley should substantiate the allegation, the Acting Deputy President, Senator Colston, ruled: "It is not a question of order; it may be a matter of privilege". Senator Woodley then said: "I can provide the documentation which is required."

The making of threats to a senator is declared by Privilege Resolutions of the Senate to be a matter which may be held to be a contempt. Any allegation that a senator has been threatened has always been taken very seriously.

There is no requirement in the procedures of the Senate that such a matter be raised only by the senator who has received the alleged threats; on the contrary, the procedures make it clear that such a matter may be raised by any senator.

3.The President, in concluding that the matter should have precedence, observed that:

The allegation that he was threatened having been made so unambiguously by Senator Woodley in debate, there is no doubt that the matter meets the criteria which I am required to consider in determining whether a motion to refer the matter to the Privileges Committee should have precedence.

4.On Thursday, 22 September 1994, in debate on a substantive motion moved by Senator Woodley relating to the Port Hinchinbrook matter, Senator Woodley made the following statement:

...I have in fact invited Mr Williams to a meeting. That does not mean ... that surely I would not meet a person who perhaps might make threats to me. I have spent most of my life meeting with people who disagree with me. It is the nature of the task I have been involved in for so long. I have no problem with people who even violently disagree with me if in fact there is some way of bridging the gap between us.

In terms of presenting documents, et cetera, to back up my assertions yesterday, I am considering preparing a statement for the Privileges Committee.

5.Senator Woodley did not, however, pursue the matter in the intervening period between his making the comments and Senator Parer's raising the matter of privilege with the President.

Comment

6. In accordance with its normal practice, the Committee wrote both to Mr Keith Williams and to Senator Woodley. Each responded with a comprehensive submission which the Committee has included in the volume accompanying this report, together with the President's statement and Senator Parer's letter raising the matter. The Committee considered whether it was necessary to exchange the submissions between Senator Woodley and Mr Williams. In the light of the finding below, it considered it unnecessary to seek further comments.

7. Senator Woodley, in giving an account of his communications with Mr Williams, has outlined what led him to suggest in the Senate that Mr Williams had made threats against him. In particular, he drew attention to a "robust conversation" concerning a proposed press release to be issued by Mr Williams, "denouncing" Senator Woodley. Furthermore, Senator Woodley has indicated that Mr Williams had declared his intention to sue for defamation if he (Senator Woodley) uttered remarks made in the Senate outside Parliament.

8. The question for the Committee to determine was whether the series of actions by Mr Williams might be regarded as constituting an improper threat to a Senator, and also whether the threat had a tendency to obstruct Senator Woodley in the performance of his duties.

9.As the documents tabled with this report indicate, it is clear that Mr Williams sought to protect his own interests vigorously and outspokenly. The aggressive way in which he prosecuted his campaigns understandably gives rise to a perception that such behaviour is threatening. However, the Committee does not regard the actions in this case as having had the effect or tendency of substantially obstructing a senator in the performance of his duties. All Senators and Members of Parliament receive threats of this nature and regard them, in Senator Woodley's words, as "part of the risk of public life". The Committee believes that Senator Woodley was threatened by Mr Williams in this sense, but observes that he was not in fact deterred, nor was he obstructed, by these threats. In this context, the Committee notes that it was not Senator Woodley who raised the threats as a matter of privilege, which he might have chosen to do if he had felt himself deterred or obstructed in the performance of his duty as a Senator.

Finding

10.The Committee has not found that a contempt was committed in respect of the matter referred.

Baden Teague
Chairman