

**House of Representatives  
Committee of Privileges**

**Report concerning actions initiated against  
Mr A Cross and Mr R Ellems**

**DECEMBER 1994**

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## MEMBERS OF THE COMMITTEE

MR R W SAWFORD, MP (CHAIRMAN)

MR K J ANDREWS, MP (DEPUTY CHAIRMAN)

HON R J BROWN, MP

MR P R CLEELAND, MP

HON A C HOLDING, MP<sup>1</sup>

HON L S LIEBERMAN, MP

MR P J McGAURAN, MP

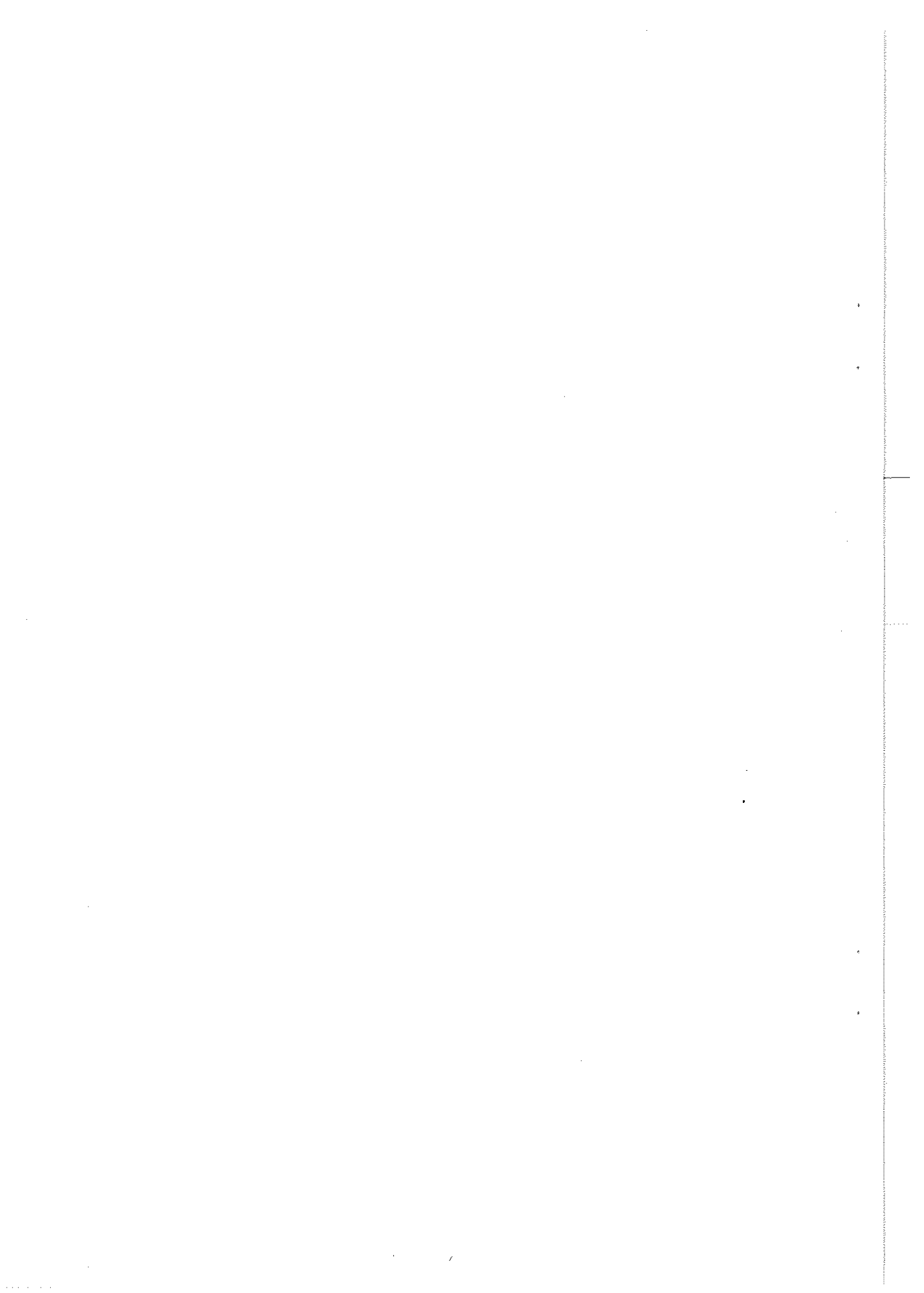
HON L B McLEAY, MP

HON A S PEACOCK, MP<sup>2</sup>

HON D W SIMMONS, MP

MR A M SOMLYAY, MP<sup>3</sup>

1. Nominee of the Leader of the House
2. Resigned 17 September 1994
3. Nominee of the Deputy Leader of the Opposition from 24 February 1994



## The complaint

1. On 8 June 1994 Mr Katter informed the House that defamation writs had been served on a Mr A Cross and a Mr R Ellems. Mr Katter stated that he believed the writs were issued by a Mr P Laurance. Mr Katter stated that Mr Ellems was the signatory of a statutory declaration which he had read from in the course of a speech in the House on 6 June. Certain statements were attributed to Mr Cross in the statutory declaration. Mr Katter stated that the statutory declaration had been sworn by Mr Ellems solely for use in Parliament and that to his knowledge it had not been communicated to anyone else before being read on 6 June. Mr Katter stated that the issuing of the writs in question constituted a *prima facie* case of contempt, that the testimony of Mr Ellems was vitally important to the performance of his work as a Member and that the writs would interfere improperly with his ability to do his job. A copy of Mr Katter's statement is at Attachment A.
2. The Speaker responded to the complaint on 9 June 1994. Although the Speaker said that Mr Katter had not presented the detailed information that would lead him to conclude that there was a *prima facie* case of an attempt to interfere improperly in the performance of Mr Katter's duties as a Member, he was of the opinion that it was a borderline case upon which the House would benefit from the advice of the Committee. A copy of the Speaker's statement is at Attachment B. The Speaker allowed precedence to a motion which was moved by Mr Katter in the following terms:

The question of whether the serving of defamation writs on Mr Roland John Ellems and Mr Ayden Cross by Mr Peter Laurance amounts to improper interference in the honourable Member for Kennedy's performance of his duties as a Member of the House be referred to the Committee of Privileges.

The motion was agreed to without debate.

## Relevant parliamentary law

3. The House has an undoubted power to punish for contempt, a contempt being:

... any act or omission which obstructs or impedes ... [it] ... in the performance of its functions, or which obstructs or impedes any member or officer ... in the discharge of his duty, or which has a tendency, directly or indirectly, to produce such results ... even though there is no precedent of the offence.<sup>1</sup>

Section 4 of the *Parliamentary Privileges Act 1987* provides something of a threshold:

Conduct (not including the use of words) does not constitute an offence against a House unless it amounts, or is intended or likely to

amount, to an improper interference with the free exercise by a House or committee of its authority or functions, or with the free performance by a Member of the Member's duties as a Member.<sup>2</sup>

Under the heading "Obstructing Members of either House in the discharge of their duty", May, the standard authority on the practice of the House of Commons, states:

The House will proceed against those who obstruct Members in the discharge of their responsibilities to the House or in their participation in its proceedings.

May goes on to state, with regard to the extent of the protection afforded by the House to its Members:

Not all responsibilities currently assumed by Members fall within this definition. Correspondence with constituents or official bodies, for example, and the provision of information sought by Members on matters of public concern will very often, depending on the circumstances of the case, fall outside the scope of "proceedings in Parliament"... against which a claim of breach of privilege will be measured.<sup>3</sup>

This position is not necessarily applicable in the Commonwealth Parliament: statutory provisions applying in this Parliament have modified the provisions originally applying by virtue of section 49 of the Constitution (which were the powers, privileges and immunities of the House of Commons, its committees and Members in 1901). In at least one case the House has acted by requiring an apology in respect of a matter not related to proceedings in Parliament.

4. The Committee is not aware of any precedent for a case such as this - that is a case in which a Member has based a complaint upon the effect on the Member of action taken against a person who had provided information to the Member.

#### Conduct of inquiry

5. The Committee invited Mr Katter and Mr Laurance to lodge submissions on the reference. In addition, oral evidence was taken from Mr Katter on 1 September 1994. The Committee also received advice from the Clerk of the House, who provided a memorandum outlining the relevant parliamentary law and precedents (Attachment C). Advice was also received from the Attorney-General's Department (Attachment D).

### Key facts

6. The Committee accepts that the key facts in this matter are as follows:
- on 28 May 1994 Mr Ellems swore a statutory declaration which was subsequently provided to Mr Katter;
  - on 6 June 1994 Mr Katter spoke in the House, quoting extensively from the statutory declaration provided to him by Mr Ellems;
  - on 7 June 1994 a writ of summons was issued in the Supreme Court of Queensland by Mr Laurance against Messrs Ellems and Cross. A copy of the writ is at Attachment E. On 13 July 1994 a detailed statement of claim was filed, and, among other things, it cites Mr Ellems' publication of his statutory declaration to Mr Katter. (According to the statement of claim the defendants were Mr Katter and Mr Ellems - copy at Attachment F.)

### Issues for determination

7. The resolution of the House required the Committee to consider whether the serving of a writ on Mr Ellems and Mr Cross amounted to improper interference in the performance by Mr Katter of his duties as a Member. Although it could be argued that Mr Ellems' actions in preparing and publishing his statutory declaration to Mr Katter fell within the scope of section 16 of the *Parliamentary Privileges Act* and thus enjoyed absolute privilege, this aspect is a matter which would be determined in the course of court proceedings. In terms of any possible contempt, and having regard to the requirements of section 4 of the *Parliamentary Privileges Act*, the Committee defined the key issue for determination in the following way:

was conduct engaged in in respect of the action initiated by Mr Laurance against Messrs Ellems and Cross which amounted to, or was intended or likely to amount to, improper interference with the free performance by Mr Katter of his duties as a Member?

While other persons were undoubtedly involved in the issuing and serving of the writ in question, the Committee followed precedent and proceeded on the assumption that Mr P Laurance should be regarded as the person primarily responsible in respect of the issuing of the writ.

8. In forming its view on this issue, the Committee considered:
- written communications received from Mr Laurance and from Mr Katter;
  - Mr Katter's statement in the House on 8 June 1994;
  - Mr Katter's evidence to the Committee on 1 September 1994; and
  - the terms of the original writ and the detailed statement of claim filed on 13 July 1994 on behalf of Mr Laurance.

9. In his written and oral evidence Mr Katter emphasised the importance of the protection of persons who provide information to Members of Parliament, stating:

... the sole issue in this matter therefore was the protection of Parliament for the people who had come forward with what they believed to be important information with respect to the good government of Australia, the sole issue in this matter therefore was the principle - vitally important to all of us in this Parliament - that such information which is believed to be in the public interest not be subject to interference by actions outside of this place.

If people cannot freely communicate information to their Members of Parliament and if that information is a valid, bona fide matter of public importance, and the Member cannot raise it in Parliament because the person who provided the information will be sued, then one of the most important pillars of our society collapses.

10. Mr Katter also confirmed that to the best of his knowledge, and as he had informed the House, Mr Ellem's statutory declaration was provided solely for use in the Parliament and had not been distributed, published or passed on to any other person or body before it "first saw the light of day in the Parliament". Mr Katter went on to state:

...Parliamentary Privilege is one of the only legal ways that an ordinary person has to put such information of a serious nature on the public record.

His right to speak to his Member of Parliament - this relationship between constituent and Member of Parliament is placed in jeopardy by the action against Cross and Ellems, were Laurance's actions against them permitted by parliament to proceed.

People in future will, quite rightly, be apprehensive about saying anything to their Member of Parliament, particularly about the rich and powerful.

11. Mr Katter told the Committee that he believed that as a result of the actions about which he had complained at least one person who had apparently been going to provide information to him had not done so. Although it noted this assertion, the Committee received no evidence which established any intention on the part of Mr Laurance to cause any improper interference in the free performance by Mr Katter of his duties as a Member. On the face of it, the initiation of actions such as those complained of are proper and legal actions, and no evidence given to the Committee convinced it that there was any intention to impede or obstruct Mr Katter in his work as a Member, or that improper interference had in fact occurred.

## Conclusion

12. Having reviewed all the information available to it, the Committee has concluded that no evidence has been produced to it which would establish that Mr Laurance's actions in initiating action against Messrs Cross and Ellems



amounted to or were intended or likely to amount to improper interference in the free performance by Mr Katter of his duties as a Member.

13. Mr Katter's own actions in this matter have also been considered. Allegations of wrongdoing are often made to Members of Parliament. Members enjoy very special rights - rights greater than those enjoyed by ordinary citizens. The privilege of freedom of speech is the greatest of these, but its very significance is such, where the reputation or welfare of persons may be an issue, that it should be used judiciously. If a Member is of the opinion that it is in the public interest to disclose such allegations, he or she should make all reasonable inquiries as to the truth of the allegations. The raising of a matter, in full detail, in the House is only one of the options available to Members. Some have questioned the judgment exhibited by Mr Katter in his use of the privilege of freedom of speech to divulge as he did, and to rely so heavily on, the hearsay allegations contained in Mr Ellems' statutory declaration. In the final analysis, however, it is for the Member to resolve whether or not it is in the public interest to raise a matter in the House, and his or her actions will be judged accordingly.

#### Finding

14. In light of its conclusions, the Committee finds that a contempt was not committed in respect of the initiation of the action complained of against Mr A Cross and Mr R Ellems.

R W SAWFORD  
Chairman

6 December 1994

NOTES

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1. Quoted in *House of Representatives Practice* (2nd edition), AGPS, Canberra 1989, p. 701.
2. Act No. 21 of 1987.
3. May, *Treatise on the Law, Privileges, Proceedings and Usage of Parliament* (21st edn, Butterworths, 1989) p. 125.

8 June 1994

## WEEKLY HOUSE HANSARD

Page: 1672

## PRIVILEGE

Mr KATTER (Kennedy)--Mr Speaker, I wish to raise a matter of privilege. This morning I was advised that defamation writs had been served on a Mr Roland John Ellems and on a Mr Ayden Cross, both of whom are resident on the Gold Coast in Queensland. The writs were issued, I believe, by Mr Peter Laurance. Mr Ellems was the signatory of an affidavit that I read into *Hansard* on 6 June, the subject of which also involved Mr Cross. The affidavit I read into *Hansard* was solely sworn by Mr Ellems for use in this parliament and had not to my knowledge been communicated to anyone outside this parliament before I read it on 6 June.

I am advised, therefore, that the affidavit and its use attracts the full protection of parliamentary privilege. The issuing of these writs by Mr Laurance constitutes a prima facie case of contempt of parliament attacking the very basis of the protection of our parliamentary privilege.

*Government members interjecting--*

Mr SPEAKER--Order! The honourable member for Kennedy has the call.

Mr KATTER--The testimony of Mr Ellems is vitally important to the continued performance of my work as a member of parliament in this matter and this writ will improperly interfere with my ability to do my job. Therefore, I would like to refer the actions of Mr Laurance to the privileges committee of this place.

Mr SPEAKER--I will look into the matter.

**PRIVILEGE**

Mr SPEAKER--Order! Yesterday the honourable member for Kennedy (Mr Katter) made a complaint of breach of privilege in connection with the performance of his duties as a member. The basis of the complaint was that action had been taken to sue a Mr Ellems for defamation. As I understand it, Mr Ellems had signed an affidavit which had been used by the honourable member for Kennedy and quoted by him in the House. The honourable member has argued that the testimony of Mr Ellems is vitally important to the continued performance of his work as a member and that the action now allegedly taken against Mr Ellems interferes improperly with the honourable member's performance of his duties as a member.

The House certainly has the ability to protect members from actions which are found to amount to improper interference with the performance of their duties as members. In the present case, I must inform the House that the honourable member for Kennedy has not presented the detailed information which would lead me to conclude absolutely that there is prima facie evidence of an attempt to interfere improperly in the performance of his duties as a member; however, I am of the opinion that there is a borderline case upon which the House would benefit from the advice of the Committee of Privileges. Accordingly, I am prepared to allow precedence to a motion on this matter.

Motion (by Mr Katter)--by leave--agreed to:

That the question of whether the serving of defamation writs on Mr Roland John Ellems and on Mr Ayden Cross by Mr Peter Laurance amounts to improper interference in the honourable member for Kennedy's performance of his duties as a Member of the House be referred to the Committee of Privileges.

## INQUIRY CONCERNING A COMPLAINT BY MR KATTER

### Memorandum by the Clerk of the House of Representatives

#### THE REFERENCE

The House has referred the following matter to the Committee of Privileges:

The question of whether the serving of defamation writs on Mr Roland John Ellems and on Mr Ayden Cross by Mr Peter Laurance amounts to improper interference in the honourable Member for Kennedy's performance of his duties as a Member of the House.

In raising this matter on 8 June 1994 Mr Katter advised the House that Mr Ellems was the signatory of an affidavit [statutory declaration] which he had read into the Hansard on 6 June, the subject of which involved Mr Cross. Mr Katter said further that the affidavit [statutory declaration] had been solely sworn by Mr Ellems for use in Parliament and, to his knowledge, it had not been communicated to anyone else before he (Mr Katter) read it on 6 June. Mr Katter went on to say that he had been advised that the affidavit [statutory declaration] and its use attracted the full protection of parliamentary privilege, that the issuing of the writs in question by Mr Laurance constituted a *prima facie* case of contempt, that the testimony of Mr Ellems was vitally important to the continued performance of his work as a Member and that the writ would improperly interfere with his ability to do his job.

Mr Speaker responded to the matter on 9 June, saying that Mr Katter had not presented the detailed information which would lead him to conclude absolutely that there was *prima facie* evidence of an attempt to interfere improperly in the performance of his duties as a Member but that he was of the opinion that this was a border-line case upon which the House would benefit from the advice of the Committee of Privileges. Accordingly, he allowed precedence to a motion which was then moved by Mr Katter and agreed to without debate.

It would seem that, as in the normal course, the task before the Committee is to inform itself in relation to the relevant parliamentary law and precedents and to consider the facts of the particular complaint.

#### GENERAL PROVISIONS RELATING TO PRIVILEGE AND CONTEMPT

A detailed explanation of the law and practice of the House relating to privilege and contempt is set out in House of Representatives Practice<sup>1</sup>. The nature of privilege is explained and the area of absolute privilege or immunity described, with particular reference to the *Parliamentary Privileges Act 1987*. Reference is also

made to the power of the House to punish contempts and the following definition of contempt is quoted from May<sup>2</sup>:

...any act or omission which obstructs or impedes either House of Parliament in the performance of its functions, or which obstructs or impedes any Member or officer of such House in the discharge of his duty, or which has a tendency, directly or indirectly, to produce such results may be treated as contempt even though there is no precedent of the offence.

More information on this point is set out at pages 701-3 of House of Representatives Practice<sup>3</sup>.

Section 4 of the Parliamentary Privileges Act 1987 provides:

Conduct (including the use of words) does not constitute an offence against a House unless it amounts, or is intended or likely to amount, to an improper interference with the free exercise by a House or committee of its authority or functions, or with the free performance by a Member of the Member's duties as a Member<sup>4</sup>.

In effect this provision sets a threshold: to be a contempt an action must amount to or be intended or likely to amount to improper interference with the free exercise by a House or a committee of its authority or functions or with the free performance by a Member of the Member's duties as a Member etc.

#### **PARTICULAR REFERENCES CONCERNING THE PRESENT REFERENCE**

I can find no references in the standard works on parliamentary practice of direct relevance to the present complaint. (In the absence of a knowledge of the details of the actions apparently taken by Mr Laurance, I have had to rely only on what has been recorded in *Hansard* on the matter.)

Under the heading "Obstructing Members of either House in the discharge of their duty", May states:

The House will proceed against those who obstruct Members in the discharge of their responsibilities to the House or in their participation in its proceedings. Not all responsibilities currently assumed by Members fall within this definition. Correspondence with constituents or official bodies, for example, and the provision of information sought by Members on matters of public concern will very often, depending on the circumstances of the case, fall outside the scope of 'proceedings in Parliament' against which a claim of breach of privilege will be measured. (May, p. 125)

The categories of offence then listed by May are arrest, molestation, reflections and intimidation, improper influence and misrepresenting Members' proceedings - none of real relevance in the present case.

#### **PROTECTION OF MEMBERS**

The extent of absolute privilege is strictly limited (and see below), however the House has the power to punish contempts - that is the power to protect itself, its

committees and its Members from actions which, while they may not breach any particular right or immunity, are found to obstruct or impede the House, one of its committees, or a Member. Since 1987, with the passage of the Parliamentary Privileges Act, such actions must be tested against the provisions of section 4 of that Act: to be a contempt an action affecting an individual member must be found to amount to or to be intended or likely to amount to an improper interference with the free performance by the Member of the Member's duties as a Member.

### Improper interference

It is difficult to know precisely how the words "improper interference with the free performance by a Member of the Member's duties as a Member" should be interpreted. The explanatory memorandum to the Parliamentary Privileges Bill does not offer any guidance as to what might be regarded as "improper" and what the "free performance of a Member's duties as a Member" might mean. The Parliamentary Privileges Bill was introduced in part to implement recommendations of the Joint Select Committee on Parliamentary Privilege. That committee had recommended the adoption of resolutions by each House to spell out what might be regarded as contempts. Under a heading "Improper influence of Members" the committee proposed the following formulation:

A person shall not by fraud, intimidation, force or threat of any kind, by the offer or promise of any inducement or benefit of any kind, or by other improper means, influence a Member in his conduct as a Member, or induce him to be absent from a House or a committee.

Although this proposal has no direct connection with section 4 of the 1987 Act it is of interest<sup>5</sup>. The terms fraud, intimidation and force, in particular, suggest that the joint select committee may have seen actions which would be picked up by the recommendation as having to be inherently improper or improper in themselves. The actions involved in suing a person would not, in normal circumstances, be regarded as improper - on the contrary, they are steps in the processes of legitimate legal action. Nevertheless the words of section 4 would seem to be broad enough to allow a House to find that an action constituted improper interference even if such action was in itself, or in ordinary usage, proper.

In order to reach a conclusion on this aspect the committee would presumably wish to have regard to the circumstances of the actions complained of and to the knowledge and intentions of those involved. As I have mentioned previously, technically it would seem that under section 4 of the *Parliamentary Privileges Act 1987* an action could be found to be a contempt even if it had not been the intention of the person responsible for it to interfere improperly with the free performance by a Member of a Member's duties as a Member, although in ordinary circumstances I believe that regard would be had to the issues of intention, knowledge and so on.

### Members' duties

In my view there would be no doubt that the participation by Members in debates in the House, such as grievance debate (the debate in which Mr Katter participated

on 6 June) could be regarded as actions undertaken in the course of the performance of a Member's duties as a Member. If the Committee agrees with this it would then need to consider the issues arising in connection with an action taken against a person who had provided information to a Member in circumstances where that information was used by the Member in his or her participation in a debate - that is, in this regard, the issue would turn on whether the actions taken by or on behalf of Mr Laurance ought to be regarded as amounting to "improper interference".

## SCOPE OF "PROCEEDINGS IN PARLIAMENT"

An interesting question is whether in fact the actions of Mr Ellems in this matter could in fact be found to enjoy absolute privilege. It is clear from May that under the traditional provisions which apply in the House of Commons (where the term 'proceedings in Parliament' has not been defined by statute) such actions would not enjoy absolute privilege:

Although both Houses extend their protection to witnesses and others who solicit business in Parliament, no such protection is afforded to informants, including constituents of Members of the House of Commons who voluntarily and in their personal capacity provide information to Members, the question whether such information is subsequently used in proceedings in Parliament being immaterial. But while it appears unlikely that any question of an actual or constructive breach of parliamentary privilege could arise in these cases, the special position of a person providing information to a Member for the exercise of his parliamentary duties has been regarded by the courts as enjoying qualified privilege at law. (May, p. 133)

The possible application of absolute privilege arises in the Commonwealth Parliament because of the terms of subsection 16(2) of the Parliamentary Privileges Act 1987, which provides, *inter alia*, that:

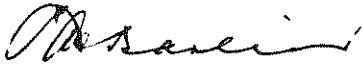
... proceedings in Parliament means all words spoken and acts done in the course, or for purposes of or incidental to the transacting of the business of a House or a committee, and, without limiting the generality of the forgoing, includes -

... (c) the preparation of a document for purposes of or incidental to the transacting of any such business ....

Although judgments have been given on the Parliamentary Privileges Act, I am not aware of any decisions which are relevant to this particular aspect. Presumably, if the action against Mr Ellems (and possibly also that against Mr Cross) proceeds, it would be likely that a decision would be made by the court on this particular point. If it is found eventually that actions such as those by Mr Ellems (insofar as the preparation of and submission to a Member of a statutory declaration was concerned) fell within the scope of s. 16 of the *Parliamentary Privileges Act 1987* two things could follow: first, the actions of preparing and submitting the document to Mr Katter would not be able to be relied on in an action for defamation, and secondly, the initiation of action against Mr Ellems could itself be considered to be a contempt on these grounds - as, for instance could an attempt to sue a witness on account of his or her evidence to a committee (subject to section 4 of the *Parliamentary Privileges Act 1987*). Nevertheless, if it were found that actions such as those of Mr Ellems in this matter were protected by absolute privilege it does not necessarily follow, in my view, that an attempt to take legal action against a person on account of such actions must be held to be a contempt. The committee might



think that the technical position (that is the status of such actions in law) is not well known and also that some regard would need to be had to the knowledge and intentions of the person or persons involved. I should also repeat that, without a knowledge of the grounds of the actions initiated by Mr Laurance, it is difficult to offer any more precise advice on this matter.



**L M BARLIN**  
**Clerk of the House**

**28 September 1994**

## NOTES

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1. House of Representatives Practice (2nd edition), AGPS, Canberra 1989 (chapter 19).
2. May (21st Edition) p 115.
3. Op cit pp. 701-3.
4. Act No. 21 of 1987.
5. PP 219 (1984), pp 136. Note that 'conduct as a Member' is not expressed as being confined to participation in 'proceedings in Parliament'.



## Office of General Counsel

OGC94618025

8 November 1994

Mr Bernard Wright  
 Secretary  
 Committee of Privileges  
 House of Representatives  
 Parliament House  
 CANBERRA ACT 2600

Dear Mr Wright

## PARLIAMENTARY PRIVILEGES ACT 1987

I refer to your letter of 30 September 1994 seeking advice on the application of s.16(2)(c) of the *Parliamentary Privileges Act 1987* to a situation that has been referred to the Committee of Privileges for consideration.

*Background*

2. A matter of privilege was raised by Mr Katter MP in the House of Representatives on 8 June 1994 and referred to the Committee next day. Mr Katter said (Hansard p.1672) that he had been advised that defamation writs had been served on a Mr Ellems and a Mr Cross, the plaintiff being a Mr Peter Laurance. Mr Ellems had signed an 'affidavit' that Mr Katter had read into Hansard on 6 June 1994, and, as far as Mr Katter was aware the document had not been communicated to anyone outside the Parliament before then.

3. After considering the matter, the Speaker informed the House (Hansard p.1856) that Mr Katter had not presented detailed information sufficient for him to conclude that there is prima facie evidence of an attempt to interfere improperly in the performance of a member's duties. He considered it a borderline case on which the House would benefit from the advice of the Committee of Privileges. The House then agreed to the following motion by Mr Katter:

'That the question of whether the serving of defamation writs on Mr Ronald John Ellems and on Mr Ayden Cross by Mr Peter Laurance amounts to improper interference in the honourable member for Kennedy's performance of his duties as a Member of the House be referred to the Committee of Privileges'.

4. I understand from you that the Committee has very few details of the matter. Some information appears from Mr Katter's speech to the House on 6 June 1994 (Hansard pp.1441 - 1444). Mr Katter raised a matter of certain Shoalwater Bay mining leases during the Grievance Day debate in the course of which he read a statement apparently made by

Central Office

Mr Ellems alleging certain conduct by Mr Graham Richardson while he was a Senator. Mr Katter did not identify in any way the document from which he was reading though he seemed to suggest that it was an 'official police statement' (see Hansard p. 1442, left hand col.).

5. You sent me copies of the writ issued by Mr Laurance and the Statement of Claim. The writ was issued on 7 June 1994 against Messrs Ellems and Cross but it did not specify a cause of action. The statement of claim was delivered on 13 July 1994 by which time it appears that the writ had been amended so that the defendants were then Mr Katter and Mr Ellems.

6. From the statement of claim it appears that the claim is for defamation based, as far as Mr Katter is concerned, on his confirming on a radio and a television program certain statements about the plaintiff that he had made in the House, including the reading of the statement on 6 June 1994, and as far as Mr Ellems is concerned, the making of a statutory declaration on 25 May 1994, the alleged text of which is set out in the Statement of Claim. It appears to be the same as the text of the statement read to the House by Mr Katter on 6 June.

7. The possible breach of privilege that is in the matter referred to the Committee is the defamation action against Mr Ellems in respect of the statutory declaration.

#### *Advice*

8. Section 16(1) of the Parliamentary Privileges Act provides as follows:

'16.(1) For the avoidance of doubt, it is hereby declared and enacted that the provisions of article 9 of the Bill of Rights, 1688 apply in relation to the Parliament of the Commonwealth and, as so applying, are to be taken to have, in addition to any other operation, the effect of the subsequent provisions of this section.'

9. Article 9 of the Bill of Rights provides:

'That the freedom of speech, and debates or proceedings in Parliament, ought not to be impeached or questioned in any court or place out of Parliament.'

10. The meaning and scope of the term 'proceedings in Parliament' was a matter of some uncertainty and so it was defined in s.16(2) of the Act as follows:

'(2) For the purposes of the provisions of article 9 of the Bill of Rights, 1688 as applying in relation to the Parliament, and for the purposes of this section, "proceedings in Parliament" means all words spoken and acts done in the course of, or for purposes of or incidental to, the transacting of the business of a House or of a committee, and, without limiting the generality of the foregoing, includes -

- (a) the giving of evidence before a House or a committee, and evidence so given;
- (b) the presentation or submission of a document to a House or a committee;
- (c) the preparation of a document for purposes of or incidental to the transacting of any such business; and

- (d) the formulation, making or publication of a document, including a report, by or pursuant to an order of a House or a committee and the document so formulated, made or published.'

11. Apart from the general definition, para. (c) seems to be the only relevant paragraph. In my opinion it clearly covers the preparation of documents by a person other than a member of the House. The most obvious example is the preparation of a member's speech by one of the member's staff. But its operation reaches further to such matters as the preparation of a submission to a committee of the House at the request of the Committee or, I think, the making of a written statement for a member at the member's request for use in a speech or for presentation to the House. It may seem a little odd that the preparation of a document and the presentation or submission of a document to the House or a committee are specifically mentioned in paras (c) and (b) respectively whereas the presentation or submission of a document to a member for purposes of, or incidental to the transacting of the business of a House or committee is not. Such an act would almost certainly fall within the general words in s.16(2), but so too would the acts described in para (b) and with rather more certainty. Moreover the act of giving a written statement to a member would clearly be 'publication' for the purposes of defamation law. Nevertheless, in my opinion, the presentation or submission of a document to a member in the circumstances just mentioned would fall within the general definition in s.16(2). The mention of specific matters in paras (a) to (d) of s.16(2) is expressed not to limit the generality of that general definition.

12. It seems from the text of the declaration reproduced in the statement of claim, and from what Mr Katter said in the House on 7 June, that it is alleged that Mr Ellems' statement was made by him at Mr Katter's request solely for use in the House. If that is accepted as true then in my opinion, the preparation of the statement falls within s.16(2)(c) and the handing of it to Mr Katter falls within the general definition in s.16(2) being an act done for the purposes of or incidental to the transacting of the business of the House.

13. If however, the statement was prepared and handed to Mr Katter voluntarily, ie. not at his request, the matter is not as clear. If those acts were done in the certain knowledge that Mr Katter would present the statement to the House, I think s.16 would still apply. But if they were done on the off-chance that Mr Katter might want to use them in the House I think s.16 probably would not apply to Mr Ellems' acts though, of course, if Mr Katter did in fact use the statement, his doing so would be protected by parliamentary privilege. However the application of the Act will depend very much on the facts of each particular case.

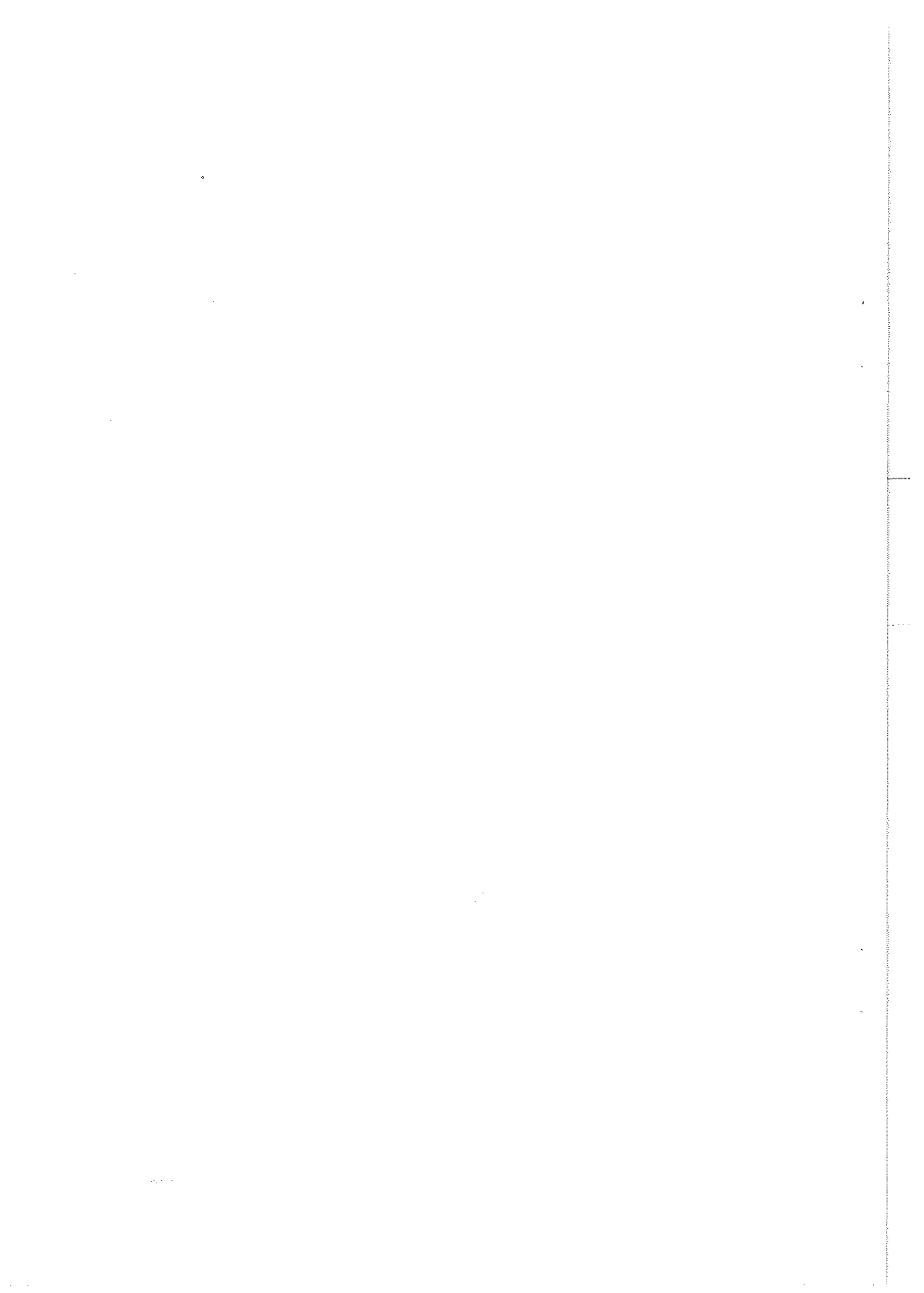
14. I shall be most happy to assist you further, if you wish.

Yours sincerely



Denis Jessop  
Senior General Counsel

Telephone: 250 6415  
Facsimile: 250 5915



IN THE SUPREME COURT  
OF QUEENSLAND

Attachment E  
NO. 807 of 1994

BETWEEN:

PETER MAXWELL LAURANCE

Plaintiff

AND:

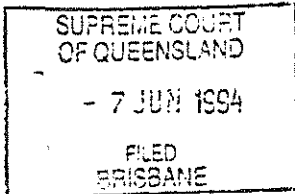
ROLAND JOHN ELLEMS

First Defendant

AND:

AYDEN CROSS

Second Defendant



ELIZABETH THE SECOND, by the Grace of God, Queen of Australia and Her other Realms and Territories, Head of the Commonwealth.

WRIT OF SUMMONS

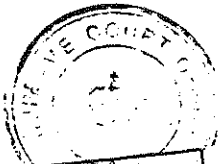
TO: ROLAND JOHN ELLEMS

Office Copy

OF: 52 Victoria Avenue, Broadbeach, in the State of Queensland

AND TO: AYDEN CROSS

OF: 21 Mole Avenue, Southport, in the State of Queensland



FEE	157.00
ASSESSOR	A
RECEIPT	3735
ENTERED	
CHECKED	

We command you that within eight (8) days after the service of this writ on you, inclusive of the day of such service, you do cause an appearance to be entered for you in Our Supreme Court of Queensland, at Brisbane, in an action at the suit of PETER MAXWELL LAURANCE in the State of Queensland and TAKE NOTICE that in default of your so doing the Plaintiff may proceed therein, and judgment may be given in your absence.

HOPGOOD AND GANIM  
Solicitors  
3rd Level  
141 Queen Street  
BRISBANE Q 4000

Telephone: 234 7777

G: MJS M2MS406.34



WITNESS - The Honourable John Murtagh Macrossan, Chief Justice of Queensland, at Brisbane the 7<sup>TH</sup> day of JUNE in the year

of Our Lord One thousand nine hundred and  
ninety four

**D. R. WILLIAMSON**  
FOR THE REGISTRAR

CLERK


N.B. - This writ is to be served within twelve calendar months from the date thereof, or, if renewed, within twelve calendar months from the date of the last renewal, including the day of such date, and not afterwards. Appearance to this writ may be entered by the Defendant or Defendants either personally or by Solicitor at the Registry of the Supreme Court at Brisbane.

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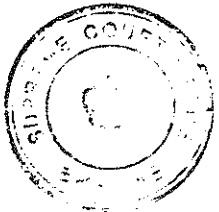
The Plaintiff's claim is for: -

1. As against the First Defendant:-
  - (a) Damages for defamation
2. As against the Second Defendant:-
  - (a) Damages for defamation.
3. Costs.

Place of trial:- Brisbane



HOPGOOD AND GANIM  
Solicitors for the Plaintiff

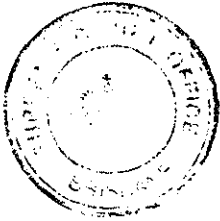




THIS WRIT was issued by Messrs Hoggood and Ganim, Solicitors of 3rd Floor, 141 Queen Street, Brisbane in the State of Queensland whose address for service is 3rd Floor, 141 Queen Street, Brisbane in the said State, Solicitors for the Plaintiff.

Your appearance to this Writ must give an address at some place within ten kilometres of the office of the Supreme Court of Queensland at Brisbane at which address proceedings and notices for you may be left.

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IN THE SUPREME COURT  
OF QUEENSLAND

No. 807 OF 1994

BETWEEN:

PETER MAXWELL LAURANCE

Plaintiff

AND:

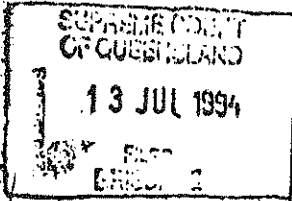
ROBERT MAXWELL KATTER

First Defendant

AND:

ROLAND JOHN ELLEMS

Second Defendant



STATEMENT OF CLAIM

DELIVERED THE 13<sup>th</sup> DAY OF JULY 1994

1. The Plaintiff is and was at all material times
  - (i) a businessman;
  - (ii) the occupier of a presidential suite at the Nara Seaworld Resort.

STATEMENT  
OF CLAIM

(Filed on  
behalf of  
the Plaintiff)

2. In or about the month of May 1992, the Second Defendant published to the First Defendant a writing namely a Statutory Declaration sworn by him on the 28th May 1994.

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PARTICULARS

I, Roland John Ellems of Unit 131 Victoria Square, Victoria Avenue, Broadbeach, Gold Coast in the state of Queensland solemnly and sincerely declare as follows:-

I was advised last year by my son Scott Ellems that one of his surfing friends who was employed at the Seaworld Nara Resort as a bell boy had taken in his words prostitutes to the room of Senator Graham Richardson.

I acknowledged the statement by my son but didn't say anything to anyone further. However in May of this year Bob Katter rang me at home and asked did I know anything about sorties of Senator Graham Richardson on the Gold Coast

HOPGOOD & GANIM  
Solicitors  
141 Queen Street  
BRISBANE QLD  
4000

TEL: 234 7777

Involving prostitutes. I said that I would check around which I did and I reported to Bob Katter that I had spoken to one of my son's friends whose name was Ayden Cross and that he was prepared to come to my home and make a statement in writing. That was to be on Tuesday the 10th of May. Ayden Cross stated the following:- That he was employed at the Seaworld Nara Resort as a bell boy and that on a particular date last year he observed Senator Graham Richardson in the foyer two in his words "prostitutes", Senator Richardson then left the foyer area. A short while later he was approached by the same two prostitutes and asked could they be taken to Senator Richardson's room as they did not know the whereabouts of this room.

He directed the girls and personally showed them to the room but did not enter the room. The other information he said that upset him visibly was that the following weekend Senator Richardson was staying at the resort with his wife and family and he found this hard to accept.

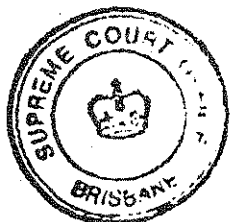
Furthermore he stated that Senator Richardson had been staying at the resort on a number of occasions and that it was common knowledge and discussion amongst the staff at Seaworld Nara that Senator Richardson was involved with other women while at the resort.

I asked Ayden Cross further could he name any other staff off hand that made comment or had seen Senator Richardson with any other women. He said yes there was a security guard by the name of Michael Cook who had mentioned to him that on previous occasions he had seen Senator Richardson walking across the grassed area late at night in a bath robe with a lady also in a bath robe and they entered the private condominium of Peter Laurance and it was commonly known and advised to the staff of the Nara Resort that Senator Richardson had the use of Peter Laurance's condominium.

I received a telephone call on the morning of the 10th May from Ayden Cross who said that he had changed his mind and wasn't prepared to give a statement after talking with his parents as they were concerned about his safety in making a statement of this nature. I then advised Bob Katter who I believe has spoken to the father of Ayden Cross. Ayden Cross' father's brother is a senior police officer in Queensland and after conferring with this senior police officer Ayden Cross went to the Gold Coast police station at Southport and has made a statement in relation to this matter.

I have been interviewed on Thursday 12th May by Neil McArthur and Brendon Smith of the Major Crime Squad in Brisbane in relation to this matter and they confirmed that Ayden Cross had completed a statement after an interview at the

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Southport Police Station. Ayden Cross had also mentioned this incident to other friends of my son last year.

And I solemnly and sincerely declare that the abovementioned has been declared by me under and pursuant to the provisions of the Oaths Act of Queensland.

Signed and declared

by Roland John Ellems

in my presence this 28th day of May, 1994.

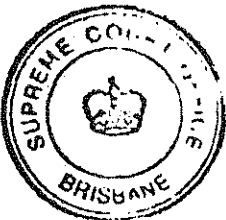
Solicitor.

2A. Further and/or in the alternative the matter set out in Paragraph 2 hereof meant and was understood to mean that the Plaintiff made a condominium available to Senator Richardson for the purpose of prostitution.

3. The matter set out in Paragraph 2 hereof received wide publicity on radio and television and in newspaper reports including the Courier Mail and the Australian newspapers published throughout Queensland.

4. At all material times Mr Richardson had been a Member of the Senate and a Minister of the Crown.

Office Copy



5. The writing was published of and concerning the Plaintiff.

6. The writing was defamatory of the Plaintiff.

7. At all material times the Second Defendant knew that the writing was going to be further published by the First Defendant.

8. At all material times the First Defendant was a member of the Federal Parliament.

9. On or about the 1st day of June, 1994, the First Defendant stated in the Parliament, the following:

In 1986 in Queensland there was a most extraordinary purchase. It was extraordinary to me, who had served in the Queensland parliament and the party that ran the government for 21 years, in so far as a high-flying speculator from Western Australia, a one-time associate of Alan Bond, purchased something which, on the face of it, was absolutely worthless. They were the Shoalwater Bay mineral leases and the Fraser Island mineral leases.

But the extraordinary thing for me was that this high-flying speculator, who had a great reputation when he came to Queensland, purchased the world's greatest lemon. It was quite intriguing to me why this person did it. It was one of those things that one just files away in one's memory banks.

A little bit later on it became public that the same high-flying speculator - his name is Mr Peter Lawrence - ....

....while this particular fellow, the last time I checked up, was doing a world cruise. It was in the papers that he has \$1 million penthouse for which he has a \$1 a year lease arrangement for the next 60 years. So he is able to get \$81 million written off and still able to troop around the world and enjoy the benefits of \$1 million penthouses, and we do not know how many of those he has scattered around the countryside.

A short time after Mr Lawrence secures the Murphyores company, Graham Richardson is appointed minister for the environment with the power to turn Pivot's authorities to prospect, which is what it held, into an asset which, according to then Senator Richardson - .....

So this is a pretty amazing power that Senator Richardson has: he can turn a lemon worth absolutely nothing into something that, according to him, is worth - as it says in the cabinet document, I must emphasise - \$270 million a year.

So we find that there was only one person in a position of responsibility in Australia who was for the mining of this resource, and that was Senator Richardson. This is quite extraordinary, because Senator Richardson ....

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Why did Senator Richardson propose the rape and pillage, to quote the locals, of what a unanimity of scientific expert opinion, public opinion and every government - local, state, federal - agreed was the last pristine wilderness?

Why did Peter Lawrence buy the world's greatest lemon? I ask myself why this super clever, super corporate high-flier wunderkind of the tourism industry, darling of the Goss government, is buying the world's greatest lemon, a parcel of authorities to prospect over a resource that could never have been mined in the past nor ever could have been in the future. However, if you knew that one of the most powerful men in Australia would decide to grant you mining leases, then you would have bought a resource not worth Senator Richardson's \$270 million a year but, yes, worth maybe \$90 million a year. I make the point to the House that Mr Lawrence had already received \$2.2 million for leases that were absolutely worthless on Fraser Island. If you had bought it for a veritable peppercorn - after all you already have \$2.2 million - then you truly would be the prince of entrepreneurs. You would have bought something worth absolutely nothing, knowing that very soon it was going to be worth \$90 million.

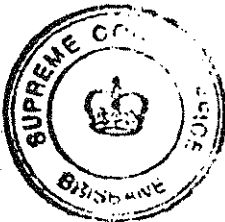
After all, he had the protection of Senator Richardson and made himself the super green hero of Australia over the broken backs of 2,300 workers in North Queensland.

I submit that what was always being done here was a scam for compensation, the same as was worked by the state government for Peter Lawrence on Fraser Island.

Of course, if the game was always for compensation, then it was a game that was going to pay people an awful lot of money.

....there was the market saying it was worth a measly \$350,000 - and even that, I suspect, is a scam - and there was the mining opinion saying it was worth nothing.

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10. The matter set out in Paragraph 9 hereof received wide publicity on radio and television and in newspaper reports including the Courier Mail and the Australian newspapers published throughout Queensland.

11. On or about the 6th day of June, 1994, the First Defendant stated in the parliament, the following:

Clearly, former Senator Richardson was driving to have mining leases issued to Mr Lawrence. This letter proves that he achieved his goal.

I will turn back to the murky side of the story for, without it, the tale is only half told..... We did this in an endeavour to discover who had provided such services, why, for what and what was the quid pro quo for such services, and to try to find this out before the cover-up went in. We received calls from all over Australia. One was from a person whose son surfed with a young Gold Coast man, Aiden Cross, a porter at the Nara Seaworld Resort Hotel.

Two detectives from the Brisbane major crime squad have taken official police statements from these people. This is their story:

I, Roland John Ellems ... was advised by my son .. that one of his surfing friends who was employed at the Seaworld Nara Resort as a bell boy had taken in his words prostitutes to the room of Senator Graham Richardson.

I acknowledged the statement by my son but didn't say anything to anyone further. However in May of this year Bob Katter rang me at home ....

....and asked did I know anything about sorties of Senator Graham Richardson on the Gold Coast involving prostitutes. I said that I would check around which I did and I reported to Bob Katter that I had spoken to one of my son's friends whose name was -

The statement continues:

That was to be on Tuesday the 10th May. Ayden Cross stated the following:- That he was employed at the Seaworld Nara Resort as a bell boy and that on a particular date last year he observed Senator Graham Richardson in the foyer with two in his words "prostitutes". Senator Richardson then left the foyer area. A short while later he was approached by the same two prostitutes and asked could they be taken to Senator Richardsons room as they did not know the whereabouts of this room.

The statement continued:

He directed the girls and personally showed them to the room but did not enter the room. The other information he said that upset him visibly was that the following weekend Senator Richardson was staying at the resort with his wife and family and he found this hard to accept.

Furthermore he stated that Senator Richardson had been staying

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at the resort on a number of occasions and that it was common knowledge and discussion amongst the staff at Seaworld Nara that Senator Richardson was involved with other women while at the resort.

I asked Ayden Cross further could he name any other staff .. that made comment or had seen Senator Richardson with any other women. He said yes there was a security guard by the name of Michael Cook who had mentioned to him that on previous occasions he had seen Senator Richardson walking across the grassed area late at night in a bath robe with a lady also in a bath robe and they entered the private condominium of Peter Laurance and it was commonly known and advise to the staff of the Nara Resort that Senator Richardson had the use of Peter Laurance's condominium.

12. The matter set out in Paragraph 11 hereof received wide publicity on radio and television and in newspaper reports including the Courier Mail and the Australian newspapers published throughout Queensland.

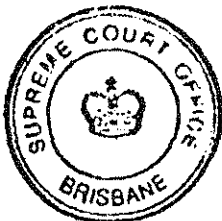
13. On the 8th day of June, 1994, the First Defendant during the course of an interview on the radio programme called "AM" broadcast on metropolitan and regional stations from 6.05a.m. and 8.00a.m. and from 7.11a.m. on radio national throughout Australia, said the following:

Interviewer: The allegations that you and your colleagues have been making in Parliament that involve Graham Richardson are across three fronts. They're across Graham Richardson allegedly being given access to prostitutes in Queensland, they involve Graham Richardson ..

Katter: I'm not the slightest bit interested in that, but keep going, petty in the extreme.

Interviewer: They also involve Graham Richardson having something to do with allowing his friend Peter Laurance access to mining interests in the Shoalwater Bay area and they also involve Graham Richardson allegedly having contact or being in contact with crime figures like Lennie McPherson. Are you alleging that those three issues are linked.

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Katter: No, I'm not alleging anything and I'm not going to be alleging anything except for the statements I have made inside Parliament. Every single one of those statements was backed up with the hardest of hard evidence. Every single one of them was fully documented, I'm holding a file in my hand here with some 15 source documents and every single one of those statements was backed up by those source documents.

13A. Further and/or in the alternative the defamation set out in Paragraph 13 hereof meant and was understood to mean:-

- (a) the Plaintiff was corrupt;
- (b) the Plaintiff was a high flying speculator;
- (c) the Plaintiff was a cheat;
- (d) the Plaintiff wrongly obtained favours from Senator Richardson;
- (e) the Plaintiff knew that Senator Richardson would improperly grant the Plaintiff mining leases and took advantage of same;
- (f) the Plaintiff wrongly took advantage of others;
- (g) the Plaintiff had received \$2.2 million for worthless leases;
- (h) the Plaintiff had the protection of Senator Richardson;
- (i) the Plaintiff was a party to a sham for compensation;
- (j) the Plaintiff had a scam for compensation worked by the State government for the Plaintiff on Fraser Island;
- (k) the Plaintiff was a party to a cover-up;
- (l) the Plaintiff provided Senator Richardson with prostitutes;
- (m) the Plaintiff allowed Senator Richardson to use his condominium for the purposes of prostitution;
- (n) the Plaintiff knew that Senator Richardson was with prostitutes and helped him be with prostitutes;

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- (o) the Plaintiff in return for favours from Senator Richardson allowed him to use his condominium;
- (p) the Plaintiff in return for favours from Senator Richardson allowed him to use his condominium for the purposes of prostitution.

14. On or about the 8th day of June, 1994 the First Defendant during the course of an interview on the television programme called "The Times" broadcast on Channel 7 at 7.30p.m. on the 8th day of June, 1994 said the following:

Interviewer: Well that's because they say don't they Mr Katter but a lot of what you are raising is smear and innuendo.

Katter: Every single statement that I have made has been backed by the hardest of documentary evidence. The information I put into the House yesterday was backed up by a Statutory Declaration. The information a week before and yesterday again was backed up by cabinets submissions and by a letter signed by Graham Richardson himself.

Katter: ... You have the documentary evidence available to you that I have available to me. The documentary evidence says proof positive of every single statement that I have made.

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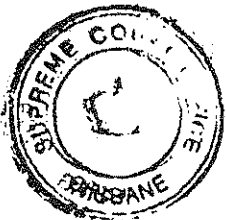


14A. Further and/or in the alternative the defamation set out in Paragraph 14 hereof meant and was understood to mean:-

- (a) the Plaintiff was corrupt;
- (b) the Plaintiff was a high flying speculator;
- (c) the Plaintiff was a cheat;
- (d) the Plaintiff wrongly obtained favours from Senator Richardson;
- (e) the Plaintiff knew that Senator Richardson would improperly

- grant the Plaintiff mining leases and took advantage of same;
- (f) the Plaintiff wrongly took advantage of others;
  - (g) the Plaintiff had received \$2.2 million for worthless leases;
  - (h) the Plaintiff had the protection of Senator Richardson;
  - (i) the Plaintiff was a party to a sham for compensation;
  - (j) the Plaintiff had a scam for compensation worked by the State government for the Plaintiff on Fraser Island;
  - (k) the Plaintiff was a party to a cover-up;
  - (l) the Plaintiff provided Senator Richardson with prostitutes;
  - (m) the Plaintiff allowed Senator Richardson to use his condominium for the purposes of prostitution;
  - (n) the Plaintiff knew that Senator Richardson was with prostitutes and helped him be with prostitutes;
  - (o) the Plaintiff in return for favours from Senator Richardson allowed him to use his condominium;
  - (p) the Plaintiff in return for favours from Senator Richardson allowed him to use his condominium for the purposes of prostitution.

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15. The matter quoted in Paragraphs 11, 12, 13 and 14 hereof, received wide publicity and was published throughout Australia on numerous News television programmes and in most newspapers in Australia.

16. The matter referred to in Paragraphs 11, 12, 13 and 14 hereof, was broadcast throughout Queensland.

17. Many people (the listening audience) who heard the radio broadcast set out in paragraph 13 herein had seen, and or read the publicity referred to in Paragraph 15 hereof, and/or saw the television broadcast containing the words set out in paragraph 14 hereof.

18. Many people (the viewing audience) who saw the television broadcast set out in paragraph 14 hereof had seen, heard and or read the publicity referred to in paragraph 15 hereof, and/or had heard the radio broadcast set out in paragraph 13 hereof.

19. The matter broadcast as aforesaid in Paragraph 13, was broadcast of and concerning the Plaintiff.

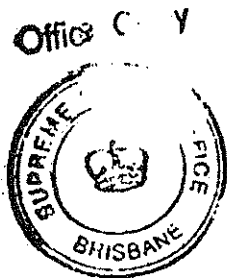
20. The matter broadcast as aforesaid in Paragraph 13 was defamatory of the Plaintiff.

21. The matter broadcast as aforesaid in Paragraph 14, was broadcast of and concerning the Plaintiff.

22. The matter broadcast as aforesaid in Paragraph 14 was defamatory of the Plaintiff.

23. The matter broadcast as aforesaid in Paragraphs 13 and 14 hereof was broadcast and therefore published in contumelious disregard of the Plaintiff's rights in the following respects:

- (a) the matter so broadcast was false;



- (b) the First Defendant made no attempt to contact or confirm with the Plaintiff whether the matter was true or false;
- (c) the language used and or adopted by the First Defendant in the broadcast was extravagant and sensationalist;
- (d) the First Defendant said what he did in the broadcast for his own personal political and self-publicising ends.

AND the Plaintiff claims damages including aggravated damages and exemplary damages, together with interest thereon at such rate and in such amount as to the Court may seem meet.

The Plaintiff requires a jury.

*Hopgood & Ganim*  
Solicitors for the Plaintiff

This pleading was settled by Mr. Callinan of Queen's Counsel and Mr. Favell of Counsel.

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The address for service of the Plaintiff is at C/- Messrs Hopgood and Ganim, Solicitors, T & G Building, 141 Queen Street, Brisbane, Qld. 4000.



NOTICE AS TO DEFENCE

The Defendants are required to plead to the within Statement of Claim within twenty-eight (28) days from the time limited for appearance or from the delivery of this Statement of Claim, whichever is the later, otherwise the Plaintiff may obtain judgment against them.

**COMMITTEE OF PRIVILEGES**

**MINUTES OF PROCEEDINGS**

Parliament House – Canberra  
Monday, 27 June 1994

**PRESENT:** Mr Sawford (Chairman), Mr Andrews, Mr Brown, Mr Cleeland, Mr Holding,  
Mr Lieberman, Mr McGauran, Mr McLeay, Mr Peacock, Mr Simmons,  
Mr Somlyay

The meeting opened at 11.33am.

***Minutes***

The minutes of the meeting held on 9 June 1994 were amended and confirmed.

***Reference concerning alleged discrimination against Mr Pool***

The Chairman presented a draft report.

Paragraphs 1 to 8 agreed to.  
Paragraph 9 amended and agreed to.  
Paragraph 10 agreed to.  
Report agreed to.

**Resolved** (on the motion of Mr Holding) – That the report be presented to the House.

***Reference concerning complaint raised by Mr Katter***

Extracts from Votes and Proceedings No. 9 of Thursday 9 June 1994.

The Committee deliberated.

**Resolved** (on the motion of Mr Cleeland) – (1) That the Committee invite Mr Katter to make a written submission on the matter and (2) That the Committee further invites Mr Laurance, if he so chooses at this stage, to also lodge a written submission.

The Committee deliberated.

***Prospective reference concerning public interest immunity***

The Committee deliberated.

**Resolved** (on the motion of Mr Cleeland) – That should the House make the expected reference to the Committee on this matter the Committee authorise the Chairman and the Deputy Chairman to approve an advertisement to invite submissions concerning the inquiry.

The Committee deliberated.

At 12.11pm the Committee adjourned until 11.30am on Thursday 25 August 1994.

Confirmed.

**CHAIRMAN**





# COMMITTEE OF PRIVILEGES

## MINUTES OF PROCEEDINGS

Parliament House – Canberra  
Wednesday, 24 August 1994

**PRESENT:** Mr Sawford (Chairman), Mr Andrews, Mr Brown, Mr Cleeland,  
Mr Lieberman, Mr McLeay, Mr Peacock, Mr Somlyay

The meeting opened at 5.09pm.

### *Minutes*

The minutes of the meeting held on 27 June 1994 were confirmed.

### *Reference concerning complaint raised by Mr Katter*

The Chairman presented:

- a letter from Mr Peter Laurance dated 29 July 1994;
- a submission from Hon. R.C. Katter, MP, dated 23 August 1994.

Resolved (on the motion of Mr Somlyay) – That the letter from Mr Laurance and the submission from Mr Katter be received as evidence.

The Committee deliberated.

Resolved (on the motion of Mr Cleeland) – That Mr Katter be invited to give oral evidence at approximately 11.30am on Thursday, 1 September 1994.

*Reference concerning public interest immunity*

The Chairman presented:

- an extract from the *Votes and Proceedings* No. 80 dated 27 June 1994 concerning the reference;
- a submission dated 28 July 1994 from Dr Ken Coghill, MP.

Resolved (on the motion of Mr Somlyay) – That the submission from Dr Coghill be received as evidence.

The Committee deliberated.

Resolved (on the motion of Mr Cleeland) – That (1) the Committee contact persons who had made submissions to the inquiry concerning Senator Kernot's bill to invite them to make a submission to the Committee's inquiry, and (2) the Chairman write to all Members of the House to invite them to make submissions to the inquiry.

The Committee deliberated.

---

At 5.28pm the Committee adjourned until 11.30am on Thursday, 1 September 1994.

Confirmed.

CHAIRMAN

## COMMITTEE OF PRIVILEGES

### MINUTES OF PROCEEDINGS

Parliament House - Canberra  
Thursday, 1 September 1994

PRESENT: Mr Sawford (Chairman); Mr Andrews, Mr Cleeland;  
Mr Lieberman; Mr McGauran; Mr McLeay; Mr Peacock;  
Mr Simmons; Mr Somlyay

The meeting opened at 11.49 am.

#### Minutes

The minutes of the meeting held on 24 August 1994 were confirmed.

#### Reference concerning complaint raised by Mr Katter

Mr Robert Carl Katter MP, (accompanied by Mr David Thomas of his office) was called, sworn and examined.

---

The meeting was suspended from 1.05 pm until 1.11 pm.

---

Meeting resumed.

The witness withdrew.

The Committee deliberated.

Resolved (on the motion of Mr Lieberman) – That the Committee obtain legal advice as to the application of subsection 16 (2) of the *Parliamentary Privileges Act 1987*.

The Committee deliberated.

At 2.06 pm the Committee adjourned until 11.30 am on Thursday 22 September.

Confirmed.

CHAIRMAN



## COMMITTEE OF PRIVILEGES

### MINUTES OF PROCEEDINGS

Parliament House - Canberra  
Thursday, 13 October 1994

**PRESENT:** Mr Sawford (Chairman); Mr Andrews; Mr Brown; Mr Holding.

The meeting opened at 11.40 am.

#### Minutes

The minutes of the meeting of 1 September 1994 were confirmed.

On the motion of Mr Brown, Mr Andrews was elected Deputy Chairman of the Committee.

#### Reference concerning public interest immunity

The Committee deliberated.

#### Reference concerning Mr Katter

The Chairman presented:

- . a letter dated 7 October 1994 from the Leader of the House, forwarding a submission on the matter; and
- . a letter dated 5 October 1994 from the Chairman of the Administrative Law Section of the Law Institute of Victoria, forwarding a submission.

Resolved (On the motion of Mr Andrews)

- (1) That the submissions be received as evidence, and

(2) that the Committee authorises the publication of the submissions.

The Committee deliberated.

---

At 12.45 pm the Committee adjourned until 11.30 am on Thursday, 20 October 1994.

Confirmed.

**CHAIRMAN**

COMMITTEE OF PRIVILEGES

MINUTES OF PROCEEDINGS

Parliament House - Canberra  
Thursday, 20 October 1994

PRESENT: Mr Andrews; Mr Brown; Mr Cleeland; Mr Holding;  
Mr Simmons; Mr Somlyay.

The meeting opened at 11.36 am.

In the absence of the Chairman, Mr Sawford, the Deputy Chairman, Mr Andrews took the chair.

Minutes

The minutes of the meeting of 13 October 1994 were confirmed.

Reference concerning complaint raised by Mr Katter

The Committee deliberated.

Mr Andrews presented a letter dated 20 October from the Clerk of the House of Representatives, Mr L M Barlin, concerning the application of subsection 16(2) of the *Parliamentary Privileges Act 1987*.

The Committee deliberated.

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At 12.30 pm the Committee adjourned until 11.30 am on Thursday, 10 November 1994.

Confirmed.

CHAIRMAN

**COMMITTEE OF PRIVILEGES**

**MINUTES OF PROCEEDINGS**

Parliament House - Canberra  
Thursday, 17 November 1994

**PRESENT:** Mr Sawford (Chairman); Mr Andrews; Mr Brown; Mr Holding;  
Mr Lieberman; Mr McLeay; Mr Somlyay.

The meeting opened at 11.42 am.

**Minutes**

The minutes of the meeting of 20 October 1994 were confirmed.

**Reference concerning complaint raised by Mr Katter**

The Committee deliberated.

**Reference concerning public interest immunity**

The Committee deliberated.

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At 12.28 pm the Committee adjourned until 2.00 pm on Tuesday, 6 December 1994.

Confirmed.

**CHAIRMAN**