

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

THE SENATE

COMMITTEE OF PRIVILEGES

PERSON REFERRED TO IN THE SENATE

MR R.T. MINCHERTON

87TH REPORT

MARCH 2000

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MEMBERS OF THE COMMITTEE

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*Senator Sue Knowles (**Deputy Chairman**) (Western Australia)

Senator Alan Eggleston (Western Australia)

Senator Chris Evans (Western Australia)

Senator Julian McGauran (Victoria)

Senator Marise Payne (New South Wales)

Senator the Hon. Nick Sherry (Tasmania)

*Senator Knowles, to whose remarks in the Senate the response is directed, did not participate in any of the proceedings of the Committee leading to this report.

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REPORT

1. On 2 March 2000 the President of the Senate, Senator the Honourable Margaret Reid, received a letter from Mr R.T. Mincherton seeking redress under the resolution of the Senate of 25 February 1988 relating to the protection of persons referred to in the Senate (Privilege Resolution 5).

2. The letter referred to a statement made by Senator Sue Knowles during matters of public interest discussion in the Senate on 8 December 1999. The President, having accepted the letter as a submission for the purposes of the resolution, referred it to the Committee of Privileges on 8 March 2000.

3. The committee met in private session on 9 March 2000 and, pursuant to paragraph (3) of Privilege Resolution 5, decided to consider the submission. In considering the submission, the committee did not find it necessary to consult either Mr Mincherton or Senator Knowles on the matter. It has decided to recommend the submission's incorporation in *Hansard*.

4. The committee **recommends**:

That a response by Mr R.T. Mincherton, in the terms specified at Appendix One, be incorporated in *Hansard*.

Robert Ray
Chair

APPENDIX ONE

RESPONSE BY MR R.T. MINCHERTON PURSUANT TO RESOLUTION 5(7)(B) OF THE SENATE OF 28 FEBRUARY 1988

On the 8th December, 1999, Senator Knowles gave a speech in the Senate in which she cast a very personal and vicious attack upon me.

In the midst of her speech, Senator Knowles stated:

“The article claims that I told Mincherton that I ‘had received death threats from Crichton-Browne at her homes in Perth and Canberra and was under police protection.’ All I can say to that is that Mincherton is totally dishonest and manipulative and well known for it in the party in Western Australia. His bias against me is unquestioned.”

The article to which Senator Knowles referred, was published in the “big weekend” which is a weekend insert contained in the “West Australian” newspaper.

The facts of the matter are as follow.

In or about May of 1995, I visited Senator Knowles in her West Perth office to discuss the recent bad press relating to Senator Noel Crichton-Browne and in particular the release of a dirt sheet.

I stated to Senator Knowles that Mr Ian Viner would probably be expelled from the Liberal Party for his part in releasing private documents relating to Crichton-Browne.

Senator Knowles responded by saying that the matter won’t end there, and then proceeded to tell me of recent threats she had received from Crichton-Browne, she said as follows

“Noel Crichton-Browne made life-threatening threats to me by phone. He rang me and threatened my life at my home in Canberra, and he rang me and threatened my life at my home in Perth.

I am so terrified of him that I will not fly on the same plane as him and I have spoken to the airline officials about him.

I am so terrified of Noel Crichton-Browne that I have reported his threats to the police and have sought police protection, and as a result I am under police protection.”

I immediately committed my conversation with Senator Knowles to my diary.

Subsequently, at the request of Counsel for Mr Crichton-Browne in a defamation action by Mr Crichton-Browne against Senator Knowles, I swore an affidavit of my conversation with Senator Knowles. Subsequently that affidavit became part of a Statement of Claim in those proceedings.

On 21st October 1998, in the West Australian Supreme Court, Senator Knowles settled the action brought against her by Mr Crichton-Browne.

Prior to Counsel for Senator Knowles reading out her apology, Mr Richardson, Counsel for Mr Crichton-Browne addressed Justice Wheeler in the following terms.

“Prior to the reading of that apology, it is important that the causes of action identified in the apology are identified in court, for two reasons: firstly to ensure that the plaintiff has proper vindication for the apology which doesn’t itemise, which is the normal course, the articles or the publication complained of, and of course it is also an important consideration for the defendant that the apologies granted are identified in open court, because it is to those publications that the apology relates.”

In respect to my affidavit, Mr Richardson stated:

“The first publication, your Honour, appears at page 2 and that publication is an allegation of slander and it is a publication made to a Richard Mincherton, and it was made in or about May of 1995 at the defendant’s West Perth office. The words were spoken to Richard Mincherton, and the allegation was that the words were as follows ...”

Wheeler J: *“Do we need to go through, actually read out, all of the allegations?”*

Richardson, Mr: *“What I propose to do is very briefly identify them. I won’t read it all out, but the essence of the publication was, “Noel Crichton-Browne made life threatening threats to me by phone, and as a result of that I have sought police protection.”*

At the conclusion of the proceedings, Senator Knowles’ lawyer read out her apology which of course included the slander to me. That apology reads as follows:

“Statements that I have made to various individuals and on the radio during 1995 have been construed by some as meaning that Noel Crichton-Browne had made threats upon my physical safety by telephone. It was not my intention to convey that meaning. I unreservedly withdraw and retract the allegation that Mr Crichton-Browne threatened me on the telephone and unreservedly apologise to him for any damage, distress or embarrassment caused thereby.”

Prior to a State Executive meeting of the Western Australia Liberal Party, the State President sought legal advice in respect to certain matters relating to Senator Knowles' admissions and apology in the Western Australian Supreme Court.

One of the questions asked of Freehill Hollingdale and Page, lawyers for the Western Australian Liberal Party was the following:

“What are the necessary proceedings for a reference involving a civil defamation, ie. Publication, re-publication of the defamation material at a special meeting of State Executive?”

The Liberal Party's lawyers responded in the following terms:

“The matters, the subject of the defamation action commenced by Mr Crichton-Browne against Senator Knowles, are in the public arena. They have been widely reported, have been stated in open Court and been the subject of a published apology.

It must be understood that the statements made by Senator Knowles have been acknowledged by her to be untrue. She unreservedly withdrew and retracted the allegations and unreservedly apologised. In the context of the apology read to the Court and published in newspapers, that is an admission by her that she made the allegations and that they were untrue. There is no scope for denial by Senator Knowles of these matters. That being so, it would seem that there is no need for discussion on the truth or otherwise of what was said.”

These facts demonstrate unequivocally that Senator Knowles' allegations against me are not only totally untruthful but that she knows them to be untrue. Further, at my personal expense, she has now repudiated her admission and apology made in the Supreme Court. Senator Knowles' attack upon me under parliamentary privilege has done great damage to my reputation and has caused great hurt to my family.

R.T. Mincherton