

**THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA**

**THE SENATE**

**COMMITTEE OF PRIVILEGES**

**PERSON REFERRED TO IN THE SENATE**

**MR N. CRICHTON-BROWNE**

**88<sup>TH</sup> REPORT**

**APRIL 2000**

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## MEMBERS OF THE COMMITTEE

Senator Robert Ray (**Chair**) (Victoria)

\*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 12 January 2000 Mr N. Crichton-Browne wrote to the President of the Senate, Senator the Honourable Margaret Reid, 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 30 March 2000.
3. The committee met in private session on 6 April 2000 and, pursuant to paragraph (3) of Privilege Resolution 5, decided to consider the submission. The response, which the committee now recommends for incorporation in *Hansard*, has been agreed to by Mr Crichton-Browne and the committee in accordance with Resolution 5(7)(b).
4. The committee draws attention to paragraph 5(6) of the resolution which requires that, in considering a submission under this resolution and reporting to the Senate, the committee shall not consider or judge the truth of any statements made in the Senate or of the submission.
5. The committee **recommends:**

**That a response by Mr N. Crichton-Browne, in the terms specified at Appendix One, and agreed to by Mr Crichton Browne and the committee, be incorporated in *Hansard*.**

Robert Ray  
Chair

## APPENDIX ONE

### RESPONSE BY MR N. CRICHTON-BROWNE AGREED TO BY MR CRICHTON-BROWNE AND THE COMMITTEE OF PRIVILEGES PURSUANT TO RESOLUTION 5(7)(B) OF THE SENATE OF 28 FEBRUARY 1988

Pursuant to Resolution 5 (7) (b) of the Senate of 28 February 1988, I wish to raise with you the matter of Senator Knowles' speech in the Senate on 8 December 1999.

Senator Knowles speech is an untruthful, vicious and personal attack upon me. Senator Knowles allegations against me are in part a repetition of allegations for which she has previously unreservedly retracted and apologised in the Western Australian Supreme Court. Senator Knowles' speech repudiates her previous admissions in the Supreme Court.

Senator Knowles states in her speech:

*I wish to set the record straight on the many statements and allegations contained in the article. It, like so many other articles written by Burns, claims that I have apologised for alleging that Crichton-Browne has made death threats against me. I have not.*

That statement is untrue. The following statement was read by Senator Knowles' lawyer in the Western Australian Supreme Court on 21 October 1998:

*"Statements that I made to various individuals and on the radio during 1995 have been construed by some as meaning that Mr Noel Crichton-Browne has 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."*

Senator Knowles states:

*There is no person I have spoken to or interview I have done that says anything other than the fact that I sought police advice on security matters following two unidentified phone calls in the middle of the night that contained threats."*

*"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."*

My Counsel made the following statement in the Supreme Court in presenting the minute consenting to orders being made:

*“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 ... and of course that 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.”*

*“The first publication, your Honour, appears at page 2 and the 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. I wont 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.”*

Senator Knowles states that:

*“The article claims, “she did not lodge a defence,” referring of course to me. This suggests that I did not prepare one. Wrong again. My defence was presented to Crichton-Browne and he immediately sought to have the matter settled because he did not wish to have it made public.”*

Senator Knowles did not lodge a Defence and she never intended to. After her unsuccessful application to extend the time for lodging her Defence, was rejected by the Master of the Supreme Court, Counsel for Senator Knowles handed a document to my Counsel less than 24 hours before the deadline. Her Counsel stated that it had been prepared as Senator Knowles Defence but that Senator Knowles wanted to settle.

My Counsel responded that I would not accept a further delaying tactic. Senator Knowles Counsel informed my Counsel that the settlement could be completed within 24 hours because he had written an apology for Senator Knowles some weeks previously.

Senator Knowles states:

*“That leads me to another question: why is it that Crichton-Browne is running the case against me by instructing the prosecuting solicitor instead of the complainants? I believe that to be a very serious abuse of due process by him exercising complete influence over the deliberations and direction of the Committee.*

The Appeals and Disciplinary Committee of the Liberal Party of Western Australia is chaired by the State President. The members are, the President of the Legislative Council, a previous senior Minister and Leader of the Legislative council, the Hon George Cash; a member of the Legislative Assembly, Mr Chris Baker B.A.,LL.B.(Hons), Ms Julie Reay, a member of State Executive and Chairman of the Selection Committee; Dr David Honey, Immediate Past president of the Western Australian Liberal Party; Mr Richard Mincherton, a member of State Executive and Mr Brian Pontiflex LL.B.

I am not a member of the Liberal Party. As with Senator Knowles other claims, this one is as absurd as it is untrue.

*“Many supporters have asked why I paid \$20,000 to Crichton-Browne and have made the observation that doing so gave the appearance of guilt. To that I would say two things.*

*Firstly, given my time again, I would do no such thing. Secondly, I wish to make it crystal clear that I have not pleaded guilty to anything; a casual observation of the events will illustrate that ... I wish I had my time over again, because I would never make such a judgment."*

Senator Knowles not only again denies the apology, retraction and admissions she made in the Western Australian Supreme Court, but she claims the facts of the case will illustrate that. Senator Knowles statement in the Senate is totally untrue. Further, my lawyers have written to Senator Knowles asking her to contact them for the purpose of refunding her \$20,000 and recommencing proceedings. Senator Knowles has not responded.

Senator Knowles states;

*"Once he [Mr Crichton-Browne] saw my defence he did not wish to have it made public. He knew it was true. As a consequence he did not wish the matter to proceed to court, where witnesses to his behaviour and attitude towards me would be called to give evidence"*

Senator Knowles so called unfiled "defence" is a litany of untruths. In light of Senator Knowles behaviour since I agreed to her request to settle my action against her, I enthusiastically look forward to having the matter fully litigated in the Supreme Court. I made no approaches, no requests and no suggestions that I had the slightest interest in settling the matter with Senator Knowles and none were made either directly or indirectly on my behalf.

Senator Knowles states:

*"The next question I am asked is: why did I apologise? I already covered that earlier when I mentioned the exact words of the apology."*

Senator Knowles did not mention the exact words in her speech in the Senate. What she said was *"statements that I had made to various individuals and on radio during 1995 that have been construed by some et cetera."* That is a part of the first sentence of her apology. Senator Knowles neglects to read out the relevant words of her apology which are that:

*"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."*

Senator Knowles states:

*The other question is: why were the terms of the settlement not made public until after the 3 October election last year? The answer is that that is what Crichton-Browne agreed to."*

The response to this remarkable explanation for deceiving the public is that Senator Knowles demanded that her apology and retraction not be disclosed prior to election day so as to conceal her admissions of untruthfulness in the Supreme Court from the voters. Senator Knowles knew the voters would vote against her if they were aware that she had admitted in the Supreme Court to dishonesty.

Senator Knowles' Counsel advised my lawyer that her apology and retraction were conditional upon her admissions not being made public prior to the election day. My Counsel responded that I would not consider such a condition under any circumstances, however I was subsequently advised that the settlement would not be completed prior to election day. With that advice I was happy to have that demand publicly disclosed.

Noel Crichton-Browne