

**THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA**

**THE SENATE**

**COMMITTEE OF PRIVILEGES**

**PERSON REFERRED TO IN THE SENATE**

**MR NOEL CRICHTON-BROWNE**

**91<sup>ST</sup> REPORT**

**JUNE 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 28 April 2000 Mr Noel 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 remarks made by Senator Sue Knowles in the Senate during debate on 10 April 2000 on a motion that the Senate adopt the committee's 88<sup>th</sup> report recommending that an earlier response from Mr Crichton-Browne, to remarks made by Senator Knowles on 8 December 1999, be incorporated in *Hansard*. On 30 May 2000, the President, having accepted Mr Crichton-Browne's letter as a submission for the purposes of the resolution, referred the letter to the Committee of Privileges.
3. The committee met in private session on 8 June 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 Crichton-Browne or Senator Knowles on the matter. It has decided to recommend the submission's incorporation in *Hansard*.
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 Noel Crichton-Browne, in the terms specified at Appendix One, be incorporated in *Hansard*.**

Robert Ray  
Chair

## APPENDIX ONE

### RESPONSE BY MR NOEL CRICHTON-BROWNE PURSUANT TO RESOLUTION 5(7)(B) OF THE SENATE OF 25 FEBRUARY 1988

I again write to you pursuant to Resolution 5 (7) (B) of the Senate of 25 February 1988. In particular I write in response to a speech made by Senator Knowles on 4 April 2000. I ask that this letter be referred to the Privileges Committee under that resolution.

Senator Knowles speech followed the tabling in the Senate by the Chairman of the Senate Committee of Privileges, a response by me to an earlier speech Senator Knowles had made in which she made various untrue and malicious statements about me.

In Senator Knowles' speech of 4 April 2000, she began by stating that my response as contained in the Committee's Report was a "*further attempt by Crichton-Browne to abuse me*" and later went on to describe my response as "*a truck load of abuse*" and "*continual harassment.*"

Not only are these statements by Senator Knowles wilfully untruthful, she alleges that contrary to the provisions of the Senate's Resolution, my statement is vexatious and offensive in character. The Senate Resolution states that the President shall not refer a matter to the Committee if it is vexatious and that the Committee shall not table a document that includes offensive material.

Senator Knowles therefore claims that my statement was not in accordance with the Senate Resolution and accordingly both the President and the Committee have breached the terms of the same Resolution.

Senator Knowles states in her speech that "*I am now entering my 13th year of abuse, vilification and harassment from this man.*"

Senator Knowles knows these allegations are fabrications and lies concocted by her without a shred of substance. Senator Knowles has previously made these allegations without parliamentary privilege and was forced to admit to the untruthfulness of her statements and to apologise to me in the Western Australian Supreme Court. Senator Knowles also paid me \$20,000 in legal fees for making her untruthful allegations.

These earlier allegations by Senator Knowles which resulted in her Supreme Court admissions of untruthfulness, included claims that as a result of death threats by me she feared for her life and was under police protection. Both the Federal Police and the Western Australian Police denied her claims.

Senator Knowles' description of my response to her criminal defamation of me under parliamentary privilege, as "*abuse*" is a bizarre attempt to portray herself as the victim, rather than the perpetrator.

Senator Knowles apparently takes the view that she has a right to criminally defame me with outrageous and false allegations. An objective, rational and truthful response from me to those allegations, is to her, "*vilification and harassment.*" The abusive nature of her speech is clear evidence of that. Senator Knowles seems incapable or unprepared to understand the enormity of her misconduct and misbehaviour.

The essential elements of my statement to the Senate are a record of the proceedings of the Western Australian Supreme Court and the correspondence between lawyers acting for Senator Knowles and myself. Those indisputable facts are now described by Senator Knowles as "*abuse, vilification and harassment.*"

Senator Knowles' attitude and state of mind in respect to this matter is exposed in her response to my statement of the facts in defence of myself from her untruthful allegations, wherein she describes me as "*a particularly vicious, bitter and nasty man whose sole motivation in life is to harass and intimidate anyone who disagrees with him...*" A factual response to Senator Knowles' untruthfulness and dishonesty to which she admitted in the Western Australian Supreme Court, invokes such an outburst.

Senator Knowles further states in her response to my statement that "*many thought when the party made its third decision in support of me and against his malicious, deceitful and dishonest claims that it would be the end of the matter.*"

Senator Knowles is obviously referring to the complaints made against her by constituent bodies of the Liberal Party which were heard by the Liberal Party's Appeals and Disciplinary Committee. It is self evident that the complaints were not made by me. They were made by the Liberal Party.

Senator Knowles was found guilty and expelled from the Liberal Party and was reinstated upon appeal. Two separate Appeals and Disciplinary Committees of the Liberal Party found her guilty of the various charges which included her claim to Mr James McGinty, the then Leader of the Western Australian State Parliamentary Labor Party that she had received death threats from me and that she was under police protection.

Mr McGinty has subsequently accused Senator Knowles of "*lying*" to him. He has done so outside the parliament and without privilege. Senator Knowles has not taken action against him. Senator Knowles refused to provide sworn evidence to the Appeals and Disciplinary Committee and offered only unsworn evidence to the body which reinstated her.

Counsel for the Liberal Party found the case against Senator Knowles very strong and recommended that the matter be re-heard. The State President in his written report as Chairman of the Appeals and Disciplinary Committee also found the case against Senator Knowles overwhelming and he has stated that but for defects with the hearing, he would have on the evidence, voted for Senator Knowles' expulsion from the Liberal Party.

Senator Knowles further states that my account of the legal proceedings are "*the same lies, the same dishonesty.*" The one unimpeachable truth of the Supreme Court proceedings against which Senator Knowles rails, can be found in a transcript of the court proceedings. I attach a certified copy of the Western Australian Supreme Court proceedings in the matter of Crichton-Browne v Senator Knowles which I respectfully request be incorporated as part of my statement.

I draw to your attention the fact that Senator Knowles has in response to two earlier statements, deliberately mislead the Senate. Senator Knowles' untrue statements are clearly misconduct by a Senator and she is guilty of 'grave contempt' of the Senate.

I take it that by any measure, for a Senator to deliberately and knowingly tell a lie to the Senate is considered to be a very serious offence. Senator Knowles has repeatedly lied to the Senate and in so doing deceived the public by her dishonesty.

There is no question that on 8 December 1999 and 4 April 2000, Senator Knowles lied to the Senate in respect to proceedings of which she was a party in the Western Australian Supreme Court.

On 8 December 1999, Senator Knowles informed the Senate that:

*"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."*

*"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 follow in two unidentified phone calls in the middle of the night that contained threats."*

On 4 April 2000, Senator Knowles informed the Senate that:

*"I do not care what he [Mincherton] writes about the Supreme Court and everything that I specifically apologised for in the comments I made — I covered all that in December. His affidavit was absolutely and utterly wrong. I have said that all the way along the line, and I will say it and say it again."*

*"Not only did he constantly repeat these wrong allegations about me at all forums of the Liberal Party; he also telephoned around Western Australia doing exactly the same. He has constantly lied about me..."*

*"I still stand by what I said in December absolutely and unequivocally, except with interest."*

Senator Knowles' untruthfulness in her speeches is further aggravated by her allegations that others have lied in their statements to the Senate, in sworn affidavits to the Supreme Court, in sworn affidavits to the disciplinary Committee of the Liberal Party of Western Australia and to the public at large.

The certified copy of the Western Australian Supreme Court proceedings in which Senator Knowles apologised for claiming to Mr Mincherton that I had made death threats against her, clearly and unequivocally shows that Senator Knowles statements to the Senate are wilfully untrue.

The Liberal Party of Western Australia has obtained its own legal advice from the law firm of Freehill Hollingdale and Page on the status of Senator Knowles' admissions in the Supreme Court. The Liberal Party was advised that:

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

*It must be clearly 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.”*

I enclose a copy of that advice.\*

I have not drawn your attention to the various other dishonest statements made by Senator Knowles to the Senate about this matter, however they are readily demonstrated.

The Western Australian Police have issued a statement that Senator Knowles did not even receive two phone calls “that contained threats” as she alleged in her speech on 8 December. Her statement to the police will confirm that.

The other further statements made by Senator Knowles in the Senate are equally readily proved to be deliberately untruthful.

I respectfully request that the Privileges Committee consider what steps may be taken to address this very serious matter.

Noel Crichton-Browne

\*Not received by Committee of Privileges



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THE SUPREME COURT OF

WESTERN AUSTRALIA

2141 of 1996

NOEL ASHLEY CRICHTON-BROWNE

and

SUSAN CHRISTINE KNOWLES

WHEELER J

TRANSCRIPT OF PROCEEDINGS

AT PERTH ON WEDNESDAY, 21 OCTOBER 1998, AT 10.27 AM

MR R.W. RICHARDSON appeared for the plaintiff.

MR E.J. PICTON-WARLOW appeared for the defendant.

21/10/98  
(s&c)

WHEELER J: Mr Richardson?

RICHARDSON, MR: May it please your Honour, I appear on behalf of the plaintiff.

WHEELER J: Thank you, and Mr Picton-Warlow?

PICTON-WARLOW, MR: May it please your Honour, I appear on behalf of the defendant.

WHEELER J: Thank you. Mr Richardson?

RICHARDSON, MR: Your Honour, I am pleased to advise that this matter has been settled, and in fact was settled on 25 September 1998. The reason for the delay in bringing the settlement to the court's attention was a result of two conditions imposed in the settlement agreement by the defendant, and they were that the apology, although to be read in open court at a date convenient, was not to be read on or before 3 October 1998, and my client also gave an undertaking at the request of the defendant not to publish to any person the apology or the details of the settlement of the action prior to 3 October 1998.

WHEELER J: All right.

RICHARDSON, MR: Your Honour, there has been a minute signed by the parties consenting to the orders to be made today to dispose of this action, if I could hand the original of that to your Honour.

WHEELER J: Thank you.

RICHARDSON, MR: You will see from that that the terms of the settlement comprise, firstly, in order 2 a publication of an apology in three newspapers by the defendant, that to be done within 7 days and to be published in The West Australian, The Australian, and The Canberra Times. In addition, the defendant is to pay the plaintiff the sum of \$20,000 and the defendant has agreed to read an apology in open court by her counsel in terms of the annexure to the minute that you have.

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 usual course, the articles or the publications complained of, 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.

If your Honour has the substituted of statement of claim - I am not sure whether you have the papers, but - - -

WHEELER J: I have them here, but what is the date of the substituted statement of claim?

RICHARDSON, MR: As counsel we never get them dated. It simply says May 98, but it should be the last document on the file.

WHEELER J: All right, we will see if we can find it.

RICHARDSON, MR: It's not that; it is very voluminous. It is in fact 59 pages.

WHEELER J: That looks like it, yes.

RICHARDSON, MR: 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 Minchinton and it was made in or about May of 1995 at the defendant's West Perth office. The words were spoken to Richard Minchinton, 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."

WHEELER J: Yes.

RICHARDSON, MR: The second publication was a publication made to Richard Utting, then of ABC Radio 726WF, on the morning of 11 September 1995, so that was a publication of a slander plus the libel of the republication on ABC Radio. Mr Utting there referred to public allegations that "Senator Crichton-Browne has perhaps in some way threatened you and then you went to the police about it. What's the story behind that?" The defendant was asked various questions about it by Mr Utting, and at the conclusion it was unclear as to who the person was. Mr Utting said, "All right, the 'him' that you were referring to there is Noel Crichton-Browne," and the defendant replied, "Yeah." The next publication was to Liana Strutt on Radio 6PR.

WHEELER J: What page is that one?

RICHARDSON, MR: Page 33, I apologise.

WHEELER J: Thank you.

RICHARDSON, MR: That is to similar effect, other than Liana Strutt said that the allegations had been denied by Mr Crichton-Browne. "He calls it a total fabrication. It was suggested that you find alternative accommodation at that time." The defendant then repeated that she had taken precautions in updating her security, both in Perth and in Canberra and she hadn't made a formal complaint because she didn't want any person being interviewed or him being interviewed.

As a result of these publications on the radio, your Honour, as one would expect, they received considerable publication in the print media and were published, or the contents of those allegations were published — this is at page 38 — in The West Australian on 12 September 1995 under the heading Senators Clash on Threat Claim, and the start of that article reads, "Liberal senator Sue Knowles renewed her public rivalry with former Liberal senator Noel Crichton-Browne yesterday by claiming he had once threatened her, a charge he vigorously denied."

Basically that was reported on the radio, ABC Radio program. It also received a report in The Australian on 12 September 1995 under Lib Tells of Disgraced Senator Fear, and that article commenced, "Liberal senator Sue Knowles revealed yesterday that she was the MP who complained to the police about being concerned about her safety in relation to disgraced senator, Noel Crichton-Browne."

A further report was contained in The Canberra Times on 12 September 1995, and that article at page 47 stated inter alia, "Senator Sue Knowles names Senator Crichton-Browne as the person about whom she had complained to West Australian police this year, she told ABC Radio in Perth." They are the causes of action that the plaintiff sued upon to seek vindication of his reputation. He, during the course of those, as you will have already noted, vigorously denied the allegations that he had made any threats whatsoever to the defendant, and it is now his opportunity to be vindicated from that allegation, and the defendant has agreed to do so by the reading of the apology that has been agreed between the parties' solicitors. I would seek orders in terms of the minute by consent.

WHEELER J: Yes, Mr Picton-Warlow?

PICTON-WARLOW, MR: Your Honour, before reading that there is one point that I should make to you and that is that the \$20,000 contribution to which my learned friend referred is not an issue and not damages. It is a contribution towards costs, and I think that should be clear on the record.

WHEELER J: Towards costs, yes.

RICHARDSON, MR: Yes, I agree.

WHEELER J: Yes, thank you.

PICTON-WARLOW, MR: I will read the agreed statement, may it please your Honour.

WHEELER J: Thank you.

PICTON-WARLOW, MR:

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 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.

WHEELER J: Thank you, Mr Picton-Warlow. In that case, there will be orders in terms of the minute of agreed orders dated 21 October 1998.

RICHARDSON, MR: May it please your Honour.

WHEELER J: Thank you

AT 10.37 AM THE MATTER WAS ADJOURNED ACCORDINGLY