

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

THE SENATE

COMMITTEE OF PRIVILEGES

PERSON REFERRED TO IN THE SENATE

MR TERENCE O'SHANE

97TH REPORT

JUNE 2001

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ISSN 1038-9857
ISBN 0 642 711 453

This document was produced from camera-ready copy prepared by the Committee of Privileges, and printed by the Senate Printing Unit, Parliament House, Canberra

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REPORT

1. On 27 June 2001 the President of the Senate, Senator the Honourable Margaret Reid, received a submission from Mr Terence O'Shane, Chairperson of the Cairns and District ATSI Regional Council, 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 submission referred to remarks made by Senator Heffernan in the Senate on 25 June 2001 during the adjournment debate. On 28 June 2001, the President, having accepted Mr O'Shane's submission for the purposes of the resolution, referred the submission to the Committee of Privileges.

3. The committee met in private session on 28 June 2001 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 O'Shane or Senator Heffernan 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 Terence O'Shane, in the terms specified at Appendix One, be incorporated in *Hansard*.

Robert Ray
Chair

APPENDIX ONE

**RESPONSE BY MR TERRY O'SHANE
PURSUANT TO RESOLUTION 5(7)(B) OF THE SENATE
OF 25 FEBRUARY 1988**

On Monday evening, 25 June, 2001, Senator Heffernan made the following remarks in the Senate in the context of a speech on Child Sexual Abuse:

"Recent events have highlighted the sexual, physical and emotional abuse, often in warlike conditions, of women and children in our indigenous community. The honesty and clarity of the statements by the former chair of the Council for Aboriginal Reconciliation, Dr Evelyn Scott, is to be commended. The courage and strength of her family - her daughters and son, Mr Sam Backo - is awe-inspiring. Their honesty in breaking the code of silence on the stolen innocence and ultimate betrayal of their childhood should be both a beacon of light at the end of what has been a very long and dark tunnel and an inspiration for all victims of child abuse.

In view of the widespread allegations that a high profile indigenous leader, Mr Terry O'Shane, is the person who abused members of Evelyn Scott's family, I find the contradictions and hypocrisy of some male Aboriginal leaders breathtaking - none more so than that of the deputy chairman of ATSIC, who was convicted and jailed for rape in the 1960's and is now seeking the high moral ground."

1. Senator Heffernan's remarks were made in the knowledge that the Supreme Court of Queensland had made an order on Friday night, 22 June, 2001 prohibiting the publication of any allegation by Dr Evelyn Scott to the effect that I sexually abused any of her children.
2. These allegations are false and without foundation. To my knowledge, no complaint has ever been made to the Police. There has never been a Police investigation nor have any criminal charges ever been laid.
3. Senator Heffernan's unfounded remarks in the Senate have done irreparable harm to my family and I and have immeasurably damaged my reputation and standing in the community.
4. Under the laws of this nation, every person is presumed to be innocent unless and until proven guilty in a Court of law. By attacking my character in this manner, Senator Heffernan has not only harmed my family and I but has undermined the integrity of our judicial process. It cannot be right or fair for a person's character to be destroyed under the cloak of parliamentary privilege with no recourse to legal redress.
5. I request the Committee grant me the limited redress of incorporating this Submission in Hansard.

(Signed) Terry O'Shane.....
Terence Joseph O'Shane
Chairperson
Cairns & District ATSIC Regional Council