

**THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA**

**THE SENATE**

**COMMITTEE OF PRIVILEGES**

**PERSON REFERRED TO IN THE SENATE**

**DR MALCOLM COLSTON**

**90<sup>TH</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 Ray, 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 14 April 2000 Dr Malcolm Colston wrote to the President of the Senate, Senator the Hon. 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 Robert Ray during a second reading speech in the Senate on the *Norfolk Island Amendment Bill 1999 [2000]* on 9 March 2000. The Acting President, Senator Sue West, having accepted the letter as a submission for the purposes of the resolution, referred it to the Committee of Privileges on 19 April 2000.

3. The committee met in private session on 11 May 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 Dr Colston or Senator Ray on the matter.

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.

4. The committee **recommends:**

**That a response by Dr Malcolm Colston, in the terms specified at Appendix One, be incorporated in *Hansard*.**

Sue Knowles  
**Acting Chairman**



## APPENDIX ONE

### RESPONSE BY DR MALCOLM COLSTON PURSUANT TO RESOLUTION 5(7)(B) OF THE SENATE OF 25 FEBRUARY 1988

Response by Dr Malcolm Colston to Senator Ray's Second Reading Speech on the  
*Norfolk Island Amendment Bill 1999 [2000]* 9 March 2000

In Senator Ray's speech mentioned above, in part he stated that I "went over to Norfolk Island, stayed with the Administrator and claimed travel allowance". At no time did I stay with the Administrator. I appreciated the Administrator's hospitality when, accompanied by Mrs Kerr, he took my wife and me to a local restaurant. I recall I also attended a group function at his residence and, with other members of a joint parliamentary committee attended a dinner, also hosted at his residence. I stress, however, that at no time did I stay at the Administrator's residence. On my visits to Norfolk Island, I resided in either a guest house or in self-contained accommodation and paid normal commercial rates.

Senator Ray also mentioned that Senator Faulkner rejected my "supplications" about the position of Administrator of Norfolk Island on the basis that Senator Faulkner regarded me "as a time-serving place seeker". It is not my intention to reveal details of private conversations unless I feel I am compelled to do so, but that was not the impression I gained from Senator Faulkner. Suffice to say that Senator Faulkner's predecessors in the Territories portfolio, Mrs Kelly and Senator Richardson, gave their full support and my first visit to Norfolk Island resulted from Mrs Kelly's suggestion that I should do so.

Senator Ray stated that "the citizens of Norfolk Island certainly made their views known by signing a petition — 800-odd, I think — pleading with us not to appoint the then Senator Colston". I do know there was a petition circulated on Norfolk Island to extend the term of the then Administrator, but I have no knowledge of a petition as described by Senator Ray. In fact, I doubt that such a petition exists other than in the imagination of Senator Ray or those who advise him.

During the course of his speech, Senator Ray claimed that I "did a grand tour of all the territories to see which one he [Colston] would like the most". The latter part of this assertion is incorrect. I would remind honourable senators that a joint committee of which I was a member had a reference in relation to three external territories, namely Christmas Island, Cocos (Keeling) Islands and Norfolk Island. The committee was obliged to visit each of these territories and I did so in company with other members of the committee and support staff.

Dr Malcolm Colston  
14 April 2000