

Chapter 3

Mr Green's complaint

On 29 January 2007, Mr Green, a QPWS employee, wrote to the committee expressing concern regarding a statement made to him by one of his organisation's Regional Directors, Mr Clive Cook, at the time of the hearing. This chapter addresses the matter raised by Mr Green. Because both Mr Green and Dr Williams raised matters at a similar time in relation to the same senior manager (Mr Cook), and both cases were addressed on behalf of QPWS by the Queensland Deputy Crown Solicitor, there are references to both cases in some of the attached correspondence.

Mr Green set out his concern as follows:

On the morning of hearing of Senate in Cairns Dr. Paul Williams and myself were met by our Regional Director and he advised us that the department would be reading the minutes of hearing and for us to be careful in our presentation. Obviously it was a veiled threat to influence us to temper our presentation and evidence.¹

The committee considered that Mr Green's perception of a 'veiled threat' was sufficient that it should make further inquiries under Privilege Resolution 1(18). As the Committee of Privileges has stated:

...the committee has always regarded possible intimidation of or threats against witnesses as among the most serious matters of contempt referred to it.²

The committee is also mindful of the observations of the Committee of Privileges in previous cases:

the committee regards it as highly undesirable for any person to confront a witness about his or her evidence outside the parliamentary forum. There is a grave risk of contempts being committed, wittingly or unwittingly, in these circumstances.³

On 8 February 2007 the committee agreed to seek Mr Cook's response to the concern expressed by Mr Green.

An initial response was sent to the committee on behalf of Mr Cook by the Queensland Deputy Crown Solicitor, on 1 March 2007. That initial response, shown at Attachment D, sought further clarification of the issue raised by Mr Green. On 15 March 2007 the committee responded to this request, providing further details of the issues raised by Mr Green (the committee's correspondence is shown at Attachment F).

1 Correspondence from the committee to Mr Cook, 15 March 2007. See attachment F.

2 Committee of Privileges, *Alleged Threats to a Witness before the Select Committee on a New Tax System*, (86th Report), March 2000, p. 4.

3 Committee of Privileges, *Possible improper interference with a witness before the Rural and Regional Affairs and Transport Legislation Committee*, (116th Report), March 2004, p. 7.

Response from Mr Cook

On 23 March 2007 the committee received a statement from Mr Cook in response to the material sent to him by the committee. This response is shown at Attachment G.

Mr Cook gives an interpretation of his encounter with Mr Green at variance to Mr Green's reading of events. He states that his motives were to assist Mr Green, not to hinder him:

With a view to reassuring them in respect of what can be a difficult experience, I indicated to Mr Green and to others that it was important to listen carefully to the questions asked; and to answer clearly and concisely. It should be emphasised that, as the senior officer of the QPWS in Cairns, the remarks made on this occasion were made with a view to supporting QPWS staff and to counsel them to be thoughtful in their presentation and the giving of evidence to the Committee.⁴

The following exchange at the hearing, while Mr Green was not the person actually speaking, appears consistent with Mr Cook's account. Dr Williams, who was seated at the witness table with Mr Green at the time, made the following responses to Senator Ronaldson:

Senator RONALDSON—It seems to me that you have put your backsides on the line here. Are any of your superiors in the room today?

Dr Williams—Not that I can see.

Senator RONALDSON—They are probably out there with a glass pressed to the wall.

Dr Williams—Our regional director was here earlier but he is not here now. He has said that he supports us. (emphases added)⁵

Conclusion

Having taken the steps outlined above to ascertain the facts surrounding the complaint by Mr Green, the ECITA committee concluded that, while the parties clearly differ in their view of events on the day of the hearing, there is insufficient evidence to warrant referral of the matter to the Committee of Privileges.

The committee wishes to reiterate the seriousness with which the Senate, its committees, and the Committee of Privileges take the protection of witnesses who provide information to the Senate. The committee will remain vigilant in this case. It is writing to all the parties involved to advise them of its inquiries to date. If it receives new evidence that anyone appearing before the committee was in any way threatened or penalised directly as a result of giving information to the committee, it will consider that material very carefully.

Senator Alan Eggleston Chair

4 Correspondence from Mr Cook to the committee, 23 March 2007. See attachment G.

5 *Committee Hansard*, 30 June 2006, p. 27.