



AUSTRALIAN SENATE

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Senator M. Forshaw  
Chair  
Finance and Public Administration  
References Committee  
The Senate  
Parliament House  
CANBERRA ACT 2600

Dear Mr Chairman

**GOVERNMENT ADVERTISING – EVIDENCE BY SENATOR ABETZ**

I must respond briefly to some of the more remarkable statements made by the Special Minister of State, Senator Abetz, in the evidence given to the committee on 19 August 2005.

Senator Abetz is highly offended, and the main cause of his offence is my referring to allegations made in the Senate of impropriety in the awarding of government advertising contracts. I set out again the basis on which those allegations were mentioned. First, the abuses which were alleged would be difficult to detect except in a comprehensive and highly transparent disclosure and process regime in the awarding of contracts. Secondly, the fact that the allegations have been made is a sufficient reason in itself for requiring a more rigorous disclosure and process-regulation regime in relation to government advertising, to ensure that such allegations do not arise in the future. It is not to the point that the allegations were made by Opposition senators or that ministers rejected them; the fact of their having been repeatedly made, by senators, is sufficient to draw the stated conclusion. Merely stating this chain of reasoning indicates that there is nothing to be highly offended about. There may be disagreement about whether a more transparent regime is required, but there is certainly no cause for outrage.

Much of Senator Abetz's outrage is based on an implication that I adopt or support the allegations. It was clear in my original submission, in every subsequent submission and in the oral evidence that that is not so. The existence of the allegations represents a problem in itself.

At times Senator Abetz seemed to be denying that such allegations had ever been made and to be suggesting that I had invented them. I have collected a select set of twenty-five



speeches in the Senate referring to alleged improper awarding of government contracts to persons who also had contracts with the government political party. At least seven of these speeches make a direct allegation of cross-subsidisation or other fraud in the awarding of the contracts. They will be familiar to anyone who has followed the proceedings in the Senate in recent years. Again I emphasise that my submissions in no way rely on their truth, and the fact that they were made by Opposition senators is not to the point. Their existence represents the problem.

The minister is also highly offended by the reference to counting spoons. I would have thought that it is an unquestionable principle that ministers, because they wield great powers and dispose of large sums of public money, should be subject to greater scrutiny and safeguards than other persons, and that parliaments should not be expected to rely on trust in relation to such powers and expenditures. Safeguards and scrutiny are proportionate to power, and do not rest on any assumptions about the honesty of office holders.

There are no 'factual errors' in my submissions or evidence. The claim that there are rests upon misrepresentation of the submissions, particularly the misrepresentation that I am asserting that fraud has occurred.

Reference was made to my qualifications. As with all of my predecessors, my claim to expertise is in the area of law, processes and institutional arrangements relating to the Parliament, and they were the subjects of the submissions and evidence.

Senator Abetz considers that my submissions involve some sort of violation of the principle of treating senators equally. That principle involves every senator being given the same advice. It does not involve every senator's proposals or measures being treated as equally meritorious in the course of that advice. Any senator who asks for advice, about possible accountability measures in relation to government advertising or anything else, will be given the same advice.

Senator Abetz suggested that I might seek to instruct the secretary of the committee how to advise the committee to cast its report. This perhaps is the most ridiculous suggestion of all. I and my predecessors have presented many, many submissions to parliamentary committees. Some have been accepted, some have been accepted in part and some have not been accepted. No committee has ever been in any doubt that it was the committee's decision how much weight should be given to those submissions. Every committee secretary is individually responsible to their committee for the advice and drafting assistance they provide, and no secretary has ever been in any doubt about that point.

Some of those past submissions were not agreeable to some committees or to government. They were not, however, met with invective.

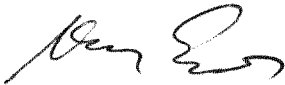
Senator Abetz alleges that an unspecified number of senators have complained to the President. The recently-conducted survey of senators revealed a universally high level of appreciation of the advice and other services provided to them. It is to be doubted that many senators would have the same misunderstandings as Senator Abetz.

Senator Abetz concluded his evidence seemingly threatening some unspecified action. I strongly suggest that he reconsider whether the offence he feels is based on a misunderstanding of my role, the role of advisers generally, and the purpose of making

submissions to committees. Other witnesses before committees are advised that they are able to give their evidence freely without fear of retribution. It would be unfortunate if that assurance did not extend to the Senate's own officers.

Finally, I thank all of those callers and correspondents who drew my attention to a past description of me by Senator Abetz as 'one of the nation's foremost legislative experts'. That was when I made a submission to this committee critical of a legislative proposal by the Leader of the Opposition. Perhaps an occasion will arise in the future when Senator Abetz may again find satisfaction with the submissions I make. That possibility will not influence the content of any such submissions.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Harry Evans', with a stylized flourish at the end.

(Harry Evans)