

Attachment 3

**Letter dated 29 June 2009 to Ms Katrina Carlisle,
Manager FVPLS, from committee secretary**



THE SENATE

**STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
REFERENCES COMMITTEE**

29 June 2009

Ms Katrina Carlisle
Manager, FVPLS
Aboriginal Legal Service of Western Australia Inc
7 Aberdeen St
EAST PERTH WA 6004

Dear Ms Carlisle

The Senate Committee on Legal and Constitutional Affairs References Committee has received a copy of a warning letter issued by you to Ms Rowena Puertollano in relation to a submission made by her to this committee's "Access to Justice" inquiry.

In that letter, you state the following:

This letter constitutes a formal written warning, regarding a matter which has been deemed "serious misconduct" on your behalf.

- 1. A letter dated 27 April 2009, and signed by you, as Coordinator of the Brome FVPLS, was submitted to the Senate Standing Committee on Legal and Constitutional Affairs.*

...

This matter is viewed as a very serious breach of Organisational Policies by Senior Management at ALSWA, and consideration has been given to dismissal...

The committee has considered this letter and has directed me to write to you to advise you that the letter may constitute a contempt of Parliament and a criminal offence on your part, (as the person who signed the letter), and all members of senior management at ALSWA who were party to the decision to discipline Ms Puertollano.

Relevant Parliamentary resolutions provide:

Interference with witnesses

(10) A person shall not, by fraud, intimidation, force or threat of any kind, by the offer or promise of any inducement or benefit of any kind, or by other improper means, influence another person in respect of any evidence given or to be given before the Senate or a committee, or induce another person to refrain from giving such evidence.

Molestation of witnesses

(11) A person shall not inflict any penalty or injury upon, or deprive of any benefit, another person on account of any evidence given or to be given before the Senate or a committee.

Such action may also constitute a criminal offence under Section 12 of the *Parliamentary Privileges Act 1987*. Penalties may include fines or imprisonment not exceeding six months.

The committee has directed me to inform you and all persons who were party to this decision of the potential implications of threatening, disciplining or otherwise disadvantaging Ms Puertollano in any way that may be linked to her submission or any evidence that she may give. The committee has also asked me to strongly recommend that you withdraw the letter. Any further action on your part, or that of anyone else taken against Ms Puertollano as a consequence of her submission or any evidence that she has given or may give to the committee will be subject to further action by the committee and possibly by the Senate.

You should also be aware that the Senate's resolutions require the committee to report the facts and its conclusions on this matter to the Senate, which will then decide whether the matter should be referred to the Standing Committee on Privileges. As such, further investigation and action by that committee against you and all members of senior management at the FVPLS who were party to this decision is possible.

The committee seeks a written assurance from you and from the FVPLS management that Ms Puertollano will suffer no further disadvantage as a consequence of her having made a submission to the inquiry, or in respect of any further evidence that she may give.

Any further communication on this matter should be directed to:

Committee Secretary
Senate Legal and Constitutional Affairs References Committee
Department of the Senate
PO Box 6100
Parliament House
Canberra ACT 2600

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Yours sincerely

Peter Hallahan
Secretary