

Attachment 4

**Letter dated 10 July 2009 from Mr Dennis Eggington,
CEO, ALSWA, to committee secretary**



10 July 2009

Mr Peter Hallahan
Secretary
Standing Committee on Legal and Constitutional Affairs
PO Box 6100
Parliament House
CANBERRA ACT 2600



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Dear Sir,

ACCESS TO JUSTICE INQUIRY – SUBMISSION BY ROWENA PUERTOLLANO

We refer to your letter to Katrina Carlisle dated 29 June 2009.

We are responding on behalf of Ms Carlisle and as the Senior Management team at the Aboriginal Legal Service of WA (Inc) (“ALSWA”) who were party to the decision to issue the Written Warning dated 15 June 2009 to Rowena Puertollano (“the letter”).

In your letter you state that the Senate Standing Committee on Legal and Constitutional Affairs (“the Committee”) has directed you to raise a number of matters. We will respond to them in turn.

- 1. The letter *may* constitute a contempt of Parliament and a criminal offence.**

We do not agree with this serious suggestion.

The letter was a legitimate warning to an employee of ALSWA, and was concerned with the employee holding herself out as representative of ALSWA without permission from Senior Management. This is what Ms Puertollano's submission to the Inquiry did. See points 2 and 3 of the letter.

Further, we advise that when Ms Puertollano commenced her employment in September 2008 she signed a confidentiality agreement in which she agreed to be bound by the "Responsibilities of Staff" outlined in the ALSWA Policy and Procedures Manual and referred to in the letter. All employees including Ms Puertollano are expressly advised by the ALSWA Policy and Procedures Manual that no staff member is prohibited from participating "in political or Aboriginal or Legal Community activities in their private capacity".

The letter was in no way intended to inhibit the freedom of Ms Puertollano to express her personal views. Nor was it intended in any way obstruct the Committee in the performance of its functions. We apologise if this was the impression created with the Committee.

2. The Committee strongly recommends that the letter be withdrawn.

Although for the reasons set out above we do not accept that the letter may amount to a contempt, we are prepared to withdraw the letter. We propose to confirm in writing with Ms Puertollano that we in no way seek to inhibit her contributing to the Committee's "Access to Justice" inquiry. We will remind her that in future she should make it clear that she is doing so based on her own views and not as a representative of ALSWA, in accordance with the terms of employment.

3. **There may be further action by the Senate Standing Committee on Privileges.**

We understand this procedure.

We request that when you report on this matter to the Senate that you take account of our bona fide intention in relation to the letter, our intention to withdraw the warning letter and confirm with the employee that she is free to participate in the Committee's inquiry and the absence of any culpable intention on our part (see Odgers Senate Practice, Chapter 2, p 65).

4. **The Committee seeks a written assurance that Ms Puertollano will suffer no further disadvantage in consequence of her submission.**

We trust that our responses to items 2 and 3 above satisfy the Committee's request in this regard.

Yours faithfully,



DENNIS EGGINGTON

Chief Executive Officer

