



President of the Senate
Senator the Hon Margaret Reid



Senator the Hon. Peter Cook
Chair
Select Committee on a Certain Maritime Incident
Parliament House
CANBERRA ACT 2600

Dear Senator Cook

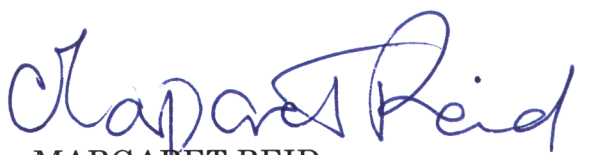
Thank you for your letter to me dated 23rd June 2002.

In your letter you have included a resolution of the committee dated 22nd May 2002 and you ask me to approve the appointment of an Independent Assessor in accordance with Standing Order 27 (18).

I have read the terms of reference for the inquiry and I have difficulty in understanding how a person who has not heard all the evidence put before the committee can be in a better position than the committee to assess the evidence and form conclusions. Indeed, that, it seems to me, is the role of the committee. The Independent Assessor as proposed would seem to me to be usurping the function of the committee.

I would be grateful for the committee's further consideration of this matter and I would appreciate advice as to why the committee feels it cannot fulfil the terms of reference given to it by the Senate without assistance from a person who has not heard the witnesses or the other deliberations of the committee.

Yours sincerely


MARGARET REID
26.06.02

MER:mep



PRESIDENT OF THE SENATE



FAXED

Senator the Hon. Peter Cook
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Dear Senator Cook

Thank you for your further letter of 27 June 2002 and for the information you have provided.

I remain concerned about the appointment of an independent assessor. I agree with the remark in your letter that the appointment of a specialist *adviser* has ample precedent, and can think of a number of specific examples where such experts have provided technical advice to inform committees in particular fields. I do not think that the proposal outlined for an *assessor* would fulfil the same function.

You advise that the independent assessor would provide "views about the nature of evidence that the absent witnesses could reasonably have been expected to provide".

This concerns me, because I do not know that any person, however professionally qualified, can conclude what a witness who was not present might have said if he or she had been present.

You also advise that the committee has judged that summoning relevant witnesses "...would be counterproductive, and likely to produce no further evidentiary benefit...". How, then, can an independent assessor who it would seem would have no more evidence or other material before him than the committee already has, be able to draw conclusions?

I am therefore concerned that the committee's proposal is flawed in a number of ways because the assessment will necessarily be based on hypothesis, rather than the technical support such advisers usually provide. This would not seem to me to be an appropriate basis for the expenditure of \$38,500 of public funds from the Department of the Senate.

You have advised me that a majority of the committee support the request for an independent assessor to be appointed. I formally approve your request under standing order 27(18). I ask that this letter and my letter to you of 26 June 2002 be included as an annexure to the committee's report.

Yours sincerely

MARGARET REID