

**Parliamentary Joint Committee on
Native Title and the Aboriginal and
Torres Strait Islander Land Fund**

**Indigenous Land Corporation
Annual Report 1999-2000**

Submission No: 4

14 May 2001

Mr Bill Miller

50 Bateman Street

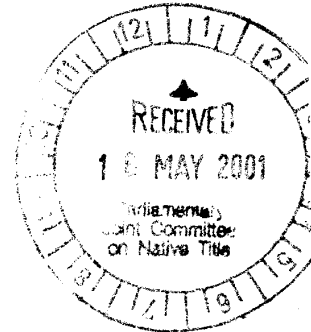
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Mr Peter C Grundy
Committee Secretary
Parliamentary Joint Committee on Native Title
and Aboriginal and Torres Strait Islander Land Fund
Parliament House
CANBERRA ACT 2600



Dear Mr Grundy,

I am writing in response to your letter NT 2.6 NT 5.33 NT 6.56 of 19 April 2001 and apologise for the delay in this reply. I retired from the position of Director of Evaluation and Audit with ATSIC on 12 February 2001 so your letter took longer than normal to reach me.

The Committee asked whether my presentation to the ILC Board on 8 May 2000 dealt with the issue of the leak of the ANAO issues paper. The short answer to the Committee's question is yes but, to give a better understanding, I will provide you with some detail.

I attended the ILC Board meeting on 8 May 2000 in company with Dr Paul Nichol of the Australian National Audit Office. When we were finally invited before the Board, the Acting Chair informed us that the Chairperson, Ms Firebrace, had left the meeting. We were then asked if we would brief the Board on our involvement with the issues paper. When it came my turn to speak I informed the Board that my involvement had been to respond to a request for advice from the ILC Chairperson and that I had written to her on 23 February 2000 responding to that request.

The Acting Chair informed me that all of the Directors of the ILC Board had a copy of my letter. I then briefly explained each of the areas my letter dealt with, including mention of the suggested letter to the Auditor-General about the leak of the issues paper. I was not questioned about the suggested letter to the Auditor-General. My whole presentation to the ILC Board would have taken no more than 10 minutes after which the Acting Chair thanked both Dr Nichol and I and informed us that the Board would consider the matter further. I have had no further contact from the ILC Board on the matter.

I note that in her testimony to the Committee (Hansard NT 24 and 25), Ms Firebrace commented as follows:-

“...If you look at the minutes of 8 May, to which I was referring at the time, I was making reference to 8 May board minutes and also to the discussion I had with Bill Miller at the time, because Bill Miller was

actually scheduled on the agenda and discussed the matter with the board. I did advise the board at the time not to actually refer the matter to the police because he felt that that was futile”

“All I can say is that the minutes for 8 May state that the matter at hand had been dealt with. Mr Miller stated to me after the board meeting that he did mention it at the board meeting of 8 May. That was Mr Miller’s statement.”

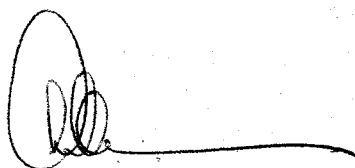
I would like to make it clear that I did not advise the ILC Board on 8 May 2000 to refer the matter to the police nor did I say that referral would be futile. As outlined above, all that I did at the 8 May meeting was brief the Board on the contents of letter to the Chairperson of 23 February 2000. At that stage I was aware that Chairperson had signed and despatched my recommended letter to the Auditor General, as were Directors of the Board, and thus there was no reason for me to raise the issue of a possible police referral.

For the record I would like to inform your Committee of the reasons why I did recommend, in my letter of 23 February 2000, that the ILC refer the alleged leak direct to the Australian Federal Police. During the course of my initial meeting with Ms Firebrace on 14 February 2000 I asked her to check and inform me of the security arrangements put in place within the ILC to protect the confidentiality of the issues paper. She later informed me orally that a number of copies of the issues paper had been circulated to officers within the ILC. I took the attitude that the Auditor-General was in the best position to determine how serious the leaking of the document was and, as originator of the document, was also in the best position to determine whether the leak should be formally investigated (either by his staff, the ILC or the police); I certainly orally briefed Ms Firebrace on my reasons for reaching such a position and recall saying to her that a referral to the police by the Auditor-General would have a greater chance of success because the document concerned (the issues paper) was property of the Auditor-General. I do not ever recall saying to Ms Firebrace or anyone else that a referral by the ILC to the police would be “futile”.

I trust that the information provided above is sufficient to satisfy the Committee. If not, please feel free to contact me by telephone on 62312376 or by email wemiller@bigpond.com.

I have provided a copy of this letter to Mr John Kelly, the current Director of Evaluation and Audit with ATSIC.

Yours sincerely



(Bill Miller)
14 May 2001