



***PROCEDURE AND PRIVILEGES
COMMITTEE***

**REPORT ON PERSONS ADVERSELY
REFERRED TO IN THE
LEGISLATIVE ASSEMBLY**

**OFFICERS FROM THE
OFFICE OF THE REGISTRAR OF
INDIGENOUS CORPORATIONS**

REPORT NO. 13

2011

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Procedure and Privileges Committee

Report on Persons Adversely Referred to in the Legislative Assembly: Officers from the Office of the Registrar of Indigenous Corporations

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**OFFICERS FROM THE
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INDIGENOUS CORPORATIONS**

REPORT NO. 13

Presented by:
Mr Michael Sutherland, MLA
Deputy Speaker of the Legislative Assembly
Laid on the Table of the Legislative Assembly
3 November 2011

COMMITTEE MEMBERS

Chairman	Hon. Grant Woodhams, MLA Speaker of the Legislative Assembly Member for Moore
Deputy Chairman	Hon. Mark McGowan, MLA Member for Rockingham
Members	Mr Frank Alban, MLA Member for Swan Hills Hon. Fran Logan, MLA Member for Cockburn Mr Michael Sutherland, MLA Deputy Speaker Member for Mount Lawley

COMMITTEE STAFF

Principal Research Officer and Clerk to the Committee	Ms Isla Macphail
Advisers	Mr Peter McHugh Clerk of the Legislative Assembly Ms Kirsten Robinson Deputy Clerk of the Legislative Assembly

COMMITTEE ADDRESS

Procedure and Privileges Committee
Legislative Assembly
Parliament House
Harvest Terrace
PERTH WA 6000

Tel: (08) 9222 7219
Fax: (08) 9222 7818
Email: lappc@parliament.wa.gov.au
Website: www.parliament.wa.gov.au

COMMITTEE'S FUNCTIONS AND POWERS

Legislative Assembly Standing Order No. 284 provides the following functions, powers and terms of reference to the Procedure and Privileges Committee —

Procedure and Privileges Committee

- 284.** (1) A Procedure and Privileges Committee will be appointed at the beginning of each Parliament to —
- (a) examine and report on the procedures of the Assembly; and
 - (b) examine and report on issues of privilege; and
 - (c) wherever necessary, confer with a similar committee of the Council.
- (2) Membership of the committee will consist of the Speaker and four other members as the Assembly appoints.
- (3) Standing Order 278 will apply except that where possible any report of the committee will be presented by the Deputy Speaker.
- (4) When consideration of a report from the committee is set down as an order of the day it will be considered using the consideration in detail procedure.

REPORT

The Speaker of the Legislative Assembly referred to the Procedure and Privileges Committee a letter dated 26 October 2011 from Mr Anthony Beven, Registrar, on behalf of the Office of the Registrar of Indigenous Corporations, seeking to use Standing Order 114 to respond to comments made on 29 September 2011 by the Member for Pilbara, the Hon. Tom Stephens, MLA.

The Committee has agreed to the attached response proposed by the Office of the Registrar of Indigenous Corporations.

In accordance with Standing Order 114 the Committee has not considered or judged the truth of any statements made in the Legislative Assembly or in the submission.

Recommendation

Your Committee recommends —

That a response by the Office of the Registrar of Indigenous Corporations in the terms specified in the Appendix to this report, be incorporated in *Hansard*.



HON. GRANT WOODHAMS, MLA
CHAIRMAN OF THE COMMITTEE
3 November 2011

APPENDIX

RESPONSE BY THE OFFICE OF THE REGISTRAR OF INDIGENOUS CORPORATIONS

AGREED TO BY THE OFFICE OF THE REGISTRAR OF INDIGENOUS CORPORATIONS AND THE PROCEDURE AND PRIVILEGES COMMITTEE PURSUANT TO STANDING ORDER 114

Adverse comments made in the Legislative Assembly concerning officers from the Office of the Registrar of Indigenous Corporations

I am writing to you under the *Responses from persons adversely referred to in the House* process.

I am an independent statutory office holder appointed under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (CATSI Act), which is Commonwealth legislation. My role is to administer and regulate the CATSI Act. The Office of the Registrar of Indigenous Corporations (ORIC) supports the Registrar.

Mr T.G. Stephens MLA made a statement in the Legislative Assembly on 29 September 2011 in relation to the Gumala Aboriginal Corporation (GAC). It is reported in Hansard at pages 8072-8075. In his statement Mr Stephens made serious allegations of impropriety against officers of ORIC. These allegations are reported in Hansard at pages 8073 and 8074.

These allegations are false and unfounded, and Mr Stephens has inappropriately used Parliamentary privilege to raise rumour and innuendo which bring into question the integrity of Commonwealth officers. The misstatements by Mr Stephens have adversely affected my reputation and that of ORIC officers, and the confidence of the public in the ability of my office to administer and regulate the CATSI Act.

The affect of Mr Stephens' misstatements to the Legislative Assembly on myself and ORIC officers is substantial and not trivial.

ORIC is a small office of 57 staff and I have sole responsibility for its management. Any reasonable person could readily identify myself and my staff as being the subjects of Mr Stephens' statements at pages 8073 and 8074 of Hansard.

In the week leading up to his statement to the Legislative Assembly, I had personal contact with Mr Stephens regarding GAC, as did other ORIC staff. At no stage during that contact did Mr Stephens raise these serious allegations against ORIC officers or provide myself or any other ORIC officer with an opportunity to respond to the allegations.

Despite the seriousness of the allegations raised by Mr Stephens I understand that he has not referred them to an appropriate investigative authority, such as the police or the Commonwealth

Ombudsman. Subsequent to his statement to the Legislative Assembly, Mr Stephens asked ORIC for information as to bodies with oversight of ORIC.

I have raised my concerns directly with Mr Stephens and I am not satisfied with his response.

I would like to respond to the following statements made under parliamentary privilege by Mr Stephens. The particular comments and my responses are:

- o *ORIC sent an officer who has been greeted and looked after in a friendly fashion by GAC's chief executive officer.* (Hansard, p.8073)

and

An ORIC officer has been out to dinner with GAC's chief executive officer. (Hansard, p.8073)

and

ORIC seems to be wined and dined and greeted by GAC's chief executive officer. (Hansard, p.8074)

and

GAC's chief executive officer seems to be hosting and squiring ORIC. (Hansard, p.8074)

The inference that ORIC officers have been entertained by GAC or its chief executive officer to win the favour of ORIC or the Registrar is untrue. ORIC officers and the Registrar have at all times acted appropriately and professionally towards GAC and its officers, members and staff and have not comprised their regulatory and supervisory responsibilities under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (CATSI Act).

ORIC officers and the Registrar have attended a number of GAC meetings of members and directors since 2009. GAC's chief executive officer has attended most but not all GAC meetings attended by ORIC officers and the Registrar.

ORIC officers and the Registrar have not received any meals or alcohol provided by or paid for by GAC's chief executive officer.

On 12 December 2009 in Port Hedland, the Registrar and an ORIC officer had a meal at a Port Hedland hotel at which the GAC chief executive officer and a number of GAC directors and staff were also present. The Registrar and the ORIC officer paid for their meals and drinks. On no other occasion have ORIC officers or the Registrar had a meal or drinks of any kind with GAC's chief executive officer.

On 26 June 2011 in Tom Price, an ORIC officer was provided with a glass of water by GAC's chief executive officer. On no other occasion have ORIC officers or the Registrar had meals or drinks of any kind provided by or paid for by GAC's chief executive officer.

ORIC has not been wined and dined or hosted and squired by GAC's chief executive officer.

- *An ORIC officer has stayed at the accommodation of GAC's chief executive officer. (Hansard, p.8073)*

This statement is incorrect and unsupported by any evidence. On no occasion since the appointment of the current Registrar on 1 October 2007 have GAC or any of its directors, staff or chief executive officer accommodated or paid for the accommodation of the Registrar or any ORIC officer in any location.

- *GAC's financial statements show "some allocation [was] paid to ORIC for services rendered" and whether "this money is somehow being utilised to keep ORIC off the case of [GAC]". (Hansard, p. 8074)*

Both statements are untrue.

On no occasion since the appointment of the current Registrar on 1 October 2007 has GAC made a payment of monies to ORIC or the Registrar, for 'services rendered' or for any other reason. The statement by Mr Stephens is incorrect and unsupported by anything in the audited financial statements of GAC, the financial statements of ORIC or any other document, book or record sighted by ORIC.

Since its commencement on 1 July 2007, the CATSI Act and related subordinate legislation has not required an Aboriginal or Torres Strait Islander corporation to make any payment of charges or fees to ORIC or the Registrar.

The inference that ORIC (or the Registrar) would accept a payment from an Aboriginal or Torres Strait Islander corporation to abrogate its regulatory and supervisory responsibilities under the CATSI Act is incorrect and totally unsupported by any evidence. ORIC officers and the Registrar have exercised their functions under the CATSI Act with respect to GAC appropriately and professionally.

I seek to use Standing Order 114 to respond to the statements made in the Legislative Assembly on 29 September 2011 by the Member for Pilbara the Hon.T.G.Stephens, MLA.