

PARLIAMENT OF NEW SOUTH WALES
LEGISLATIVE COUNCIL

STANDING COMMITTEE ON
PARLIAMENTARY PRIVILEGE AND ETHICS

REPORT

ON

INQUIRY INTO THE
CONDUCT OF THE
HONOURABLE
FRANCA ARENA MLC

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according to Resolution of the House

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Vol. 3 OF 3

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Chair

Australian Labor Party

The Hon Jenny Gardiner, MLC

National Party

The Hon Charlie Lynn, MLC

Liberal Party

The Hon John Johnson, MLC

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The Hon Richard Jones, MLC

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¹ From 25 November 1997 (Legislative Council Minutes of Proceedings No. 20, 25 November 1997)

² From 25 November 1997 (Legislative Council Minutes of Proceedings No. 20, 25 November 1997)

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17 December 1997

**MR PETER RYAN
COMMISSIONER OF POLICE**

PRESENT

The Hon. Dr Meredith Burgmann, MLC (Chair)

The Hon. Jennifer Gardiner, MLC
The Hon. John Johnson, MLC
The Hon. Richard Jones, MLC
The Hon. Anthony Kelly, MLC
The Hon. Charles Lynn, MLC
The Hon. Andrew Manson, MLC
The Revd the Hon. Fred Nile, MLC
The Hon. Peter Primrose, MLC

CHAIRMAN: I remind members of the Legislative Council who are in the gallery that Standing Order 251 states:

Any Members of the House may be present when a Select Committee is examining Witnesses, but shall withdraw when the Committee is deliberating, if so requested.

Members of the Legislative Council are welcome but they cannot take part in the proceedings. The Committee has resolved that for the purposes of this inquiry Mrs Arena be allowed to have identified legal advisers in attendance with her all in camera proceedings, subject to the discretion of the Committee.

The Hon. FRANCA ARENA: Could I speak to that, Madam Chair? I have received a letter from you which states that I am not entitled to take legal advice until I get authorisation from the President, which I did not receive. That is why I am on my own.

CHAIRMAN: The letter was quite clear; you can have legal representation, but it will not be paid for until authorised.

The Hon. FRANCA ARENA: When will it be authorised?

The Clerk: The Committee is awaiting an answer from the Treasurer. The Committee has written to the President who, on the same day, wrote to the Treasurer. We have not yet received any confirmation, but we are following up the matter. I imagine a reply will be received in the next day or so.

The Hon. FRANCA ARENA: I would like to have legal representation on Tuesday but if my legal adviser is not to be paid I cannot afford to have him.

CHAIRMAN: We will take up that issue at a later time.

PETER JAMES RYAN, Commissioner of Police, New South Wales, Police Headquarters, College Street, Darlinghurst, sworn and examined:

CHAIRMAN: In what capacity are you appearing before the Committee?

Commissioner RYAN: As Commissioner of Police.

CHAIRMAN: Did you receive a summons issued under my hand in accordance with the provisions of the Parliamentary Evidence Act 1901?

Commissioner RYAN: I did, yes.

CHAIRMAN: Are you conversant with the terms of reference of this inquiry?

Commissioner RYAN: Yes.

CHAIRMAN: Do you have a written submission?

Commissioner RYAN: No.

CHAIRMAN: Do you wish to make a short statement?

Commissioner RYAN: No.

CHAIRMAN: The questions to be asked by Committee members are aimed at clearing up any ambiguity in your report and to seek your advice on further matters. The Committee has resolved to allow your aide, Superintendent Grahame Smith, to be present during the in camera proceedings. Have you made any assessment of all of the documents tabled by Mrs Arena on 21 October 1997?

Commissioner RYAN: Yes, I have.

CHAIRMAN: Have you examined all of the documents within the former special branch files which are relevant to the documents tabled by Mrs Arena?

Commissioner RYAN: As far as possible. Some documents from the former special branch files—that is, documents in general—are still held by the Police Integrity Commission. Therefore, I have not been able to have access to those as yet. I do not know whether some of those documents still held by the Police Integrity Commission are relevant to this inquiry until I see them all. I do not think that they are.

CHAIRMAN: In dealing with subsequent questions by Committee members would it be convenient to refer to those documents as the two sets of documents?

Commissioner RYAN: It would, yes.

CHAIRMAN: Are you aware that the terms of reference of the Special Commission of Inquiry held by Mr Nader, QC, concerned what was described as being claims by Mrs Arena to the following effect: first, that a meeting took place between the Premier, Mr Bob Carr, and the Leader of the Opposition, Mr Peter Collins, to plan the suppression of names of individuals allegedly being investigated by the Royal Commission into the New South Wales Police Service; second, that the Premier and Justice Wood met and that "an agreement was reached to ensure that people in high places would not be named" in the Royal Commission into the New South Wales Police Service; and, third, that a meeting took place between Premier Bob Carr, John Della Bosca and Terry Sheahan at Parliament House to plan the suppression of the names of individuals allegedly being investigated by the Royal Commission into the New South Wales Police Service?

Commissioner RYAN: Yes, I am aware of that.

CHAIRMAN: Are you also aware that the Special Commission of Inquiry headed by Mr Nader, QC, was asked to inquire into and report on these claims and whether Mrs Arena had any evidence to support the claims which she made under parliamentary privilege?

Commissioner RYAN: Yes, I am.

CHAIRMAN: On page 4 of your report, under the heading "Conclusion" you stated:

I have discovered nothing in the documents contrary to the findings of Mr Nader QC and his Special Commission of Inquiry.

Are you aware that those findings include the conclusion on page 40 of the report of the Nader Special Commission of Inquiry which stated:

Mrs Arena had no evidence, sufficient or otherwise, to support [the three claims which I have listed] or any part of them.

Commissioner RYAN: Yes, I am.

CHAIRMAN: Is the conclusion in your report, "I have discovered nothing in the documents contrary to the findings of Mr Nader QC and his Special Commission of Inquiry" one which results from an examination of all of the two sets of documents which you were required to assess and report upon?

Commissioner RYAN: It is primarily in relation to the documents provided by Mrs Arena to Parliament. There was nothing in those documents that I found contrary to Nader's conclusions. As far as special branch files are concerned those were frozen way back in March 1997 when I disbanded the special branch. Consequently all the documents of the former special branch were held by the police royal commission and then the Police Integrity Commission; therefore nothing has been added to them since that date. Consequently there would have been nothing in those files which was relevant to the Nader inquiry.

CHAIRMAN: What was that date?

Commissioner RYAN: I cannot remember the exact date, but it was March 1997.

CHAIRMAN: Do you understand that the terms of reference of this inquiry focuses attention upon whether Mrs Arena had a proper factual basis for the claims made by her in the Legislative Council on 17 September 1997?

Commissioner RYAN: Yes.

CHAIRMAN: For the purpose of assisting this Committee in performing that task, would you answer three specific questions based upon your assessment of the two sets of documents; that

is, the documents tabled by Mrs Arena and the documents contained within the former special branch files which are relevant to the documents tabled by Mrs Arena? Firstly, do these two sets of documents contain any evidence which would tend to prove that the following alleged conduct took place, namely, that a meeting took place between the Premier, Mr Bob Carr, and the Leader of the Opposition, Mr Peter Collins, to plan the suppression of names of individuals allegedly being investigated by the Royal Commission into the New South Wales Police Service?

Commissioner RYAN: No.

CHAIRMAN: Secondly, do these two sets of documents contain any evidence which would tend to prove that the following alleged conduct took place, namely, that the Premier and Justice Wood met and that an agreement was reached to ensure that people in high places would not be named in the Royal Commission into the New South Wales Police Service?

Commissioner RYAN: No.

CHAIRMAN: Thirdly, do these two sets of documents contain any evidence which would tend to prove that the following alleged conduct took place, namely, that a meeting took place between Premier Bob Carr, John Della Bosca and Terry Sheahan at Parliament House to plan the suppression of the names of individuals allegedly being investigated by the Royal Commission into the New South Wales Police Service?

Commissioner RYAN: No.

The Hon. A. B. MANSON: If a member of the public provided you with the same type of material as that provided by Mrs Arena, would you allocate the same resources to an investigation?

Commissioner RYAN: I would, yes.

The Hon. A. B. MANSON: Have you set a budget for the investigation?

Commissioner RYAN: No, I have not. I think it is impossible to do that at this stage.

Reverend the Hon. F. J. NILE: In view of the references to cutbacks in police budgets and so on, have you been restricted in any way by available funding to conduct an investigation into the documents?

Commissioner RYAN: Not at all, no. The inquiry will continue.

CHAIRMAN: In your report you state that you found nothing provided by Mrs Arena which was contrary to the findings of Commissioner Nader. Did that include findings referred to in the Nader report relating to document C17?

Commissioner RYAN: No. Nothing in there gave me any reason to believe that there had been any conspiracy or cover-up. There was nothing in there at all.

CHAIRMAN: Is the serving prisoner referred to in the C17 document W26?

Commissioner RYAN: Yes.

CHAIRMAN: In the letter submitted by you to the Minister for Police you state that the provision of Mrs Arena's documents for perusal by members of the Legislative Council could compromise your investigations. Would you like to comment on that?

Commissioner RYAN: Yes. It was not directed at members of the Legislative Council; it was the release of the documents for scrutiny. I was not quite clear just to what extent the documents, once released, would then become public documents. That being the case, I did express concerns which are set out in my letter.

CHAIRMAN: In your report to the Parliament you said that any allegations or information should be provided directly to you or your strike force.

Commissioner RYAN: Yes.

CHAIRMAN: Why did you establish the strike force?

Commissioner RYAN: There had been a huge amount of publicity relating to the names which were supposedly in those documents. My concern principally was that an investigation had to be made into the allegations of paedophile activity—that was really my concern; the Nader inquiry dealt with the matters which are before this Committee—to try to clear the air because of the speculation, innuendo and rumour that was circulating about what was likely to be in the documents about the persons named and what they are alleged to have done. I thought that establishing a strike force under my direct control would provide any observer with some comfort that a proper and thorough investigation was taking place.

CHAIRMAN: What do you think is the appropriate body to hear evidence on allegations of paedophilia? Should this Committee appropriately hear evidence on this subject or should such evidence be provided to your strike force?

Commissioner RYAN: I think it would be inappropriate for this Committee to hear that evidence. It should be provided to my strike force, including me, so that a proper criminal investigation into the allegations can be made. If evidence was placed before this Committee in my view there would be a compromise of any evidence as to its future value and use. Also, there would not be an ability, in my opinion, for the allegations, such as they were, to be thoroughly investigated.

CHAIRMAN: Are you particularly concerned about leaks from this Committee?

Commissioner RYAN: Not leaks from this Committee, no. However, with respect to everyone here, one cannot put anything on a piece of paper and hope that it will be absolutely secure. It has to go through secretaries and clerks. It goes on word processors. There are photocopies. Photocopies do not always come out and copies are left in a bin. Things are left on people's desks. The enormous media and public interest in this matter is such that it would not be beyond the bounds of possibility for persons to seek to obtain copies or information relating to the inquiry. I think that would be inappropriate and damaging to both the inquiry and to the persons named in the documents.

CHAIRMAN: Are there trials pending that might in some way be affected by material brought before this Committee?

Commissioner RYAN: If the Committee pursued a line of inquiry which was intended to seek further evidence of paedophile activity, police investigations currently in progress, which may or may not lead to charges being laid, could be compromised.

CHAIRMAN: Is it your preference that any additional evidence relating to the material in Mrs Arena's documents be provided to you and your strike force?

Commissioner RYAN: It is. That would be my preferred option, yes.

CHAIRMAN: Have you seen Mrs Arena's list of witnesses?

Commissioner RYAN: No.

CHAIRMAN: I would like your advice on whether you felt that the evidence of these witnesses, having seen the papers relating to many of them, would be either damaging to a forthcoming court case or relevant as far as you know? This is simply your opinion.

Reverend the Hon. F. J. NILE: The commissioner may need time to consider his answer.

Commissioner RYAN: I recognise names on the list of witnesses who my strike force or I would like to interview in relation to the allegations that have been made. I would assume that whatever it is they had to say to the Committee they would want to say to a police investigation.

CHAIRMAN: Do any of those witnesses have anything relevant to add to the allegations of a cover-up?

Commissioner RYAN: That I do not know. I did not examine any allegations of a cover-up. I simply stuck rigidly to the allegations of paedophile activity and what it is we should do with the information that had been supplied—whether to conduct a police inquiry, whether an inquiry was already in place or whether there was sufficient evidence, as I laid out in my report, to decide whether to take the allegations further. I did not look at the question of whether the allegations of a cover-up—

CHAIRMAN: By cover-up I mean the allegations concerning the Premier and the Leader of the Opposition.

Commissioner RYAN: That is what I mean as well. I did not look. It was not my term of reference to decide whether the Nader inquiry was right or wrong and give a second opinion on it. I made the comment at the end of my report that I had discovered nothing in the documents contrary to the findings just to clear the air in case someone said, "Is there something in there that we do not know about?" There was nothing in there that had not already been exposed at the Nader inquiry. So it is difficult to say whether these people have anything relevant to add to the allegations of a cover-up because I have not spoken to them and as far as I am aware none of my staff has spoken to them about such allegations. I have not spoken to them because I did not think that it was within my terms of reference. I am simply interested in investigating the allegations of paedophile activity and that is it.

The Hon. JENNIFER GARDINER: Commissioner, in answer to a question about examining all the documents within the former special branch files which are relevant to the documents tabled by Mrs Arena, you said that as far as possible you had examined the documents, that some documents are with the PIC and that you have not yet had access to them. When do you expect to have access to the documents?

Commissioner RYAN: Quite soon. Judge Urquhart and I have had an exchange of correspondence, and the final documents will be handed over to the Police Service or to me quite soon—I would hope in the new year. I think I also said in my report that the names that appear in the former special branch files relating to prominent persons relate principally to their own personal security. When they have had threatening mail, someone has threatened to blow up their house or something of that nature, because of the very nature of their role in society, they have sought and received advice from special branch on those matters.

The Hon. J. R. JOHNSON: Has any additional information been provided to you that would give credence to Mrs Arena's allegations?

Commissioner RYAN: About what? There are two allegations: there is an allegation about a cover-up having taken place and another about paedophile activity.

The Hon. A. B. KELLY: The only allegation relevant to this Committee is the allegation about the cover-up. This Committee has power to investigate only the cover-up allegation.

Commissioner RYAN: I have received no other information about that, no.

CHAIRMAN: Regarding the suggestion that witnesses on the list had evidence about meetings alleged to have taken place between the Premier and the royal commissioner, et cetera, are you saying there was no evidence in the documents that Mrs Arena gave you which related to the alleged cover-up by the named people?

Commissioner RYAN: There was no evidence that I could find, no. If those people know something, I do not know it. I would like them to tell me about it.

The Hon. A. B. KELLY: If they do know something, it was not contained in those documents.

Commissioner RYAN: Yes, if they know more than what I have, I would like to know it.

The Hon. A. B. KELLY: They have not told anyone about it.

Commissioner RYAN: They have not told anybody yet. I recognise names on this list. I know that they are alleged to have information of paedophile activity. We have not yet got around to speaking with them.

The Hon. R. S. L. JONES: Do you intend to interview some of those people on the list?

Commissioner RYAN: Yes, we do. Some of the people on the list have given information. We have information and police inquiries are in progress here. I do not really want to go into what it is, but some of the people on the list, I know, have information on alleged paedophile activity. Secondly, some of the people on the list have already given some information of alleged paedophile activity so we will be reinterviewing them in a properly structured and ordered way, and not running at this like a bull in a china shop trying to knock over all the pots in sight. I do not investigate crime in that way. There has been a tradition in this State, I am afraid, of doing it badly. It will not be done badly under my command. I need to see these people again, or my officers will be seeing these people again, in a way that gives us information which will progress the inquiry. Rather than saying, "Come on, tell us what you know", we want to actually do it properly.

That is in relation to the paedophile allegations. In relation to any allegations of a cover-up by, as was alleged, the Premier, Mr Collins and Royal Commissioner Justice Wood, I have not investigated that. There was no evidence in the papers I had in front of me that there was a meeting or to show that there was a cover-up. I have no other information at all from anyone. I have no other information at all to show that a meeting took place to arrange a cover-up. I do not know how clear I can be: I have not looked any further than those documents. It was not my brief. That was the Nader inquiry's brief, not the police commissioner's brief. My brief was to look at the paedophile segment and that is what I was doing. If people wish to draw inferences from one activity to another that is entirely up to them, but it is not my brief. I am not in the business of drawing inferences: I am in the business of collecting hard facts, collecting information and evidence and, if necessary, forming a criminal inquiry.

CHAIRMAN: I will just recap. There was no evidence in the documents that Mrs Arena tabled, and which were then handed to you, of a meeting to arrange a cover-up.

Commissioner RYAN: No.

CHAIRMAN: Part of those documents—in fact, you referred to it as part two, I think—is the statement by W26.

Commissioner RYAN: Yes.

CHAIRMAN: In the statement by W26 you found no evidence of a meeting or meetings to arrange a cover-up.

Commissioner RYAN: No evidence. W26, so far as I am aware, is still in gaol and has been for some time.

CHAIRMAN: Do you consider that he would have something to say to this Committee about evidence of a meeting or meetings to arrange a cover-up?

Commissioner RYAN: I do not know. From the papers I have read involving and from W26 there was nothing of substance which would indicate to me that there has been a cover-up. Now, what he may be able to say other than what he has written—because we have not interviewed him as yet—is beyond my knowledge.

The Hon. A. B. KELLY: You were not asked to look at that.

Commissioner RYAN: I was not asked to look at that.

The Hon. A. B. KELLY: You were asked only to examine the documents supplied.

Commissioner RYAN: The documents supplied. Everything I am saying is based on the documents supplied. I want to make that quite clear. It really is quite important. My report is based on the documents supplied to me.

The Hon. C. J. S. LYNN: In a radio interview on 13 November you stated that you had sighted the documents. You said it was probably too early to say whether charges would be laid, but you did say that you had found the documents to be valuable and that they contained information worthy of further investigation.

Commissioner RYAN: Yes, in relation to alleged paedophile activity.

The Hon. C. J. S. LYNN: Prior to March 1997, which section or branch of the Police Service normally investigated allegations of paedophilia or untoward sexual behaviour against a judge, a politician or a senior public official?

Commissioner RYAN: The Child Protection Enforcement Agency would do that. That was formed last year and prior to that, for about 18 months, there was a group of people called child protection treatment units in all our regional offices, all our major police stations, whose responsibility it was to investigate complaints of abuse towards children—sexual, mental or physical abuse of any sort towards children.

The Hon. R. S. L. JONES: What is a child? Is it a person of 18, 17 or 16 years?

Commissioner RYAN: Persons under 18, but generally much younger. Early teens and below.

The Hon. C. J. S. LYNN: Just to go back to my question. This was not an activity of the former special branch?

Commissioner RYAN: No, it was not.

The Hon. C. J. S. LYNN: So far as you are aware it would not have been in the role of special branch to investigate any allegation of paedophilia against a judge, a politician or a senior public official?

Commissioner RYAN: No, so far as I am aware it was not in their normal duties. That is not what they were there for. Allegations of abuse against children was dealt with by a completely different unit or units which were scattered throughout the State. Whether they involved themselves in this or not, I do not know.

The Hon. C. J. S. LYNN: In the special branch files you have examined thus far is there any evidence to support the suggestion that special branch may have investigated such activities?

Commissioner RYAN: In one case there is a reference to a named person—who is now deceased—for that sort of activity. As I said, so far as I have been able to ascertain, and this is why I need the rest of the documents, the majority of the references relate to personal security issues, such as being threatened, threatening letters, "We will get you because you are a useless person doing the job you are doing," or whatever it is. That was the normal work of the former special branch.

The Hon. R. S. L. JONES: So far as you are aware, any allegations that have been made, whether it be against politicians, judges or others, have been investigated in the past? There are allegations of cover-ups and we have statutory declarations from various people.

Commissioner RYAN: No, I cannot say that. I would not know one way or the other. I would not know.

Reverend the Hon. F. J. NILE: It would depend on whether the allegations were brought to the attention of the police. They could be in the system somewhere and the subject of rumours, but unless a formal complaint was made the police would not be able to investigate them?

Commissioner RYAN: No. There would have to be a formal complaint before there would be an investigation. That would be the normal course of events. An investigation could generate from a whole range of areas, from local police stations, which may or may not refer the complaint to the child protection units that we had in those days. Certainly now it would all go to the Child Protection Enforcement Agency. That is where it all goes now, because we do not have a special branch any more. The files, as they were, have been frozen and handed over to the royal

commission, as I said. In the past any police station could have received a complaint and investigated it, but if rumours abounded it would not necessarily mean that an investigation had taken place.

Reverend the Hon. F. J. NILE: If the allegation was about a senior person, such as a judge or a politician, would it have been the role of special branch to somehow act as a conduit or in some way to protect them—not so much to stop the investigation, but because it was such a sensitive matter?

Commissioner RYAN: It should not have been. It was not within their normal terms of reference. But what happened I do not know.

Reverend the Hon. F. J. NILE: Another question relates to the term "cover-up". In the case of an allegation made against a person who has a high profile, unless there were strong corroborating evidence it may be in the public interest not to reveal that name. It may not be a cover-up; it may be that someone, say, Justice Wood, could have had names but made a judicial decision in the public interest not to make those names public because there was insufficient evidence to support the allegations.

Commissioner RYAN: I could not comment on that because I do not know if that was the case. All I can say, and all I am saying here today, is what is within my personal knowledge. I cannot say what happened in the Police Service before I took over as commissioner and I am as open to speculation and rumour as you are. If it was covered up years ago, it would be very difficult to discover it today. I can only give you what is within my personal knowledge and on documents which I have personally sighted. Beyond that it would be mere speculation, so I have to say I would not know.

Reverend the Hon. F. J. NILE: The point I was trying to make is that there may have been no criminal intent involved. The name may not have been made public because there was insufficient evidence to justify that course. I was trying to sort out the two things, whether the term "cover-up" would automatically apply or, because there was insufficient evidence, the name should not be made public by any authority.

Commissioner RYAN: If there is no evidence against which a charge can be laid, I think it would be damaging to people—no matter who they are: no matter what the offence—if their names were made public, no matter what it is. The whole of this business is surrounded by speculation, innuendo and rumour. What I am trying to establish, particularly in the case now, is hard fact. As I have said in my report, I know this will not please everybody. We have to get sufficient evidence to prosecute people before the courts. We cannot do it on innuendo, speculation or suggestion, or even perhaps on a single person's evidence which itself cannot be corroborated. It is not my test: this is the test of the court and the court will test it against that criteria. It is no use floating a case into court which you know will not stand up. It would not even get through the Director of Public Prosecutions before the court threw it out. I am trying to establish whether or not there are sufficient facts and evidence against which we can lay charges. To do otherwise would not be right.

The Hon. A. B. KELLY: Commissioner Ryan expressed some concerns about confidentiality, and about things disappearing, and on that basis I will hand back the list of names. My Christmas card list disappeared from my office last week and reappeared a week later. Obviously it was picked up with something else. That could happen with anything.

CHAIRMAN: I totally agree with that. Will you make a report on the contents of the balance of special branch documents, which you will hopefully receive from the Police Integrity Commission before the resumption of hearings towards the end of January, and advise the Committee of anything that might change any answers you have given today?

Commissioner RYAN: Yes, I will. I think that is important, because I do not want to be accused of a cover-up either. I will make available to you any information which would change any evidence I have given today. In summary, I would like to reiterate the point I made earlier. My report and the evidence I have given today is based on documents provided to me and on information which is in my personal knowledge or sight. It is not on rumours, innuendo, speculation or what the newspapers may or may not say. What I have said is what I personally know. That is why I said in response to Mr Nile's comment, if it was before my time and people said, "That might have happened, mightn't it", I do not know either. I am in no better position to help you than anyone is. That is the unfortunate part about these old allegations of the way police did or did not operate in the past. We would never find out a lot of these things if there was someone helping to suppress information; it is more or less impossible to find out. I am only saying what I know today.

Reverend the Hon. F. J. NILE: In the terms of reference great stress is placed on the words, "any evidence of a meeting". It would be difficult for you or anyone else to ascertain whether there was a communication or exchange of views rather than a physical meeting.

Commissioner RYAN: Yes, it would. I have no evidence to show that a meeting took place, that phone calls were made, or that there was any communication of any sort to indicate that a cover-up was planned or even took place. There was no evidence in the documents before me that that was the case.

The Hon P. T. PRIMROSE: Was there any evidence at all to suggest that that may have been the case? I presume there is no suggestion in any of the material that was presented to you that that has even been alleged?

Commissioner RYAN: What?

The Hon P. T. PRIMROSE: That there has been a non-physical meeting.

Commissioner RYAN: There was nothing in the documents to that effect, no.

The Hon. C. J. S. LYNN: Did you carry out any investigation into parliamentary staff or did you just review the documentation?

Commissioner RYAN: I just reviewed the documents. I left the other matter completely to the Nader inquiry. It was not within my terms of reference; I stuck to my brief. But as I mentioned earlier in this hearing, that comment in my conclusion was really to clarify any ambiguity. If I had left it unsaid, someone might have said, "Why did you leave it unsaid?" which might have left this out of ambiguity. I am saying that there was nothing in the documents provided to me to indicate anything contrary to the Nader findings.

CHAIRMAN: Including W26's statement?

Commissioner RYAN: Right. W26 is in gaol.

Reverend the Hon. F. J. NILE: But you saw his statement?

Commissioner RYAN: Yes, I saw his statement.

(The witness withdrew)

(The Committee adjourned at 11.22 a.m.)

21 December 1997

**MR ALEX MITCHELL
ASSOCIATE EDITOR
*THE SUN-HERALD***

PRESENT

The Hon. Dr Meredith Burgmann, MLC (Chair)

The Hon. Jennifer Gardiner, MLC
The Hon. John Johnson, MLC
The Hon. Richard Jones, MLC
The Hon. Anthony Kelly, MLC
The Hon. Charles Lynn, MLC
The Hon. Andrew Manson, MLC
The Revd the Hon. Fred Nile, MLC
The Hon. Peter Primrose, MLC

In this transcript small sections of the evidence have been suppressed, in line with the resolution of the Committee on 24 November 1997:

That all evidence in relation to the Committee's inquiry into the conduct of the Honourable Franca Arena, MLC be taken in camera, and that the Committee only authorise those sections of the evidence to be made public which it is satisfied will not cause unnecessary damage to the reputations of any individuals, compromise ongoing police investigations or prejudice any matters currently before the courts.

ALEXANDER ROBERT MITCHELL, Journalist, *Sun-Herald*, 201 Sussex Street, Sydney, affirmed and examined:

CHAIRMAN: In what capacity are you appearing before the Committee?

Mr MITCHELL: I am the Associate Editor of the *Sun-Herald*, and I am the author of some articles that apparently are of some interest to your Committee.

CHAIRMAN: Did you receive a summons issued under my hand in accordance with the provisions of the Parliamentary Evidence Act 1901?

Mr MITCHELL: Yes, I did.

CHAIRMAN: Are you conversant with the terms of reference of this inquiry?

Mr MITCHELL: More or less.

CHAIRMAN: Do you have a written submission?

Mr MITCHELL: No, I do not.

CHAIRMAN: If you should consider, at any stage during your evidence, that in the public interest certain evidence or documents you may wish to present should be heard or seen only by the Committee, the Committee will consider your request. This is in conformity with standing order 250. The Committee has made a decision that, although this hearing will be in camera, at the end of each hearing we will release the transcript in whole or in part, because we do not wish it to look as those things are going on in secret. If there is any part of your evidence that you would not like released, indicate that to us before you leave, because that will inform our decision about which bits we want to have released.

Mr MITCHELL: If it is in camera, what are these people doing here?

CHAIRMAN: Standing order 251 makes it very clear that a member of the House can be present at all hearings. Because we wish to bend over backwards, basically, to give the member concerned a fair go, we have also agreed that could include her legal advisers.

Mr MITCHELL: And I could have brought legal advisers as well, in that case?

CHAIRMAN: If you had sought to bring legal advice, you could have, yes.

Mr MITCHELL: I would have liked to have known. It is not in the summons, but there you go.

CHAIRMAN: It is not standard committee practice. I am sorry if it was not made clear. However, no criminal charges or no criminal conduct are—

Mr MITCHELL: No, but it is just that some are more equal than others. One person can have legal representatives here. I can't, or I was not informed that I could. It is just how it looks.

CHAIRMAN: It is not normal for witnesses to have legal advice.

Mr MITCHELL: Okay.

CHAIRMAN: However, if you would like to have legal advice we could put it off to another time.

Mr MITCHELL: No, let us go on. I am already on holidays.

CHAIRMAN: You gave evidence at the Nader inquiry?

Mr MITCHELL: I did indeed, yes.

CHAIRMAN: You have read a transcript of that evidence?

Mr MITCHELL: Yes, I have.

CHAIRMAN: Is it true and correct?

Mr MITCHELL: It is.

CHAIRMAN: Do you wish to change in any way the evidence you gave at the Nader inquiry?

Mr MITCHELL: No, I do not.

The Hon. R. S. L. JONES: When did you learn that the meeting did not take place?

Mr MITCHELL: My weekend is Sunday and Monday, so probably Tuesday. I knew pretty early. I did not know Monday, I do not think, but by Tuesday, 19 March 1996, I knew that the Premier had cancelled the meeting.

The Hon. R. S. L. JONES: Do you think that was as a result of your article?

Mr MITCHELL: Within a few days I found out that it was at least a significant element in it. As I told the Nader inquiry, it appeared to me and from what I had heard at the time, that the Premier had gone ballistic, or had been very angry about the fact that it had been mentioned in the papers, and he cancelled the meeting, and he testified to that effect in the Nader inquiry.

The Hon. R. S. L. JONES: It is quite clear that that meeting had been cancelled just a few days after the article appeared; there is no question about that?

Mr MITCHELL: No question in my mind. I knew it was and it has since been confirmed. I heard Mr Collins, the Opposition leader, interviewed on radio that week—I do not remember which day—and I remember listening to the interview and sort of smiling inwardly as he was explaining to the radio interviewer how the meeting had been cancelled and what had happened. I thought: there is going to be trouble over this.

The Hon. R. S. L. JONES: It was originally widely known that the meeting had been cancelled?

Mr MITCHELL: Yes.

The Hon. R. S. L. JONES: Why do you think Frank Arena would have thought that the meeting had taken place? Is that a reasonable question to ask?

CHAIRMAN: This is not a court of law, this is a committee. That is fine.

The Hon. R. S. L. JONES: You did not say anything to her that would have led her to believe that the meeting had taken place, so far as I can gather?

Mr MITCHELL: No, and at the Nader inquiry—I have forgotten which witness it was—someone produced a press release from the Premier cancelling it, is that not right? I think something about that was in the transcript. I knew from our parliamentary correspondent, what I heard on the radio and just ringing contacts that week because I thought it would be a very interesting story, but they said, "You are kidding! That meeting is off. It is over. It is history." So I certainly knew and, as I say, it was widely known. I saw other people in the weeks ahead. I could never find out why precisely it was cancelled, except that Mr. Carr had been displeased that it had become public knowledge.

Reverend the Hon. F. J. NILE: Obviously, if the meeting had been advertised, as it was in your front-page article which said that there would be a meeting in his office on Thursday at 4.00 p.m. with Mr. Collins and Mr. Carr to discuss the royal commission, the media would focus on the that time. If the meeting had continued the media would have covered it. Is it possible that the meeting was adjourned to some other time and some other place?

Mr MITCHELL: I found out that it was cancelled. Relations, or whatever it was, broke down completely and no discussions were held at all on that or any other subject.

Reverend the Hon. F. J. NILE: Obviously there has been some discussion about your article under the big headline "MPs NAMED". Some people have said that story should not be taken seriously because the newspaper is only a tabloid. Would you call the *Sun-Herald* a tabloid? I know it is tabloid shape, but "tabloid" means a second-rate paper. I know that the *Telegraph* is called a tabloid in a sneering way because it goes in for sensational headlines, but the *Sun-Herald* is the sister of the *Sydney Morning Herald*. It is a professional paper. People would say that anything on the front page of the *Sun-Herald* would be a professional, accurate story, would you agree with that? You wrote the article.

Mr MITCHELL: Sure. I defend that article. I cannot defend every article that appears in the *Sun-Herald*. Some of them have been absolutely crook, and it would be mad to say otherwise. The essential details of the article I prepared for that addition on the eve of the start of the paedophile segment of the royal commission, to the best of my professional abilities, was information gathered from a variety of sources over a fair amount of time and what I believed would happen; that these events would unfold in the next few months or weeks, whatever I said in the front-page article. Some of them did and some of them did not. I and the editor at the time thought it was a serious and responsible article. It is being said as if I was the only person writing this. Half of Sydney was writing similar articles at the time, as Mrs. Arena stated in one of her speeches in the House. It is as if I am somehow a crude individual who has done this shocking piece of journalism when half of Sydney was talking about it, two-thirds of Sydney was reading about it and most other publications were running similar stories. What is the problem? It seems to me that the thing that most upset people about my article was not MPs named, judges, leading businessmen or police officers, but that there was to be a meeting between the Premier and the Opposition leader.

Reverend the Hon. F. J. NILE: The concern was that you were saying MPs would be named, but when the royal commission report was published no MPs were named, which gave the impression that you had information that they would be named. What stopped that processor? What interfered in the process that you apparently thought would happen? It would appear to me that you obviously had some pretty reliable information, unofficially, from royal commission sources to know that.

Mr MITCHELL: I must say, it did not come officially or unofficially from the royal commission. It was giving nothing to the media, I can tell you. It was not at all co-operative, which I think is only right and proper. I would be amazed if the commission had people giving stuff to the media. It certainly was not one of my contacts, and I never claimed it was. [details suppressed] So far as the names of other MPs that were mentioned, one's informants are sometimes overemotional and overexcitable. I regret that I relied on their information. In future, on such issues, I certainly will not because their information was dud, and I have since told them so.

Reverend the Hon. F. J. NILE: It is very clear in our minds and in the minds of the public that if you say "at least two MPs" that means sitting MPs. People started asking who were the two sitting MPs. You say you mean two ex- MPs, of which there are hundreds and that is not relevant because your story made a big case that if these MPs were named it would affect the majority of the Government in the House. You are obviously referring to sitting members in both the Government and the Opposition, otherwise it would not affect Mr Carr's majority. If it were an ex-MP it would have no effect on the Parliament at all.

Mr MITCHELL: Sure. I am just saying that at least one individual was on my mind and certainly there were other MPs, or an MP in mind, and those names were talked about in journalistic, parliamentary and legal circles, and even public circles. You could not go into a pub in Sydney without someone beating in your ear about who it was.

Reverend the Hon. F. J. NILE: They are all the rumours, but you are stating almost factually that these people would be named in the royal commission report. You were referring to the royal commission report and that when it came out we would all see—

Mr MITCHELL: Not in the report, in the course of the inquiries, yes. I did at that stage. On 17 March 1996 I genuinely believed that the hearings would proceed in such a way that some—one or two MPs—would be named or the details of their conduct would be revealed. Yes, I believed that at the time. I genuinely believed that is what would happen. It turned out not to be the case.

Reverend the Hon. F. J. NILE: Were you surprised that it did not happen? As a journalist, did you follow that up?

Mr MITCHELL: Yes, I followed it up throughout the whole of the course of the inquiry. I also heard that police commissioners were going to fall, and they got the greatest armchair ride in history, and nothing happened. We must have all gone through these things with numbers of individuals. At the end of today that is what we ask and expect of a royal commission. It is a big call. It will not easily throw mud at people and destroy reputations unless the evidence is absolutely there. To that extent this was an honourable and fair-minded way of conducting its business. It was very legalistic and we might not like it as journalists or members of the public because we are looking for something else, but the reality is the commission is looking at it judicially, legalistically and evidentiary wise. When the commission finds the way it did, we have to recognise that the people involved in the commission are very serious with a high level of public responsibility and in the end they just did not have the evidence. I accept it. Do not worry, if I knew the names and if I had the evidence I would have been down there or I would have been writing it in the *Sun-Herald*. I did not have it. I had information from people, which turned out to be dud. I regret the fact that that dud information got bigger coverage than it probably deserved.

Reverend the Hon. F. J. NILE: When the names were not forthcoming did you not think it was a cover-up at that stage?

Mr MITCHELL: No. I did not think it was a cover-up at all. I just thought that the evidence was not there. In the end the evidence was not there, but at the time I wrote that article I genuinely believed this was going to be the course they would set and I was getting that from people in considerable authority, not mugs. Serious people were saying this is the likelihood of the way this thing will go. By and large I think significant elements of that story were borne out. In fact, that is what did happen.

Reverend the Hon. F. J. NILE: Is it relevant to know who were those people?

Mr MITCHELL: They are just sources for a journalist. I have been in journalism 35 years and a Sydney journalist for 10 years and you get to know people. I have even had discussions with you and other members, perhaps of this Committee, and you have been kind enough at times to give me information, which I have been able to use on or off the record, and that is how we operate. But I trusted these people. You have to understand that in the course of this journalists

were resisting publishing it, there was so much information. You were all the time trying to strain it and trying to work your way professionally through it to find out what had legs and what did not. That was the distilled story I thought had legs and was going to come out of this inquiry. By and large I think a significant amount of it was correct.

The Hon. JENNIFER GARDINER: [details suppressed]

Mr MITCHELL: [details suppressed]

The Hon. JENNIFER GARDINER: In the *Sun Herald* article of 17 March 1996 you wrote:

Premier Bob Carr is believed to have received confidential information last week about the explosive new stage of commissioner James Wood's inquiry.

You then talk about Mr Collins being invited to a meeting and you go on to talk basically about the marginality of the Carr Government and you state:

The impending revelations . . . have propelled Mr Carr into a pro-active, damage control mode.

So, in that one article you talk about the possible link between the fate of the Government and what might happen at the royal commission. Do you agree that someone may properly conclude that there is a link to be made by readers of the Sun-Herald that the Government had gone into damage control?

Mr MITCHELL: Yes. I think at that time my information was that it was approaching this new segment in the inquiry, as I put it, before the dogs were barking, and if you were the Premier of this State or the Opposition leader you would be asking, "How are our troops doing in this? There is talk around town that we could be dragged into it. What is happening? Are we going to suffer any casualties in this?" I am sure the Catholic Church was doing it; I am sure the Anglican Church was doing it; as were the police. Fairfax was probably thinking whether it would lose anyone along the way. I do not know. Anyone of any public life or who is responsible for a significant public institution would be asking that question. I think the Premier did and I am sure the Opposition leader did as well, though not the National Party.

The Hon. JENNIFER GARDINER: That story has the line, "Premier Bob Carr is believed to have received confidential information last week about the explosive new stage of commissioner James Wood's inquiry." You indicated to the Nader inquiry that you were talking about the Leader of the Government in the Assembly, Mr Whelan, and possibly the chief Government whip, Mr Beckroge, being those who briefed Mr Carr. Would it not be possible for a *Sun-Herald* reader to believe that what you were getting at was that the royal commission might have briefed the Premier on the next stage?

Mr MITCHELL: No. That was so remote from my mind I just did not think that at all. Since reading it again and when that has been pointed out to me I thought, "Oh, my God", but this is meeting a deadline on Saturday morning. You are belting out a story. Of course, now looking at it forensically it has another meaning. But never in my mind was that what I was referring to. It

was a political story. I was getting into the politics of it and I was saying, which I believed, that I had information that the Premier had either invited information or had been given some political intelligence about what might be the state of play in the Labor Party in the course of this section of the inquiry. I think that is what I was basing it on. No, I do not think the royal commission was involved and I never believed that.

The Hon. JENNIFER GARDINER: Can you see how a reader on that Sunday morning might have thought that what you were getting at was that the royal commission might have briefed the Premier?

Mr MITCHELL: Well, if I had said that, I would have put in the article that the royal commission briefed him last week, but I did not say that. I would have written that because that would have been a very important element. If I knew that or thought that had happened, that would have been a pretty sensational story and I would have said that a royal commission person had come across to Macquarie Street and had a briefing. That is a major story and I would have said so. I did not. I said "a briefing" and by then I was writing about the politics of it and I was really meaning the machinations of the Labor Party and its worries and concerns.

The Hon. R. S. L. JONES: I think you mentioned briefing by the whip?

Mr MITCHELL: Yes.

The Hon. R. S. L. JONES: Or another person within the Labor Party?

Mr MITCHELL: Yes.

The Hon. JENNIFER GARDINER: You mentioned that when the story was published the Premier went ballistic. Were you informed of his going ballistic by somebody close to him?

Mr MITCHELL: I think it was a journalist, perhaps one of our journalists, or it may have been Frank Walker, or someone said, "I ran into some of Carr's people. Carr was furious with that article on Sunday." That is how I heard about it, on the grapevine; it was not to me personally.

The Hon. J. R. JOHNSON: That is Frank Walker the journalist?

Mr MITCHELL: Frank Walker the journalist.

The Hon. JENNIFER GARDINER: In your testimony to the Nader inquiry you said at one stage in relation to phone calls with Mrs Arena, "When I returned the call she again said to me, 'Have you been able to find out that that meeting did take place?' By that stage I was more convinced than I had been on the Monday that it had never taken place and I told her again in no uncertain terms that the meeting was off." Why were you more convinced at that stage? Had you received further information?

Mr MITCHELL: Well, I did make a call. I thought if someone rings you, an MP, sort of saying they are going to talk about article that you have written and asking you something about it, my initial reaction was if anyone had asked me at any time in the last 18 months about it, I thought, fair enough, she is a senior member of the upper House, I better just check. So I made some cursory calls and people said, "No, no, no. When was that? Remind me again?" I reminded them and they said, " No, no, that didn't take place." I said, "I thought so." That just confirmed my opinion of the time and I then relayed that to her again just to sort of re-emphasise what I had told her before. I did ask a couple of people because she had asked me to and I thought, well, I owe it to her.

The Hon. R. S. L. JONES: Were these senior people or a contact in the Parliament?

Mr MITCHELL: I am sorry?

The Hon. R. S. L. JONES: Were they fairly senior people who would have known or were they just a contact you had spoken to originally?

Mr MITCHELL: One was a journalist I know had been following this very closely and said absolutely no. Another one was a political person who was close to all these matters and said, "That meeting was called off." I said, " Right, I thought so." I thought so, but just to make sure, as one does, you suddenly think, just like your colleague asked me, could it have been held later or something, and at the back of your mind you think, well, maybe, and they said, "No, no, no. They never met. That just never happened."

The Hon. R. S. L. JONES: They never met?

Mr MITCHELL: Apparently since then. They just never had such a one-to-one on any subject since. It must have been a pretty formative experience whatever it was at that time.

Reverend the Hon. F. J. NILE: They could communicate by telephone, fax or other means?

Mr MITCHELL: Yes.

Reverend the Hon. F. J. NILE: You put the focus on them, so at that point it would be difficult for them to have a meeting at any stage, but they still could have communicated by some other means?

Mr MITCHELL: Oh yes, but I mean—

Reverend the Hon. F. J. NILE: You are saying they did not meet, they did not communicate, but you do not know?

Mr MITCHELL: I just do not know. I do not know anyhow.

Reverend the Hon. F. J. NILE: You do not know really?

Mr MITCHELL: No, I do not. But to the extent that there was a meeting and that ended and, as I understand, there has just been no one-on-one meeting since and that is how it has been.

The Hon. JENNIFER GARDINER: I would like to ask two questions that have been put to me by Mrs Arena. Are you aware that the meeting did take place between Mr Collins, Mr Whelan and Mr Tink, but that the Premier was not at such a meeting?

Mr MITCHELL: No. I was only concerned about Mr Carr and Mr Collins. That is the only meeting that I asked about and was ever concerned about because that was in my article and you are always interested in confirmation of your stories. No, I did not know about the other meeting.

The Hon. JENNIFER GARDINER: You did not know about that meeting at all?

Mr MITCHELL: No.

Reverend the Hon. F. J. NILE: I have a question that has been given to me by Mrs Arena. Why do you say today, "The information I got turned out to be a dud" when you said to Nader on page 79, lines 8 to 10, "What I said was saying that this was going to happen with one exception. That is what unfolded?" Did you also say on page 78, line 8, "I was right. This is a story that stood up." Was your information a dud or was it right?

Mr MITCHELL: As I also told the royal commission, I mentioned doctors. I had gotten very strong information that a number of doctors were going to be named and I felt with the absence of that—I pointed out that they may have been doctors of divinity and not of the medical persuasion—that did not look too flash. I have not got the article here, but if I take anyone through it carefully, the blast it gave to the Police Service over its involvement --

The Hon. R. S. L. JONES: I have a copy of it here.

Mr MITCHELL: Thank you. It says, ". . . rock State Parliament", I think it did; "the judiciary", I think it did; "the police", well, Justice Wood's attack on the police at the end of this was absolutely ferocious. He just tore strips off them about the way they conducted it, the way they were accepting bribes to stop paedophile investigations, et cetera; "high-profile professions", that is when I was meaning doctors and also the gentleman in the eastern suburbs. It continues with "socialite businessmen". The reference to solicitors was correct; priest was correct; and a judge. When you asked me about the MPs, I concede that I thought genuinely at that time that both sitting and ex-MPs would be named. It turned out not to be the case. And I also understood doctors were going to be named, but it did not emerge.

The Hon. R. S. L. JONES: Half way down the page the article states, "had been named".

Mr MITCHELL: "Have been sent to more than 50 individuals". Not named.

The Hon. R. S. L. JONES: It is somewhere in the article.

Mr MITCHELL: Yes. Sorry. They have been named to commission investigators. I am glad you pointed that out, because I still believe that to be true. They were named to investigators. I wish I had brought other things to show you, but at the time this was written, six months earlier they were already investigating Judge Yeldham and they were saying, "There is no such evidence" and the Committee will find in the royal commission report that they were already under way in that area and also that other names had been given to them. I am sorry, I have lost the point of the question.

The Hon. C. J. S. LYNN: Given the headline of the article and its content, do you believe that public perception would be that there has been a cover-up because after reading such a headline you would expect names, but those high-profile names have not transpired? Do you believe a member of the public would say that there has been a cover-up somewhere?

Mr MITCHELL: I think that if you look at it, the number of people who were named in any case was significant. Okay, an ex-MP was named; sitting ones were not. As I said earlier, that was as a result of completely inadequate information. The number of prosecutions that have come out of it have been absolutely formidable. I do not know whether we have up-to-date figures, but there has been the most sensational number of prosecutions ever launched in this category of crime in this State which has also got to be acknowledged. So if there is a public expectation because of the "MPs named" thing—

Reverend the Hon. F. J. NILE: That was your heading on the story, "MPs named". It really focused on MPs named?

Mr MITCHELL: Sure. That is right.

Reverend the Hon. F. J. NILE: You may not have put the heading there.

Mr MITCHELL: I know.

The Hon. C. J. S. LYNN: I accept your explanation before about ex-MPs and MPs, but that clearly says "MPs named" and at this stage a sitting MP has not been named. Therefore, someone could look at that and say that we are well down the line and nobody has been named?

Mr MITCHELL: I can see the point and it is a valid one. How can one say otherwise? All I can say again is I thought there was going to be a meeting between the Premier and the Opposition Leader. It turned out not to happen. In the end the editor makes a call. He sticks on the headline and you present your story, but I genuinely believed at that time that was what was going to happen. It did not happen. Does it raise a false expectation? As the thing went on it did not conclude. It actually got an extension and went on for nine to 12 months in all and it became obvious to me by the middle, to the end, of that year that it was not going to happen because you could see that the royal commissioner was tackling it in a different way. It was not a naming-names exercise.

We were very much brought up on the Fitzgerald school and Temby school of media disclosure in these things. Wood just took a different tack altogether and as he has made clear in his report and in other interviews he was never going to get into naming names. It was like getting into the institutions where this was chronically going on, like education, health, juvenile justice and matters like that, and it was a different tack. It just appeared to me, and that is why I was trying to let people down in other writing I was doing after that that "You are mad if you think this is the way it is going to go. It is not. It is not about that. It is about getting into more chronic institutionalised issues and how to resolve them." So that went by the board.

The Hon. C. J. S. LYNN: If I can go back to the supposed meeting that was cancelled between the Premier and the Leader of the Opposition: Given your experience as a journalist and with the sources you have, would you expect a subject like this to be one that the Premier and the Leader of the Opposition would discuss, whether it be by telephone or by formal meeting because I think they have both mentioned the bipartisan nature of the paedophilia issue?

Mr MITCHELL: No, I thought it was unusual, I must say.

The Hon. C. J. S. LYNN: That they were going to have a meeting?

Mr MITCHELL: Yes.

The Hon. C. J. S. LYNN: Since then you said they have not met or have not communicated?

Reverend the Hon. F. J. NILE: To his knowledge.

The Hon. C. J. S. LYNN: To your knowledge. Again, do your sources say that the relationship between these two were such that they just do not acknowledge each other's presence?

Mr MITCHELL: No. I think Mr Carr put it very well in his own evidence. He said something like they are civilised human beings in a civil society and get on fine, but there is also rivalry and at the end of the day—I just do not know the state of their relations but I have seen them on social occasions and they are civil, but I meant on a substantial matter. Mr Collins told me when I interviewed him on the subject and reported in the *Sun-Herald*, "We have only met twice before. Both of those were Olympic Games-related issues and this is the third occasion. I look forward to hearing what he has to tell me." I just made the point that since then they have not had any others, so maybe there have not been any great issues of state which have brought them together. They probably do phone each other on other things to do with protocol matters and I am sure those normal contacts and channels go on, but at least at that level I have been told—maybe I am wrong—that they have not met.

The Hon. R. S. L. JONES: You said in your article that at least two MPs have been named to the commission.

Mr MITCHELL: To the investigators.

The Hon. R. S. L. JONES: Commission investigators, yes. Further down you say, ". . . if any of the MPs reportedly to be named are from the ALP". I do not want to know the names—I do not think anybody wants to know their names here—but were you given the names of the people who had been named to the commission?

Mr MITCHELL: What I understood at the time was that commission investigators had been already going on this segment of their inquiry since the start of the royal commission, so while we are all watching about [name suppressed] and other matters, and the escapades of [name suppressed], another task force is just going around collecting evidence from all over the place for the paedophile section when it starts, and in the course of these investigators going around, they were requiring information ready to go in March. Included in that, I understand, someone had told these investigators about doctors and all those lists of things that I have given there and two MPs. I then added, because of the nature of the Government at that stage—and still is—about a one or two majority, "This is going to be devastating. There is a by-election in certain areas—

The Hon. R. S. L. JONES: If one of them was an ALP member?

Mr MITCHELL: Yes.

The Hon. R. S. L. JONES: And you did not know whether one was or not, presumably?

Mr MITCHELL: No, I knew they were members of Parliament but I was speculating the politics of it, what it might mean and how it might cost the Government.

The Hon. J. R. JOHNSON: Have you subsequently found out if any MPs were called?

Mr MITCHELL: I found out that none had been called. That is my information.

The Hon. J. R. JOHNSON: Before the commission, that is?

Mr MITCHELL: Yes. I could be wrong but I have been told that none were ever called.

The Hon. J. R. JOHNSON: I want to clear up a point made in the evidence that you gave earlier to Mr Jones. I am quite clear in my mind that when Mr Jones asked you about the alleged meeting, you said that you had responded to Mrs Arena, "It is not on. It is over". You meant that the episode was over, not that the meeting was over?

Mr MITCHELL: No, I meant that the—I am not quite sure what you mean—but I meant that the meeting was not on. It was not going to be held.

The Hon. J. R. JOHNSON: "It is not on. It is over." That is what the transcript will show.

Mr MITCHELL: It is over.

The Hon. J. R. JOHNSON: That episode was over?

Mr MITCHELL: Yes.

The Hon. J. R. JOHNSON: Not that the meeting was over because the meeting never took place?

Mr MITCHELL: Yes.

The Hon. J. R. JOHNSON: Okay?

Mr MITCHELL: Yes.

The Hon. J. R. JOHNSON: I just want it perfectly clear.

Mr MITCHELL: Sure.

Reverend the Hon. F. J. NILE: You said a moment ago that you would think that it would be natural for people to take measures—damage control is the term that is used—and you said that the Catholic Church would be doing that and the *Herald*, but obviously the Premier, who is the head of the Government, would be in a different position where he could have some influence on the royal commission or have some direct role along the lines that if allegations are made against sitting MPs, which are only allegations, he could argue that in the public interest and in the interests of those MPs their names should not be revealed?

Mr MITCHELL: No.

Reverend the Hon. F. J. NILE: He could feel that is correct?

Mr MITCHELL: That is just impossible to even think about. How is someone going to interfere with the processes of James Wood and his staff? It would be the biggest political crisis in the history of the world. Once you set up these things, they just go and you just have to sit back and pray. I just cannot see how it would be even—I have been to the hearings and seen Wood operate and I have been to press conferences—if you can call them that—where he issues his edicts. He is just not a person you can do that to and the Premier—it would be child's play. He would just destroy him. He just could not have got away with it. It is inconceivable to me that Bob Carr could ring up and nobble the royal commission. Just forget it. It cannot happen. He might have liked to have done it but I do not think he did. It was never on, in my view.

CHAIRMAN: I have a series of questions that Mrs Arena has asked me to ask, so I will ask them. At page 15 of the Nader report he writes that in your article "Mr Mitchell stated that the Premier had invited Mr Collins to a private meeting in his office on Thursday, 21 March 1996 at 4 p.m. to discuss the royal commission. That passage was immediately preceded by the sensational statement that Premier Bob Carr is believed to have received confidential information last week about the explosive new stage of Commissioner James Wood's inquiry. It is clear that it was

intended to imply that the meeting was arranged because of the confidential information that it was said that Mr Carr had received." Do you agree that the article was intended to imply that the meeting was arranged because of the confidential information that it was said that Mr Carr had received?

Mr MITCHELL: I am not sure when it was arranged. I think it was actually arranged some weeks before that. I am trying to recall whether I knew whether it followed his briefing the previous week from one of his advisers. I have the feeling that I knew that the meeting had been called in March or something, so there is not a direct connection. He had written to Collins—I think it came out in the transcripts—in February some time to have this meeting, so it was not as a direct result of the thing, although it may read that way. That is called journalistic licence, I suppose.

CHAIRMAN: This is another question Mrs Arena has asked me to ask. That finding of Nader was contrary to your evidence, was it not?

Mr MITCHELL: The finding of Nader being?

Reverend the Hon. F. J. NILE: I think the point is that your article gave the impression that the meeting was arranged because of the confidential information that Mr Carr had received. Now you are saying that there was no connection. Your article gave that impression. People could say "Confidential information; Mr Carr rings up. We have to have an urgent meeting."

Mr MITCHELL: I just do not think that was the case.

Reverend the Hon. F. J. NILE: It is journalistic licence, though you actually gave that impression?

Mr MITCHELL: Well, this is the sequence of events.

CHAIRMAN: This is another question from Mrs Arena. Look at page 78, line 41 of Nader. You were asked: "Did you intend to convey by the next paragraph that he has invited the Opposition Leader, Peter Collins, to a private meeting in his office on Thursday, at 4 p.m. to discuss the royal commission? Did you intend to convey by that paragraph that it was as a result of his receipt of confidential information that he made that invitation?" Answer: "No". At page 89.49 Question: "And you did not know and did not mean to convey that the invitation expressed to Peter Collins, which is referred to in the next paragraph, arose out of the reception of the confidential information? You simply state it as the next occurrence rather than suggesting one caused or led to the other. Do I understand your position correctly?" Answer: "That is an absolutely correct interpretation." Do you agree that these answers are inconsistent with the findings of Nader at page 15 earlier quoted to you?

The Hon. R. S. L. JONES: Could you requote that, please?

CHAIRMAN: Do you want a copy of the transcript. I must say I do not quite follow it.

Mr MITCHELL: Let us see how we go. What has Nader found?

CHAIRMAN: If you could just read it out, it might be easier for you.

The Hon. A. B. KELLY: I think you might have answered three and four when you answered the first one.

Mr MITCHELL: "And did you know"—I will just read it—"and did not mean to convey that the invitation expressed to Peter Collins which is referred to in the next paragraph arose out of the reception of the confidential information? You simply stated as the next occurrent (sic) rather than suggesting one caused or led to the other. Do I understand your position correctly?" And I say, "That is an absolutely correct interpretation." I mean this was a confusing part of the Nader inquiry. "Did you intend to convey by the next paragraph that he has invited the Opposition leader to discuss the royal commission? Did you intend to convey by that paragraph that it was as a result of his receipt of confidential information?" and I said no. That is what I meant. I said no to the Nader inquiry, meaning I did not think it was a result of the information conveyed to him, that the meeting had already been fixed in advance of him receiving that information. Is this clear?

The Hon. R. S. L. JONES: It is clear that it was intended to imply that the meeting was arranged because of the confidential information.

Mr MITCHELL: But then Nader has found against that. He said that it is clear that it was intended to imply—that means the article—that the meeting was arranged because of the confidential information that it was said that Mr Carr had received. So Nader said he does not believe that, that he thinks that the article was constructed to convey the impression that the meeting arose out of the confidential information. But I told him that was not the case. I never believed that. But Mr Nader has found against me. He is suggesting that it was definitely meant to convey that, and that is what I call journalistic licence.

Reverend the Hon. F. J. NILE: I think that we would agree with you that a clear reading of your report links those two paragraphs. They are concurrent: they just flow straight on.

Mr MITCHELL: Yes, but I wrote about 1,200 words. This ended up about 600.

Reverend the Hon. F. J. NILE: So it has been edited down.

Mr MITCHELL: Yes, I mean, you know, you lose a whole—this is how that is—

Reverend the Hon. F. J. NILE: So there could have been another paragraph in your story.

Mr MITCHELL: There could have been a dozen.

Reverend the Hon. F. J. NILE: But there were discussions of having a meeting back in February and that was cut out and just sort of—

Mr MITCHELL: Subeditor, the lawyer. The lawyers combed over this for about two hours and they lost paragraphs on the way through, you know. In the editing process these have ended up in that consequential area but it may not have been. I cannot remember the original but, I mean—

Reverend the Hon. F. J. NILE: Perhaps it would be good if we could get the original, if it is on a computer somewhere.

Mr MITCHELL: I doubt whether it exists.

Reverend the Hon. F. J. NILE: It would help you because it has obviously misrepresented your—

Mr MITCHELL: Oh no, it did not. I am not minding these two paragraphs being there. That is the way it may or may not have unfolded and that is the way it has fallen. It may convey that impression. It does not convey it to me. It now conveys it to you and then people have come back to this issue two years on and are now reading it very different from the way we would have read it on Sunday, March 17. Do you think that people would have read it then and said, "Ah ha!" and made all these conclusions? It is only because of a whole incredible thing that has now taken place. Everything is being read in a fresh new light, taking a completely different view of a piece that had none of these inferences, imputations at all at the time.

At the time, as I insist, I was merely trying to drag together what was being talked about in Sydney, make it coherent for the readers of the *Sun-Herald*, and try to explain to them why this is such an important public event, the likely scenarios about to happen and the political implications for the Carr Government, the Opposition and political life in this State. But of course now it is being combed over by lawyers, barristers, judges, MPs. "Did you mean at that time to suggest that . . . ?" It is just ludicrous. I mean, it is a story. It was to the best of my knowledge professionally to put it together that day. That has not been projected into this incredible thing. I just do not accept the interpretation Mrs Arena has put on it, and Mr Nader in many cases. It is just not what it was meant to be.

Reverend the Hon. F. J. NILE: But that is still the clear understanding of English. That is what it implies. You may not know this but on that Sunday afternoon I was contacted by the media, by television stations, for interviews on your story. The media said that there was a shock occurring within the political area and no politician would talk to the media about your story—no politician, no political leader—and I was asked to comment. All I said was, "Whatever the royal commission has, it should be made public." I had no information. But everybody read that story, even the media, with the clear meaning of it as Mr Nader said. Perhaps then you have given Mrs Arena the basis of her concern that there was evidence to be made public, and because it was not made public that would lead to the deduction that there was a cover up. You have started that whole scenario by the way you wrote the story—by the way the story was printed. Whether you wrote it that way, that is the way it has been printed.

The Hon. A. B. KELLY: Whether or not that is the case, and Mrs Arena or the public may well have felt that there was a cover up, we are not investigating the public here; what we are

investigating is the actions of Mrs Arena. Subsequent to that article you told on two occasions that the meeting definitely did not occur.

Mr MITCHELL: That is correct.

The Hon. A. B. KELLY: So do you see any reason why she would still think that the meeting did occur?

Mr MITCHELL: I cannot understand it. At the inquiry she was asked. The actual content of her speech—this was based on my article and this main point, as you say. She told the Parliament, "The next day Bob Carr's office denied that such a meeting was ever going to take place, but it is fair to assume that a meeting did indeed take place when the furore had died down." That is just a theory, that it may have taken place when it all died down. All we have before us is that it did not happen—all I ever found out. I made that clear in my comment. I mean, I know intellectually and professionally that the meeting was cancelled and did not go ahead.

How is it in my interest one and a half years later to tell someone, a member of Parliament, something different? Why would I do it? It is just so ridiculous. I just did not do it. I told her no such meeting went ahead. She now is alleging in Parliament—and I wish she would say it outside Parliament—that I lied. "I do not know what made Mr Mitchell lie to the Nader inquiry but he did lie." She is accusing me of being a liar. Now this is the most outrageous, preposterous thing. And if I get the opportunity to address the Legislative Council, which I am seeking to do under the right of reply legislation, I am going to tip the greatest bucket that I have got under conditions other than this Committee, which does not appear to be affording me privilege and—

CHAIRMAN: Excuse me, you have total privilege.

Mr MITCHELL: Total privilege? From defamation?

CHAIRMAN: Absolutely.

Mr MITCHELL: Ah, well, this—

The Hon. R. S. L. JONES: You can say what you like.

Mr MITCHELL: No, no, I thought you said earlier that you were going to release transcripts and that anything said here—

CHAIRMAN: Even if we decide to release the transcript, it is still absolutely free from defamation proceedings.

Mr MITCHELL: Thanks very much. This is a most outrageous attack. I have already approached the office of the President of the upper House to see about my rights to address members of Parliament on this, because this is the most appalling thing. She is accusing me of being a liar and having committed perjury. When I went to that inquiry as a citizen of the State,

but with other responsibilities as a journalist and an editor to give my account of a particular matter relating to what she said in Parliament, which was about that article and how I wrote it, and I do that honestly and with all the political and professional integrity that I have got as a journalist and social responsibility, I give it to the thing, and I am now accused of being a liar and a perjurer.

What for? Why would I want to tell her something that—I mean, this is a woman who is just, you know, fantasising. And in her fantasy she is destroying more and more reputations the more she goes on. Already it is members of your Parliament, members of the state, the judiciary. She used me at one point of her mad preambles but when she saw me wound her in the Nader inquiry she said, "Now I'll get him." This could happen to any of us at any point. Mr Jones is going to be the next victim. He has already been a victim once over the drugs legislation. As soon as he turned she rubbished him.

It will be the Hon. Fred Nile next, because she cannot help demonising those who do not go all the way with her. I was employed presumably as an ally, although I do not know the woman—have no wish to know her—and I have never met her in my life: it is to my credit that that has happened. But anyone who gets in the old web of her mad intrigues and then does not go all the way with her gets slaughtered professionally and in these defamations. It is just a horrendous experience. I had journalists ringing me up, people faxing me from Parliament. What are you going to do about it? Fairfax are going, "How can we handle this?" I am on my day off starting holidays with flu. And I have to be dragged in here by the mad ravings of this creature who infests our political life. You've got to be kidding haven't you?

The Hon. A. B. KELLY: So you are convinced that she accepted the message that you gave her on the day, that the meeting did not occur?

Mr MITCHELL: Well, who would know? I mean, who would know when you are dealing with such a person. But there is no doubt in my mind. I mean why would I invent it? I know it did not take place. If any of you rang me I would tell you straight out that this is what happened. I should never have even bothered but I did make a couple of calls to get the answers clear in my mind because I thought I better be 100 per cent. I got the answers: it never took place. I told her the answers and then she goes and invents this new little intrigue that perhaps they did do it anyway. Then suddenly I become the prime source of this total embroglio and then when I pointed out in the paper and say something about it then, "Right, let's bucket him again because he is now not on our team." So then I get a spray and now get dragged along to your Committee's proceedings.

The money, the time, the effort that has gone into this is just so outrageous and the reputations—I have lost the point. I really apologise for this outburst. I thought that here we are under some sort of cute arrangements but if you want me to pursue this sort of stuff that is going on in our public life—I am a huge defender of the rights of parliamentarians. Our forebears fought for it, went to gaol for it. It is a huge and important responsibility and I am glad that your Committee is exercising it so properly. I think it is terrific what you are doing. But how on earth do you handle people who just so outrageously treat this proper privilege so terribly? Then I get indicted. Who cares what happens to Alex Mitchell's name? I am giving people enough sprays every Sunday of

my life: it is journalism. But you think of the other poor people who have been through this and what might happen next year if she is still on the public scene. Who will cop it next? Sorry.

Reverend the Hon. F. J. NILE: Did you keep any record of your conversations with her?

Mr MITCHELL: No, I did not.

Reverend the Hon. F. J. NILE: You probably did not think it was important enough. You probably do not keep records of your conversations on the phone.

Mr MITCHELL: I was at home on the Monday. When I received the call I called her back. I told people she asked me this. It was a perfectly civilised request and I took it in good faith. I made the inquiries. I got another call. I went back to her and told her, properly again, more emphatically than the first time, that it was not on, it did not happen and so and so. I thought that was the end of it. Then when I got home that night I heard that she had made this whole thing accusing Collins and Carr of having this secret meeting, conspiring et cetera, et cetera, and I went, "My God! I hope that's not me she's relying on." Like, this looks crook. Immediately the old alarm bells went. I had made so clear to her what my position was.

As I said, I have never met her. I did not know what was going to happen about it. There was another call from her on the Friday. It was left on my message machine two days after the speech and it just said, "Mr Mitchell, please get in contact with me. I am not going to lie down and take this" et cetera. I never returned the call and I have not spoken to her since. That was on the Friday. It is another phone call that I have never been asked about. It has not come up in evidence before that she made a call to me on the Friday and left the phone message. By then I had seen the parliamentary statement, seen that my article was distorted in this way and used to prop up a series of absolutely outrageous propositions. So I was angry and I never bothered to contact her. This was just outrageous and I never spoke to her again, and shan't.

CHAIRMAN: Mr Mitchell, I am still in the middle of asking some questions put to me by Hon. Franca Arena. You might feel that you have already answered some of them so you may refer back to your previous answers. Question 5 is: do you agree that your evidence on this point—that is the one that we were referring to before—has been rejected by Nader?

Mr MITCHELL: Yes, it appears that it has been.

CHAIRMAN: Do you accept that so far as Nader is concerned your evidence has been found in this crucial matter to be less than reliable?

Mr MITCHELL: Well, he thinks so. I mean—

CHAIRMAN: The whole idea that you never intended to suggest that the meeting was about Wood's paedophilia reference is a total fabrication, is it not?

Mr MITCHELL: Say that again, slowly.

CHAIRMAN: In fact, the whole idea that you never intended to suggest that the meeting was about Wood's paedophilia reference is a total fabrication, is it not?

Mr MITCHELL: I cannot understand that, I do not have an answer to that. I did not know that it had a specific attachment to the paedophile reference, I thought it was about the royal commission. That is what I said in my article and that is what I believed at the time. The fact that it was happening in the week that the paedophile inquiry started, that it had been planned back in February—I think the first invitations went out in February—meant that I did not ever attach it specifically to that. Again it goes to the question of what people interpret it to mean. I do not think that my article said that they were meeting for anything other than to discuss the royal commission. Whether this is a fabrication I do not know; I am lost.

CHAIRMAN: Did you keep any record of the conversation you had with Mrs Arena on the telephone prior to her speech on 17 September 1997?

Mr MITCHELL: No.

CHAIRMAN: What information did you have when you first spoke to Mrs Arena on the phone?

Mr MITCHELL: What information did I have?

CHAIRMAN: Do you believe that you have already covered that question?

Mr MITCHELL: Yes. I knew from my information what had happened; that the meeting had been called off and had never been held.

CHAIRMAN: Until that phone conversation, had you turned your mind to the contents of your article dated 17 March 1997?

Mr MITCHELL: Not much.

CHAIRMAN: When Mrs Arena spoke to you, you were unable to recall whether the meeting had taken place or not without checking?

Mr MITCHELL: No, I was able to tell her what I knew to be the case: the meeting had been cancelled and had not been held. I knew that on the first occasion I had ever spoken with her. When she reminded me of the meeting, I thought for a moment and said, "Oh no, that is the meeting that was cancelled. Yes, I wrote about that but Carr called it off", or something to that effect.

CHAIRMAN: The idea that at the first phone call you told her "to your certain knowledge" the meeting was cancelled is fanciful, is it not?

Mr MITCHELL: No, it is not at all. I did say that I would go and check but I was absolutely confident that when I checked it would confirm what I already knew. I knew professionally that it was not going to happen, it had not happened.

Reverend the Hon. F. J. NILE: In her speech Mrs Arena said "The next day Bob Carr's office denied that such a meeting was ever going to take place". You said earlier that as far as you know Mr Carr said that there was a meeting, they had planned a meeting but it was cancelled. Is it correct that a meeting was planned?

Mr MITCHELL: Yes.

Reverend the Hon. F. J. NILE: And Mr Carr's office acknowledged that a meeting was planned, but it was cancelled?

Mr MITCHELL: Yes, they did. They have admitted that there was going to be a meeting, but it was cancelled.

CHAIRMAN: Once again I ask you a question referred to me by Mrs Arena. Did you return her call about two weeks before the speech?

Mr MITCHELL: No, but I am glad you asked that. In her speech to Parliament on November 11 she said, "About two weeks before I gave my speech I rang Mr Alex Mitchell and I said", et cetera. This happened not two weeks before she made her speech but on Monday, September 15, two days before she made the speech. The first phone call was Monday, September 15; the second phone call was Wednesday, September 17, the day she made the speech. Further in *Hansard* she said, "I waited four or five days, not a week, and I rang him again". This all happened in the crucial three days before the main speech in Parliament on September 17. In her mind Mrs Arena has it that she phoned me two weeks before and that there was a longer delay, she said she waited about four or five days for the reply.

Why this happened, in her fantastic mind, over two weeks and not two or three days must have something to do with her ingenuous attempts to get out of the strife that she is in. I can assure the Committee that they are the crucial dates. The first call was Monday, September 15 and the second was Wednesday. She was on her feet that evening or afternoon, whenever the speech was made, using my article and attempting to fabricate it in such a way as to give credibility to a story that Carr and Collins had met although clearly I told her that they had not met. Why she invented a new timetable will emerge later, I presume; but it is certainly not the case.

CHAIRMAN: Did Mrs Arena say, "Mr Mitchell, I refer to your article dated 17 March 1996. Do you remember the article?" Do you recall that?

Mr MITCHELL: Yes, she said something like, "Do you remember the article?"

CHAIRMAN: Was that on 15 September?

Mr MITCHELL: Monday, September 15, yes.

CHAIRMAN: Did you say, "Yes, I do"?

Mr MITCHELL: Yes, I said "I do".

CHAIRMAN: Did she ask whether the meeting between Collins and Carr took place?

Mr MITCHELL: Yes, she said something like that.

CHAIRMAN: Did you reply, "I don't know, I'll have to get back to my informer."?

Mr MITCHELL: No. I said, "I know that meeting did not take place. I wrote about that, yes, that is the one they cancelled and we had a chat about it." Then she asked me to check it. She said, "Can you check with those people?" I said, "Okay, fair enough, but I can assure you that my certain knowledge is that that meeting never took place." She said, "Please check for me, would you do it?" I said, "Okay, I will do it."

CHAIRMAN: Did she say, "Could you please do that, it is very important to me. I am doing a speech in Parliament and it is very important that I get the facts right. Could you ring me or will I ring you?"

Mr MITCHELL: Yes, she said something like that. Did you reply, "Whatever".

Mr MITCHELL: I said, "That's fine, okay, I will do it."

CHAIRMAN: Did she say, "I will be in touch"?

Mr MITCHELL: I cannot remember. We left it that I would be in touch or she would be in touch.

CHAIRMAN: About four or five days later did she ring you and say, "Mr Mitchell, were you able to get back to your informer?"

Mr MITCHELL: Yes, she did, but not four or five days. It was two days, on Wednesday, September 17 that I received the second message and I phoned her again.

CHAIRMAN: Did you reply, slightly irritated, "No"?

Mr MITCHELL: I cannot remember that. My memory of that conversation is that I said, "Yes, I have got hold of some people and I am now even more sure, I am absolutely convinced, that that meeting did not take place. Take it from me it did not happen."

CHAIRMAN: This is becoming difficult. The previous question was whether you had got back to your informer. Did Mrs Arena say, "Is it possible? It is very important for me to know?" Did you say, "Well, I'll see what I can do, if I get the information I will ring you"?

Mr MITCHELL: My recollection is that I told her that I was now even more convinced, having made the phone calls I had, that this meeting never took place. That is how we left it. She was still saying to me, I have to admit, something about, "I am making a speech", which I thought was the following week. I had not idea that it was the same day. She said, "I am making a speech about this, I have to know." I said, "To the best of my knowledge and according to the people I have spoken to it did not take place". We left it at that.

CHAIRMAN: Did she say, "All right, thank you"?

Mr MITCHELL: Yes, something like that.

CHAIRMAN: Is it the case that you did not ring her nor did she ring you again?

Mr MITCHELL: No. She rang me on Friday, 19 September and said, "This is Franca. Will you please call me. I am not going to lie down and take it." That is when the whole storm happened. She said, "Can you get in touch with me"? But I did not.

Reverend the Hon. F. J. NILE: In your mind the meeting never took place but Mrs Arena was pressing you to keep double-checking?

Mr MITCHELL: Yes.

Reverend the Hon. F. J. NILE: The fact that you said, "I will go and check again" could have indicated to her that there was some doubt in your mind. Do you agree that that is a possibility?

Mr MITCHELL: No.

Reverend the Hon. F. J. NILE: If you knew the meeting was never held there would be no need to check.

Mr MITCHELL: There was never any doubt from the word go. As soon as she mentioned the article I asked her, "Which one was this?" She explained the article and I said, "All right, I know the one you mean". She said, "You know that meeting", and it clicked. I knew that that was the meeting that caused all the fuss, but it was cancelled by Bob Carr. I knew for certain that that is what happened. I cannot see why it would be in my interests to mislead anyone. I knew that that was the outcome of the story.

Reverend the Hon. F. J. NILE: It may not have been deliberate, but by saying "I will check my sources again" may have conveyed to Mrs Arena that there was a slight possibility of the meeting taking place.

Mr MITCHELL: Maybe, but so many people would know about this. She could have asked any parliamentarian whether Carr and Collins ever met. She could have walked up to Collins and asked him. I cannot see why I should be the one and only, the holy grail source on this. I am not: I am a journalist who wrote a story about a meeting, and when I heard it was called off I said to Mrs Arena, "According to my research it was called off".

CHAIRMAN: In your second conversation, on the Wednesday, did you say, "I will check further" or did you say, "No, it was definitely not on."?

Mr MITCHELL: My recollection of this is, as I told the Nader commission and as I have told you this morning, that on the second occasion I had made some checks and I told her that I was convinced that this meeting just did not occur. She suggested that I was going to ring her back, which I do not remember at all. My belief was that she made another call, I was slightly annoyed—she said I was irritated, and I was because I do not do private research for members of Parliament, although I do not mind assisting on occasions—I felt put upon by these requests. I said, "Look, I have been over this. This meeting did not happen. I did make a couple of calls and it just was not on. It did not happen; they did not go ahead." Everyone is asking did I put this in her mind, and could she have interpreted it in a certain way. I do not remember. My feeling was that I again emphasised, more strongly than the first time, that it had not happened.

The Hon. JENNIFER GARDINER: Before that line of questioning you were talking about the sequence of events about an invitation extended by the Premier to the Leader of the Opposition. You used the words, "The first invitation went out in February." Are you aware of any other invitation?

Mr MITCHELL: No.

The Hon. JENNIFER GARDINER: Was that the only invitation?

Mr MITCHELL: I meant the one invitation, or request.

The Hon. R. S. L. JONES: Do you know of any other article or information that appeared in the media about the supposed planned meeting? Also, do you know of any other articles that appeared which said that the meeting had been cancelled?

Mr MITCHELL: Yes. I took all of this to the Nader inquiry but I did not think that it would be necessary today. I do not know why. In the *Australian* on Monday, March 18, on page 3 appeared a report stating that Collins and Carr were to meet, and that the meeting was confirmed. It was only a short story and was unsigned. I do not think the actual cancellation reached the public record; I never saw it. I recall, as I told the Committee, that I recall hearing Peter Collins interviewed about it on radio. Without a transcript I could not tell you which station or who did the interview. It might be recoverable from some archive.

The Hon. R. S. L. JONES: Was that before the meeting was cancelled?

Mr MITCHELL: Before, yes.

Reverend the Hon. F. J. NILE: In her speech, Mrs Arena said that another meeting took place at Parliament House late on the following Sunday between Bob Carr, the secretary of the Australian Labor Party, John Della Bosca, party president, Terry Sheahan and other important figures in the ALP. She asked whether those people would deny that the meeting took place. As a journalist, do you have any information, or confirmation or awareness that that meeting ever took place?

Mr MITCHELL: No. When I saw that in the papers on the day after Mrs Arena's speech I must say that it took me by surprise. I had never heard rumours or reports of it. This is the sort of thing I might have heard being around the traps, but no-one ever said to me that such a meeting took place. I was pretty surprised about it.

CHAIRMAN: Mr Mitchell, thank you for coming when you are obviously not well.

Mr MITCHELL: I am sorry about flying off the handle. I do not feel that journalists should feel put upon because we give it pretty much and we should be able to take it. However, you are right; I am not feeling all that flash. It was the start of my holiday on Saturday and I had to delay things to come and see you. Obviously I support everything you are doing and good luck with it. I am sorry about my outburst but not what I said about the dreaded member, unfortunately, whose conduct I find absolutely astonishing and terribly regrettable.

(The witness withdrew)

(The Committee adjourned at 12.30 p.m.)

5 March 1998

THE HON. FRANCA ARENA, MLC

PRESENT

The Hon. Dr Meredith Burgmann, MLC (Chair)

The Hon. John Johnson, MLC

The Hon. Richard Jones, MLC

The Hon. Anthony Kelly, MLC

The Hon. Charles Lynn, MLC

The Revd the Hon. Fred Nile, MLC

The Hon. Peter Primrose, MLC

In this transcript code names have been used for certain persons mentioned during the evidence and small sections of the evidence have been suppressed. This is in line with the resolution of the Committee on 24 November 1997:

That all evidence in relation to the Committee's inquiry into the conduct of the Honourable Franca Arena, MLC be taken in camera, and that the Committee only authorise those sections of the evidence to be made public which it is satisfied will not cause unnecessary damage to the reputations of any individuals, compromise ongoing police investigations or prejudice any matters currently before the courts.

FRANCA ARENA, Member of the Legislative Council, 13B Gordon Street, Clontarf, sworn and examined:

CHAIR: In what capacity are you appearing before the Committee?

The Hon. FRANCA ARENA: As a member of the Legislative Council.

CHAIR: Are you conversant with the terms of reference of this inquiry?

The Hon. FRANCA ARENA: Yes.

CHAIR: You have a written submission. Do you wish your submission to be included as part of your sworn evidence?

The Hon. FRANCA ARENA: Not only my submission, but also my supplementary submission and the enclosures.

CHAIR: Do you wish to briefly elaborate on your submission or make a short statement?

The Hon. FRANCA ARENA: I want to make a short statement. Shall I proceed?

CHAIR: I have asked these questions in conformity with Standing Order 250.

The Hon. FRANCA ARENA: First, I think that all members of the Committee know my lawyers, Mr Philip Taylor and Mr Peter Karp. May I please be informed of the other legal representatives attending this hearing.

CHAIR: Would you like them pointed out or will the list be fine?

The Hon. FRANCA ARENA: That would be fine.

CHAIR: Do you know the counsel assisting the Committee, Mr Bernie Gross?

The Hon. FRANCA ARENA: Yes, we met last time. I want to make a brief statement. First, I want to renew my calls for this hearing to be held in public. I think that if it was good enough for the Wood royal commission to have its hearing in public with code names, it should be good enough for this parliamentary committee. I think especially considering the fact that we have so many lawyers at taxpayers' expense it should be fair for the taxpayer to be attending these hearings. I realise that the members of the Committee have concerns about some of the names becoming public, but I have to inform you that from tomorrow most of the material will become public because, as I told you, Mr Della Bosca is suing me for defamation and it is my legal right and obligation to bring all the material I have to court to defend myself. So, this is the first thing I wanted to say, to ask you for these hearings to be held in public.

The second thing I would ask you, Madam Chair, with all due respect, is that you should stand down as chairperson. I believe you have been compromised by attending meetings with legal representatives of Mr Carr. I have seen the letter that your counsel sent to you, which, by the way, I did not get until this morning, and I think that, as they say, justice needs to be done but also needs to be seen to be done. I feel with all due respect, Madam Chair, that if they wanted information about the procedure of these meetings, the clerk of the Committee, Lynn Lovelock, who is a Deputy Clerk of the House and has enormous experience, certainly far more than anybody like you or me or any other member of the Committee, should have been the person to see. In effect, Ms Lovelock can confirm that I rang her on several occasions asking information about committee procedure, what time we were going to sit, what was going to happen, and she has given the information impartially, as she should as clerk of the Committee. I do not see why, without informing my lawyers, the lawyers of Mr Carr should have gone directly to you and had a meeting with you. It puts your position as an impartial Chair in doubt and I would like to ask you formally to stand down.

CHAIR: You are asking me formally to stand down?

The Hon. FRANCA ARENA: Yes.

The Hon. J. R. JOHNSON: Madam Chair, with due respect, it is not your prerogative to stand down. You were appointed by the Parliament and the Parliament is the only one that can relieve you of your position.

CHAIR: I understand that. It was not my intention to take the course. I am elected by the Committee and only the Committee can change that. In answer to your allegations, which I received late yesterday evening—and might I say that your counsel, Mr Philip Taylor, was sent Mr Gross's reply to me yesterday evening and it is a problem in communication with your lawyers if you did not receive anything until this morning—I was rung by Mr Gross some two or three weeks ago and was told that the lawyers representing Mr Carr had asked him was it proper to have a meeting with me about the procedures and time frames. I said to Mr Gross, "Is it proper?" He said, "It is perfectly proper as long as you talk only about procedures and time frames and as long as I, your legal counsel, am there." He was at the meeting. The meeting was held in my office on the 12th floor, which is just up from your office. There was nothing covert or secretive about it. I did it on the advice of the legal counsel to this Committee and I actually feel that your allegations yesterday were totally improper. Do you have anything further?

The Hon. FRANCA ARENA: No, Madam Chair. I renew my call for this Committee hearing to be heard in public and for you to stand down.

CHAIR: In reply to your statement about the meeting being held in camera, I refer you to our resolution made at the beginning of this hearing, which was that the meetings be held in camera and that the transcript be made available and that the Committee would only authorise those sections of the evidence to be made public which it is satisfied will not cause unnecessary damage to the reputations of any individuals, compromise ongoing police investigations or prejudice any matters currently before the courts. If you feel that is an inappropriate decision for the Committee

to have made, my view is that it was an appropriate decision and I do not want to be party to a committee which unnecessarily damages the reputations of individuals or compromises police investigations.

The Hon. FRANCA ARENA: Madam Chair—

CHAIR: I might also remind you of a submission you made in public to the media, in fact to a Mr Clive Robertson of radio 2GB on 13 November, when you said, speaking of your desire to go before the privileges committee, "I will be happy for them", that is, the privileges committee, "to go in camera without the media so that the confidence of these documents is kept so that nothing is jeopardised."

The Hon. FRANCA ARENA: Madam Chair, if you pointed out that that was on 13 November, did you say?

CHAIR: Yes.

The Hon. FRANCA ARENA: It is a date by which we thought that our committee would meet as members of Parliament, not as a lawyers festival. Now, seeing that the taxpayer is paying tens of thousands of dollars in lawyers, three on your side, two on my side, about six or seven on the other side, I think it would be fair to change the rule. The taxpayer is paying for this. It was going to be a committee in November when I made that statement, which was to be among members of Parliament. It had never been implied that we were going to have all these legal representatives. But I leave it to that.

CHAIR: The Committee asked for legal advice, which is what it felt it needed, getting into the area of privilege and the naming of names. It was you, Mrs Arena, who asked for legal representation. The legal representation for the other named people arose after you asked for legal representation.

The Hon. FRANCA ARENA: I asked for it because you asked for it, Madam Chair, for that simple reason.

CHAIR: We do not have legal representation.

The Hon. FRANCA ARENA: Yes you do.

CHAIR: We have expert assistance to this Committee—

The Hon. FRANCA ARENA: That is exactly what I have.

CHAIR: —which happens all the time.

The Hon. FRANCA ARENA: That is exactly what I have, not legal representation. They are not allowed to ask any questions. They are here to give me legal advice, exactly like your legal representatives are giving you.

CHAIR: I just remind you that it was you who asked for legal representation.

The Hon. FRANCA ARENA: It was legal advice. I want to put it on the record, it was legal advice I asked for.

CHAIR: Are you ready to proceed with questions?

The Hon. FRANCA ARENA: I am.

CHAIR: During our deliberative meeting this morning I was reminded that I should say at the outset that the questions we are asking today are on behalf of all the Committee. I will ask quite a number of questions and then other members of the Committee will ask sections of questions. However, they may ask questions during some of mine. In annexure 11, paragraph 63 of your submission you say that you took seriously the allegations of “A” about **Judge B**. Given that you take her allegations seriously, do you believe that **Judge B** murdered a fellow judge with an axe before witnesses in order to take his position as one of the world's head Satanists?

The Hon. FRANCA ARENA: Madam Chair, it is not up to me to believe, to tell you what I believe. I do not think that my beliefs are in the terms of reference. I said that “C” brought to me this young woman, a very credible witness, a decent young woman, who told me what happened to her; she told me that she saw **Judge B** [*evidence suppressed*] and that she recognised him. She told me that her sister, who had been abused, had seen him [*evidence suppressed*] and recognised him. She said to me, "It was him."

I said to myself that this is such an incredible story—I agree with you entirely. It is an incredible story like, I must say, some of the stories that people have come to tell me. I do not know what to believe. I have no idea if **Judge B** was or was not involved. It is up to the police to find out. I am not a detective but when people bring such serious allegations to a member of Parliament, it is my duty to refer them not only to the police but to take them seriously if the person is not deranged—and I evade a deranged person coming to me, I do evade them. There is nothing of those people in my documents, only in my submission, because after one has been in Parliament for 16 years one can be a fair judge, not always the best judge, but a fair judge, of whether people are honest, dishonest, and whether they tell the truth or something they have imagined.

I have no idea, no idea at all, whether **Judge B** is a person that “A” says he is. It seems to me as difficult to believe as it is to you. I must tell you that. It is just as difficult as it is to you, Madam Chair. But worse things have happened in this world, so I keep an open mind. I pass my material to the police and let them investigate it. She said there were photographs available; she said there is a house, but I cannot remember if all this stuff is in her statement. Certainly I have told the police. There is a place where photographs are available and I said that if it is possible the police will try to find them and see them. I have no idea.

The Hon. R. S. L. JONES: But you must have had some idea in order to give this to us as part of your evidence, and to claim that the statements you made had some justification. You just called her a credible witness so you must have given it some credibility, surely?

The Hon. FRANCA ARENA: Yes, but this statement was put in there because it was given to me; it is an important statement.

The Hon. R. S. L. JONES: It is an important statement, you think?

The Hon. FRANCA ARENA: Yes, it is important in the sense that how would you feel if somebody came to you?

The Hon. R. S. L. JONES: I would think that this person was an utter nutter if they came to me saying that **Judge B** was an axe murderer and cut off people's penises and anally raped this person.

The Hon. FRANCA ARENA: Have you met "A"?

The Hon. R. S. L. JONES: I have seen her statement.

The Hon. FRANCA ARENA: Have you met her?

The Hon. R. S. L. JONES: I do not need to; I do not need to meet her because I have read her statement.

The Hon. FRANCA ARENA: I am sorry, but you see you are already prejudiced. You have already made up your mind.

The Hon. R. S. L. JONES: Yes, I have read her statement.

The Hon. FRANCA ARENA: You have already made up your mind without meeting her. I met her. "C" brought her to me. Can you see what I said there? I said, "'C" is very credible", and all I can say is I spent many sleepless nights over it. I did not say that I accepted her hocus-pocus. I spent many sleepless nights, because "C" is very credible and a respected professional person. I felt that if she felt that the allegations were serious enough to bring them to me it was important for me. But apart from her saying all this, Madam Chair, this is not part of my speech. Am I going to be on trial here regarding all the material here? It was my duty to bring it.

CHAIR: Mrs Arena, you gave the Committee a submission, which was your answer to the Committee's terms of reference. Your submission contained annexures and the Committee is questioning you on those annexures.

The Hon. FRANCA ARENA: I am happy to answer anything, but I repeat that this is not in the terms of reference of this Committee.

CHAIR: As Mr Jones said, you found “A” to be a credible witness and felt her statement was important. Do you believe the allegations in her statement that **Judge B** bred children at a castle in Melbourne for the purposes of satanic sexual abuse?

The Hon. FRANCA ARENA: Madam Chair, first of all I never said that “A” is a very credible witness. If you want to read my statement, I said that all I can say is that I spent many sleepless nights because “C” is a very credible and respectable person.

The Hon. R. S. L. JONES: You said “A” was.

CHAIR: I am sorry Mrs Arena, you said “A” was a credible witness.

The Hon. FRANCA ARENA: I saw this young girl. I wish you would ask her to come here and talk to her. I have no idea; I could not tell you. I swore on the *Bible* and I can swear it a hundred times; I do not know, I am not a policeman. I do not know whether people have double lives, maybe **Judge B** has been accused by a nutter and here we are to establish that and forget about the whole thing. Maybe the police are investigating this and I know that “AA” has interviewed her. Maybe he has formed an opinion, maybe you should ask him. I cannot tell you. Honestly, if you ask me a hundred times I would say, "I do not know."

The Hon. C. J. S. LYNN: I ask a point of clarification. Are you saying that you regard “C” as a credible witness but that you are reserving your opinion?

The Hon. FRANCA ARENA: Exactly. I thought to myself that when people came to say things, even when they told me that “D” was a paedophile, do you think I accepted it? It was really a shock to the system.

The Hon. R. S. L. JONES: Anyone could say that about anybody, but do you go around believing it?

The Hon. FRANCA ARENA: Nobody has ever come to tell me that you are a paedophile, Mr Jones, or that Mr Lynn is a paedophile.

The Hon. R. S. L. JONES: Would you believe it if they did?

The Hon. FRANCA ARENA: It depends on the evidence they give me. If “A” came to me with “C”, and “C” had been treating her for a considerable amount of time, and she said to me, "Look, this person is credible. I have treated her. I think she is telling the truth. She saw **Judge B** [*evidence suppressed*] and recognised him. [*evidence suppressed*] But what am I to say, I do not know.

The Hon. C. J. S. LYNN: If you read the statement and you said that “C” was a credible witness, in your view, and then you read the statement by “A”, do you have any doubt? Does that cast any doubt in your mind about “C”’s credibility, that she would think that something like that is fact?

The Hon. FRANCA ARENA: I have known “C”, especially in the last couple of years, on many other issues. I have always found her to be credible and a good person. She is a respected professional, so it is not for me to say. I have always found these things incredibly difficult and as I have put it there I have spent many sleepless nights over all this material. I never sought it, people came to me. It was really hard and a great responsibility.

CHAIR: Mr Lynn made a good point, but you made no judgments about the allegations in annexure 11 that in this castle in Melbourne men and women were crucified, killed, and their body parts thrown into bathtubs full of blood where Satan worshippers would bathe and force sex with the body parts?

The Hon. FRANCA ARENA: It seems crazy, doesn't it! That you can discount part of her stuff and accept some others is also credible. You just look around the world, Madam Chair, and there are shocking things happening. Satanic cults do exist and so I am not here to say—I do not know, I do not know how much of her statutory declaration can be accepted or whether part or none of it can be accepted. You make your own judgment. All I have to do as a member of Parliament is bring it to your attention because it was given to me.

I did not go into Parliament and read part of it or say that “A” made some terrible accusations about **Judge B**. I had no certainty that any or all or part of her accusations were true or false. I do not know. But the police are investigating it. I did not make the allegation. I think you should judge my speech and what I told in my speech. This interrogation about “A”'s statutory declaration, as I told you, I just do not know—some of the other stuff—do you think that other allegations made about other people were true or false? I do not know. I have been in touch with “AA”. I would like to read what he told me, because I would not like to verbal him.

I said to “AA”—I must say that I continually get information. People still ring me with valuable information which I pass to the police. “AA” said exactly these words, and I wrote them down because I did not want to verbal him. He said, "I am led to believe by police that some of the inquiries are very promising and may lead to prosecution." I was very happy. I said to him, "Can I say this to the Committee, “AA”?" He said, "Yes, you can." So you might like to ask him which cases will lead to prosecution.

I think that in my mind I feel this: if only one child has been saved because of this document, because of my speech, it is worth all the pain that I have gone through for the last five months. I would like to ask Committee members if they realise what myself and my husband have been put through. All the legal bills have not been paid. I know that all of you have been paid, but I have not been paid a cent. I have been punished by your Premier in every possible way and here I am still having to answer when the police are telling me the prosecution will take place. I feel happy about that. That is all I can say.

CHAIR: Do you believe “A” to be an honest and consistent witness in the allegations she makes?

The Hon. FRANCA ARENA: I have answered that.

CHAIR: Is there any document or information which causes you to doubt whether she is honest and consistent in her story?

The Hon. FRANCA ARENA: I have answered that.

CHAIR: What steps have you taken to determine whether any credence should be given to “A”’s story?

The Hon. FRANCA ARENA: I think you should ask “C” to come here and give you that. All I can say is that the information was given to me by “C”. She brought the girl into my office. The girl seemed credible, even though I agree with you—some of the stuff is just very difficult to accept.

CHAIR: So the only steps you took to determine the credence of this story was to talk to “C”.

The Hon. FRANCA ARENA: I am not an investigator. Do you think I am a policeman? Do you think I should get a private investigator to go and find out? All I could do is give it to the police. What else could I do?

CHAIR: Why do you not give information that you receive to the police?

The Hon. FRANCA ARENA: All of it has gone to the police.

CHAIR: Why do you feel a duty then to name names?

The Hon. FRANCA ARENA: Which names have I named?

The Hon. R. S. L. JONES: Judge B perhaps?

The Hon. FRANCA ARENA: When did I name Judge B?

The Hon. R. S. L. JONES: It is right here.

The Hon. FRANCA ARENA: This is a private hearing.

The Hon. R. S. L. JONES: You wanted a public hearing. He would have been named in public if we had had a public hearing.

The Hon. FRANCA ARENA: Excuse me, we would have used code names.

The Hon. R. S. L. JONES: Impossible.

The Hon. FRANCA ARENA: Why is it impossible? Mr Wood had public hearings. *[evidence suppressed]*—he had code names. If it is possible for Justice Wood and the royal commission, what have we got to hide? I do not want to hurt anybody. I am quite sure that if the police

investigate and say **Judge B** is the most honest judge in this State, I will say, "I salute you, sir." And see that this woman—

CHAIR: I bring you back to the fact that you gave us a submission which presumably in your opinion justifies the statement you made to the Parliament which we are now looking into. Those are our terms of reference. I am simply questioning you about your submission.

The Hon. FRANCA ARENA: Yes.

CHAIR: So all we are doing is questioning you about your submission which you gave as your justification.

The Hon. FRANCA ARENA: Yes.

CHAIR: What steps have you taken to exclude the possibility that "A"'s allegations against **Judge B** are a malicious and mischievous attempt to blacken the reputation of **Judge B**?

The Hon. FRANCA ARENA: The reality is that we are here. If this had been held in public we would have said Mr X. No-one would have known what it was. You must understand the thought process that happened. There was "A" who came. The anonymous letter I received about "E" and **Judge B** having abused a girl—even that I have no idea whether it is true. Did it happen? I have no idea. All I can do is give it to the police and they do their investigation. I am a humble, simple member of Parliament who never asked to receive all this material, but as people came to me I could not close the door to them. I am paid by the taxpayers; I am their representative. They came to me. I just had to take the material and speak in Parliament. I never named **Judge B**. I never said in Parliament that "A" is reliable or "C". You have my speech so I will not go over it. All it needed to do is for the police to investigate. I have the greatest trust in Commissioner Ryan and "AA". They are investigating these things. I think that I had a duty to be frank, to tell you all I had been told and I think that so that you would understand some of the thought process I had that you could make a fair decision and you should be fully informed.

CHAIR: When you receive a document you take no steps to exclude malicious intent, madness—

The Hon. FRANCA ARENA: I told you before that I do. I told you that there have been people who have come up and told me—I mean, I cannot remember—really outlandish things.

The Hon. R. S. L. JONES: Is this not outlandish?

The Hon. FRANCA ARENA: It would have been outlandish if "C" had not brought the girl. When "C" sent me this document about the girl I thought to myself, oh my God, this is out of this world. I agree entirely with you. Then she brought this girl. I really would like for some of you to meet her. She is the most decent, nice girl who has suffered an enormous lot in her life. Maybe she has exaggerated but there might be also a basis of truth to what she said. She just sat there trembling. "C" said to me, "I believe her. We have gone through a lot of it." What am I to say? I do not know.

CHAIR: What further steps do you think should be taken to determine whether “A” is an honest and trustworthy witness?

The Hon. FRANCA ARENA: It is not up to me to say; it is up to the police. This idea that I should investigate the allegations that are made to me is preposterous. I am a member of Parliament. I make a judgment whether people—even yesterday this mad man rang me about a Family Court case. He was accusing his wife of having abused the children. It was quite obvious that it was all a custody case and he wanted to give me a story. But I still rang the police officer. I still rang the registrar of the Family Court because there is always a doubt in your mind and thinking I will just double check. He sounded crazy to me. But you have to give your constituents some fairness so I did ring. The policeman said we know all about it, the man is completely gone, it is all a custody battle. So I felt that I will leave it but I felt at least in my heart that I left it. The police were involved and the court was involved. I had to step back. I rang him back and said that I could not get involved. It happens to me all the time.

CHAIR: Many of the annexures and evidence in your submission relate to the conspiracy between, say, Mr Carr and Mr Wood—

The Hon. FRANCA ARENA: Excuse me, I never used the word conspiracy. I want to make it clear: I used the word cover-up. What I said about the cover-up—the cover-up relates to the terms of reference. That is what it relates to.

CHAIR: So you are saying now that there was no cover-up.

The Hon. FRANCA ARENA: No, I said the cover-up regarding the terms of reference. Let us be completely frank amongst ourselves. We are not lawyers and we will not get entangled in these lawyer things. I never thought for a moment that Mr Carr went to see Justice Wood and said, "Listen mate, you are not going to investigate high profile paedophiles because I don't want you to." We know that this is not the way things are done. Mr Carr would have met Mr Wood and said, "Justice Wood, do you have your terms of reference?" "Yes, Mr Carr." "What are they?" "To investigate paedophilia as far as the police are concerned" and blah, blah, blah. "That is okay, thank you, bye bye." Things are done in a very elegant way in our world. We do not need to be so crude and rude.

Why did Mr Carr not want an inquiry into all aspects of paedophilia? I will never forgive Mr Carr. I know that my lawyer will say that I should not say things like that. I will never forgive Mr Carr for not wanting an inquiry into all aspects of paedophilia, and I will never forgive Justice Wood, who had lifted the lid off this shocking problem and seen the disgusting things happening in our society. He turns around and accepts terms of reference which are restricted. I think as a citizen, as a judge and as a father—I believe he has children of his own—he should have turned to the Premier and said, "This is a terrible problem we are facing. It is getting worse and worse with the internet. I think you should have a full inquiry. I cannot do it." But we have this unique opportunity. We have 235 people set up, we have got an office, we have got computers, let us look at this problem. It might only take a couple of years. It might only take 12 months. Let us

take this opportunity. Why did they not do it? I want to ask you all individually, why did they not do it? I will never—

CHAIR: I am sorry, Mrs Arena, we are questioning you. What steps have you taken to clarify the question of whether “A” is not telling lies?

The Hon. FRANCA ARENA: I have answered that.

CHAIR: What do you know about “A”’s past psychiatric health?

The Hon. FRANCA ARENA: You ask “C”. I think you should ask—

CHAIR: No, I am asking you what you know.

The Hon. FRANCA ARENA: I told you “C” brought her to me and told me that she was a credible witness, that she had worked with her and that she wanted me to hear what she had to say. So what did I do? I sent her statement to the police. I do not know why we keep going there. It is a submission of 57 pages. Are we going to have the whole day on “A” because you think this is the most vulnerable thing? Madam Chair, I thought better of you and you, Mr Gross, as well if you prepared the questions.

CHAIR: What was “C” treating “A” for? What medical condition was she being treated for?

The Hon. FRANCA ARENA: I have no idea. *[evidence suppressed]* I think you should talk to “C”.

CHAIR: Given all your previous answers, why did you include this unsigned statement in your submission?

The Hon. FRANCA ARENA: Because it is very important for you—I had a duty to be frank with you, to give you all the information that I had, all the information that I have given to the police and that you could make up your mind. You had to be fully informed, to come to a fair decision. There it is. Let us say that it is an absolutely unbelievable, incredible stupid thing.

The Hon. R. S. L. JONES: Why then did you include it in your submission if you thought it was incredibly stupid?

The Hon. FRANCA ARENA: Because I thought that you should be fully informed. I said let us assume; I did not say it is. You should not only ask me. Maybe you should ask “A”. You should ask “C”, discuss the thing with her and that is it. I do not know. Do I know if “D” is a paedophile, has a past and does not want anybody to know? Do we know he is gay? He had an affair with “F”? Do we know all of this? I do not know. *[evidence suppressed]*. So you go and find out yourselves. Are you policemen? No. All we went to find out is did I have some basis for saying that there had been a cover-up and the cover-up referred to the terms of reference. Why

did they not want a full inquiry on paedophilia? Why did this community lose this opportunity to do it.

The Hon. R. S. L. JONES: *[evidence suppressed]*

The Hon. FRANCA ARENA: *[evidence suppressed]*

The Hon. R. S. L. JONES: *[evidence suppressed]*

The Hon. FRANCA ARENA: *[evidence suppressed]*

The Hon. R. S. L. JONES: *[evidence suppressed]*

The Hon. FRANCA ARENA: *[evidence suppressed]*

The Hon. R. S. L. JONES: *[evidence suppressed]*

The Hon. FRANCA ARENA: *[evidence suppressed]*

The Hon. R. S. L. JONES: *[evidence suppressed]*

The Hon. FRANCA ARENA: *[evidence suppressed]*

CHAIR: *[evidence suppressed]*

The Hon. FRANCA ARENA: *[evidence suppressed]*

The Hon. R. S. L. JONES: *[evidence suppressed]*

The Hon. FRANCA ARENA: *[evidence suppressed]*

The Hon. R. S. L. JONES: *[evidence suppressed]*

The Hon. FRANCA ARENA: Excuse me, will you please stop verballing me?

The Hon. R. S. L. JONES: I am asking you a question.

The Hon. FRANCA ARENA: And I am answering you. I said I have absolutely no idea. I think that Justice Wood said, "Undue deference was paid to people in high places which led to the investigation not being pursued." That is what he said in his report: that undue deference was paid to people in high places which mostly led to the investigation not being pursued. *[evidence suppressed]* How much are our children worth? How much, Mr Johnson? You have got grandchildren; they are coming up. Do you think it is important for them to be safe?

CHAIR: Mrs Arena, you cannot ask questions of this Committee.

The Hon. FRANCA ARENA: Fortunately, we still live in a democracy.

Reverend the Hon. F. J. NILE: You have attached a lot of annexures to your statement, and in your speech in Parliament you talked about a cover-up. In your mind, how big a part did this statement from “A” play?

The Hon. FRANCA ARENA: Very little. It was one of the—I mean, how many are there? Thirty-five or something. It is very little. As I said myself, really, it is beyond one's imagination to believe something like that. I mean, my head is sitting on my shoulders; I am not an idiot.

CHAIR: Did you give the Committee in your submission all the material that people sent you?

The Hon. FRANCA ARENA: It is regarding my speech in Parliament. Of course, I did. As my lawyer said, I must tell you, Madam Chair—

CHAIR: To explain why you made the speech in Parliament?

The Hon. FRANCA ARENA: Can I say to you regarding the first question you asked me, to explain to you. I think I was asked to present to Parliament my material. I think it was on a Thursday. By then the stress, the high blood pressure, for which I am taking a lot of medication—I never suffered from high blood pressure in my life, but I am suffering now. I was feeling ill, and I went home. As I got home I started having chest pain and my husband took me to Manly hospital. In Manly hospital, the following day I learned that I was obliged—or I learned that day; I cannot remember things sometimes, to tell you the truth—that I had to present all the documents to Parliament. I was in a terrible state. I got out of hospital because I wanted to be out. The media was all the time in front of the hospital; it was disturbing other patients and things. I said to Joe, "I am going home. The doctor said it is fortunate it is not a heart attack, it is just stress." So we went home. But I was in a bad state; I was under sedation. So Joe rang Peter Karp and said to him, "You have got the 12 boxes, or 11 boxes, is that right, Mr Karp? You have got all these boxes. Could you please select the material?" Because amongst those boxes, of course, there were enormous letters of support—letters which were of no importance to the Committee. People were telling me, "Good on you, Franca", and people were telling me, "I suffered this." So I said we will ask Peter to do the job, because I could not do it. All I could do was get up on the Tuesday morning and come to Parliament. Peter prepared the boxes and presented to Parliament the four folders. So in a way I did not even prepare those four folders. When I had a look, I knew he did the right thing. I am not going to say that—

CHAIR: I am not talking about the four folders. I am asking you about your submission. The Committee gave you a six-week break in order to be able to work on that submission.

The Hon. FRANCA ARENA: It was four weeks, excuse me, Madam Chair, with the Christmas period in between. I want to make that clear.

CHAIR: The Committee gave you a break for you to work on the submission. You sent the Committee a submission. What I am asking you is: did you give the Committee all the material

that you have been sent on the issue, in explanation of why you made the speech, or did you select material to explain why you made the speech?

The Hon. FRANCA ARENA: It is a representative sample.

CHAIR: So you chose certain material to send to the Committee?

The Hon. FRANCA ARENA: All the stuff that was very important for you to have—a representative sample. Some a bit more extreme; some a bit less extreme. *[evidence suppressed]*

CHAIR: So your submission was sent to the Committee to explain why you made the speech?

The Hon. FRANCA ARENA: Exactly.

CHAIR: And you chose material that you felt backed up your submission?

The Hon. FRANCA ARENA: Well, it was representative, from maybe somebody a bit extreme like “A” to something on the scale of others—I just cannot think of the word now, forgive me—like “G” or other people. I just thought: well, they get it. Look at the stuff about “E”. How could Justice Wood say that “E”—he excused him. How could he? I just cannot believe this man. These young people are coming into my office, sitting down and telling me that they have been abused, and nothing happens.

The Hon. R. S. L. JONES: Why did you select the “A” document?

The Hon. FRANCA ARENA: Are we going to speak for the whole day on “A”?

The Hon. R. S. L. JONES: I simply wondered why you selected this particular document.

CHAIR: You wanted a thorough investigation of your claims. The Committee is now asking you questions about your document. Please answer those questions.

The Hon. FRANCA ARENA: I am answering them. I am sorry, Madam Chair. I get carried away a bit, like you. I think in a way we are a bit the same. What was your question?

The Hon. R. S. L. JONES: Why did you select the “A” document as part of your evidence, out of the material available?

The Hon. FRANCA ARENA: Because she came to see me. Apart from getting a paper, she came to see me. I met her on a couple of occasions. I saw her. And despite the fact that her document seemed so incredible to me—

The Hon. R. S. L. JONES: You think she was credible, then?

The Hon. FRANCA ARENA: As her document seemed incredible to me, as it seems to you, when she sat in front of me and spoke to me I found her a lot more credible than her document did. When she told me that her sister had recognised **Judge B**, as she added, and then “**C**” told me, I just thought: well, I will put it in. If they want to meet with her, if they want to see how credible she is, it is up to them. I am not here to say that her material is credible or not credible. *[evidence suppressed]*

CHAIR: You state in paragraph 205 of your main statement, "The victims of sexual abuse I have met and assisted have become some of my best friends." Would you put “**G**” in that category, and how would you describe your relationship with “**G**”?

The Hon. FRANCA ARENA: “**G**” wrote to me—I think it was in January—and asked me to go and meet with him. I spoke about it to my husband. It was not even far away, so we said, "Well, we will go for a drive and meet with him." So we sat there with this young man—I think he was 37 then; in a way he could have been my son—and he started telling me about his life. He was abused by his uncle at age six. He did not have the courage to tell his mother. He was abused until he was 13—

CHAIR: Could you just answer the question?

The Hon. FRANCA ARENA: I think it is important for you to understand. You asked me what is my relationship to “**G**”.

CHAIR: I asked: would you put “**G**” in the category of "some of my best friends".

The Hon. FRANCA ARENA: I think it is very important for me to answer the question in the way I see fit.

CHAIR: Can you answer yes or no?

The Hon. FRANCA ARENA: If you want to ask me a question, I think I am entitled to say to you I do not think this is a court of law; I think it is yes and no. I want to explain to you why I feel a certain affection for “**G**”. Because this man has suffered enormously in his life. I have come to know his mother. His mother had two sons; one had died young and the other is in gaol. She is a woman who has suffered a lot herself. You might find it difficult that a member of Parliament gets involved, but I am involved with some of the victims. There is young “**H**” who was abused by his father. I mean, here they are mostly people, because of my speech, who have been abused by important people. But I can tell you a string of people I know whom I have helped who have written me wonderful letters saying, "You have empowered me to face my abusers, for which I will always be grateful", who have become my friends. So “**G**” is a person who has suffered a lot, who has never been given a chance, a boy of six, which I think is more or less a bit younger than the age of your own son. He was abused by his uncle all those years and he has written a book. *[evidence suppressed]*. He said he wants to change his life.

CHAIR: Can you answer the question? Is he one of your best friends?

The Hon. FRANCA ARENA: I think my lawyer said, rightly, I have answered the question, Madam Chair. I said to you that I have an affection for “G”, that he is a person who has suffered a lot. I have suffered in my life; I recognise suffering. And he has not been given a chance. He was not the son of a judge or an eminent barrister or a member of Parliament. He is a poor bugger, excuse my French, I am sorry, I want to say begger, who has had things stacked against him since he was six because of abuse by his uncle. And now, as you have seen some of his letters—and I am happy to bring the rest—he says to me, "I have got a chance to rehabilitate myself. I want to help people. I am sick of abuse. I hate paedophilia as much as you do."

CHAIR: Could you stick to the questions; otherwise we will be here for weeks because we have a lot of questions to ask you.

The Hon. FRANCA ARENA: I am happy to stay here for weeks, Madam Chair.

CHAIR: You say in annexure 4 of your supplementary statement that you would hope “G” would be like a friend who would "attend your funeral". Is it fair to say that over months you have struck up a friendship with “G”?

The Hon. FRANCA ARENA: I am not denying that. I just told you, I have got an affection for him. So what? Do I have to give an account to this Committee who are my friends and who are my enemies, Madam Chair? I find your question extraordinary. Why? Because he is a prisoner, should I treat him like dirt and not believe him? People who know paedophiles are generally in prison. The ones who know the high ones are sitting somewhere else.

CHAIR: Is “G” a convicted paedophile?

The Hon. FRANCA ARENA: Yes, he is. Of course, like most people who have been abused, they become an abuser. It is a cycle. You know that. You read all the material about paedophilia, and you see that anybody who has been abused, 95 per cent of them become an abuser. That is a tragic cycle.

CHAIR: How many times have you visited “G” in gaol since early 1997?

The Hon. FRANCA ARENA: Once.

CHAIR: How many phone calls have you made to “G”?

The Hon. FRANCA ARENA: Really, this is just ridiculous, but I am going to answer it. I do not know whether you have seen that I have developed a love relationship with “G”. It is just so ridiculous, your question, Madam Chair. But I just want to put it on record. But I do not know how many times. Now he does not answer my return calls because he has been frightened for his safety. And I said it in Parliament, because they are going to knock him off one of these days, do you understand? They are going to knock him off. He knows too much about it. Look at the letter by Mick Clough about him. I am not the only one who visited him in gaol. It was once, and with my husband, I want to tell you. This is just amazing.

CHAIR: A very large part of the submission that you gave to us to justify your speech in Parliament are allegations by “G”, so I am asking questions about your knowledge of “G”.

The Hon. FRANCA ARENA: I do not think so. What about the allegations about “D” and the video which is purported to have been made and the visit of “D”, for instance, to **Hotel A** [*evidence suppressed*]. He lives in [*evidence suppressed*] and books rooms at **Hotel A** all the time. What does he do there? It is not just one thing about one person. It is like a puzzle, all these little pieces and of course you question. I do not know. Maybe “D” books a room to have afternoon tea with his wife. Maybe that is the explanation [*evidence suppressed*].

The Hon. R. S. L. JONES: As you mention that, have you checked with the hotel on whether or not “D” has stayed there?

The Hon. FRANCA ARENA: I am not a policeman or a detective.

The Hon. R. S. L. JONES: But you say he did stay there [*evidence suppressed*]?

The Hon. FRANCA ARENA: [*evidence suppressed*]. Did you see the enclosure?

The Hon. R. S. L. JONES: I read everything you sent.

The Hon. FRANCA ARENA: [*evidence suppressed*]

The Hon. J. R. JOHNSON: Mrs Arena, I have a letter received last night at 6.15 p.m. which states:

HOTEL A

I, “W”, HOTEL MANAGER FOR **HOTEL A** AND RESIDENT OF ... [*evidence suppressed*] ... NEW SOUTH WALES STATE AS FOLLOWS:

"[*evidence suppressed*]"

The person referred to [*evidence suppressed*] is not “D”. Our Guest Recognition Co-ordinator is referring to one of the hotel's interstate guests who stays with us when travelling to Sydney on business. He has been a regular guest at the hotel since ... 1994 and is known to myself and to many of our employees.

I have no record and no knowledge of “D” being a guest at our hotel. I have been employed by **Hotel A** since 2 July 1990 and have been Hotel Manager for **Hotel A** since February 1995."

“W”

The Hon. FRANCA ARENA: What can I say.

The Hon. R. S. L. JONES: You could say you got it wrong.

The Hon. FRANCA ARENA: *[evidence suppressed]*. Let me have a look. *[evidence suppressed]*

CHAIR: *[evidence suppressed]*

The Hon. FRANCA ARENA: This is not about paedophilia. This is about saying that he stays in the hotel.

The Hon. R. S. L. JONES: What about the video?

The Hon. FRANCA ARENA: About the video, exactly.

The Hon. R. S. L. JONES: At the hotel?

The Hon. FRANCA ARENA: At the hotel.

The Hon. R. S. L. JONES: With supposedly “D” involved.

The Hon. FRANCA ARENA: Yes.

The Hon. R. S. L. JONES: But not “D” apparently.

The Hon. FRANCA ARENA: Not “D”.

The Hon. R. S. L. JONES: No. He has never stayed there. Now you believe that there is a video of “D” involved in some paedophile activity at this hotel, that he has been there *[evidence suppressed]*. He is not even the same man. There may not even be a video in existence in any case.

The Hon. FRANCA ARENA: *[evidence suppressed]*

The Hon. R. S. L. JONES: *[evidence suppressed]*

The Hon. FRANCA ARENA: *[evidence suppressed]*

The Hon. R. S. L. JONES: *[evidence suppressed]*

The Hon. FRANCA ARENA: *[evidence suppressed]*

CHAIR: *[evidence suppressed]*

The Hon. FRANCA ARENA: *[evidence suppressed]*

CHAIR: *[evidence suppressed]*

The Hon. FRANCA ARENA: *[evidence suppressed]*

CHAIR: *[evidence suppressed]*

The Hon. FRANCA ARENA: *[evidence suppressed]*

CHAIR: *[evidence suppressed]*

The Hon. FRANCA ARENA: It is up to “D” to answer. I do not think my thoughts and my beliefs are on trial here.

CHAIR: So your previous statements about him going to **Hotel A** and your statements about him being a paedophile are not part of your reasoning?

The Hon. FRANCA ARENA: I must get it again because I get distracted. Could you say it again?

CHAIR: Your previous statements before Mr Johnson pointed out to you that your allegations about “D” going to **Hotel A** for the purposes of paedophilia were in fact wrong because it was the wrong “D”—

The Hon. FRANCA ARENA: Yes.

CHAIR: That has nothing to do with your reasoning?

The Hon. FRANCA ARENA: What I said to you before, allegations were made about some people. One was “D”, somebody else and somebody else. I did not know what to make of it because I am not a policeman or a detective. They caused me concern, anxiety and sleepless nights not being able to talk to anybody about it except maybe my husband and knowing that our lives were even in danger because I know how some of these people behave and what happens to them. I think that I just thought, Well, I am going to put it all in the statement. They can make up their minds. *[evidence suppressed]*

The Hon P. T. PRIMROSE: Just to clarify what you are saying, you saw these allegations being made and there were all sorts of doubts so the appropriate thing for you to do, as I understand, was to make it public so that then it could be all clarified and checked out?

The Hon. FRANCA ARENA: In a way yes, Peter, and I raised my concerns. I did not go to Parliament and say, "Look, “D” has been accused of being a paedophile. He stays at **Hotel A**. “G” said he was in “K”'s book and this happened." *[evidence suppressed]*

The Hon P. T. PRIMROSE: As you say, you are not a policeman?

The Hon. FRANCA ARENA: Exactly.

The Hon P. T. PRIMROSE: So the material comes to you, there are concerns and you raised them in the public to clarify those concerns?

The Hon. FRANCA ARENA: Exactly.

The Hon P. T. PRIMROSE: Would you do it again?

The Hon. FRANCA ARENA: It is a very difficult question, Peter. I have asked myself, seeing the Calvary—I cannot put any other word—that I have gone through. I do not care much about myself but my husband, what he has gone through, poor man. He is not well; he has got cancer. What he has gone through in the last five months I only know and it gives you a feeling of guilt that in my last year—I am going to go off next March—I should go through all this when I could stay there, have long lunches, long dinners and could not care about anything, but you see, Peter, what made me go into Parliament and say I have got concerns—this is not the right thing?—is because the victims came to see me. I had all these people coming to see me saying, "Why hasn't this happened?"

What am I to say as a member of Parliament? We have our responsibility, our duty to these people. I do not know. You asked me what would I do? I most probably would do it again. I would be more cautious in the words I choose. Maybe I would go to a friend now that I have got lawyers. I did not have lawyers. I did not go with my speech and ask, "Could you please check it out and see what I should put in a different way?" Because they are going to look word by word and give special weight to one word than the others. I spoke as we speak in Parliament. Just recently with **Judge C** there has been accusation of him being in a cover-up, a conspiracy between him and "**Z**". Nobody has set up an inquiry.

I made a speech and the next day neither the Premier nor the Leader of the House, Michael Egan, nor the Whip—not one of them came up to me and said, "Listen, Franca. What made you say that last night? Do you want to discuss it? Shall we go through it? Do you want maybe to say that you were wrong or apologise, or this or that. Would you like to discuss it?" Not one of them. I was considered like a leper straightaway. I was hit with a judicial commission, an unprecedented thing, but why so vindictive to me? I have been in the Labor Party 25 years. I have served this party to the best of my ability—some might say not in a good way, but to the best of my abilities. I served the community to the best of my abilities and why did these people come at me with a judicial inquiry, trying to destroy me and my reputation?

CHAIR: Mrs Arena, that was not an answer to the question. Quite seriously, we really are going to be here for weeks and weeks if you keep making speeches. Please try to answer the questions.

Reverend the Hon. F. J. NILE: To clarify what you have been saying, even though you had all these doubts and these allegations were given to you, you still did not raise them in the Parliament? You did not make them public?

The Hon. FRANCA ARENA: Exactly.

Reverend the Hon. F. J. NILE: You only talked about a cover-up, that you felt that there was a cover-up when you could have actually made some of those statements under parliamentary privilege? You were selective or cautious in what you were saying with regard to people's reputations?

The Hon. FRANCA ARENA: Absolutely. I never mentioned **Judge B**, I never mentioned "**D**", I never mentioned "**T**". I did not mention a single name.

The Hon. R. S. L. JONES: You were going to seek leave to table the documents though?

The Hon. FRANCA ARENA: To the members of the upper House?

The Hon. R. S. L. JONES: You were going to seek leave to table all the documents, including the mentions of "**D**", "**J**" and various other high-profile people. If you remember, I said that I was going to deny you leave to do that so that you were not able to do it with all those names in it?

Reverend the Hon. F. J. NILE: Not in that speech.

The Hon. R. S. L. JONES: You were intending to do that?

The Hon. FRANCA ARENA: I think that you and I concocted something, Mr Jones. You are always ready to come to me to concoct something. I cannot remember what we concocted but you said, "Say that you are going to table it because I will deny you leave". You concocted that with me.

The Hon. R. S. L. JONES: I was going to deny you leave and I told you so.

The Hon. FRANCA ARENA: You did tell me, "Pretend to table them and I will deny leave so you don't have to".

The Hon. R. S. L. JONES: I was going to deny you leave if you tried to.

The Hon. FRANCA ARENA: You are playing all these double games and I am not going to stand for it.

CHAIR: Can I ask you not to attack the members of the Committee.

The Hon. FRANCA ARENA: I am not attacking them.

The Hon. C. J. S. LYNN: Franca, you did not present stuff to the Wood royal commission, if I remember rightly. *[evidence suppressed]*

The Hon. FRANCA ARENA: After I spoke about Justice Yeldham I was subpoenaed by Justice Wood to bring all my documents to the royal commission. Well, every time I had documents from

things I either sent them to the police or told people to go to the royal commission. What actually happened then is that I got information that Justice Yeldham had been interviewed by the royal commission. I had a leak that he had been interviewed by the royal commission, so in an interview on radio I said, "I think that some people, important people, are being interviewed outside the commission." Justice Wood, who must have heard the interview, said in a subsequent interview, "Nobody is being interviewed outside the commission." I had different information and it started to worry me that maybe things were not what they appeared to be and so I decided that my best action—having given people advice to go to the commission themselves or giving the material to the police—that I was going to uphold my parliamentary privilege and not go to be answerable to the royal commission.

I also wanted to see what they were going to do about Justice Wood and, if they knew what I knew about Justice Wood, I did not know—sorry, about Justice Yeldham. I am sorry—what was going to happen. I decided to uphold my parliamentary privilege, like with the Nader inquiry. You see, it is true I made the mistake, against my lawyers' advice I must say: they said, "Do not put that in there." I said, "No, if it is going to be deemed constitutional, I am going to go to Nader." *[evidence suppressed]*

The Hon. R. S. L. JONES: *[evidence suppressed]*

The Hon. FRANCA ARENA: *[evidence suppressed]*

The Hon. C. J. S. LYNN: *[evidence suppressed]*

The Hon. FRANCA ARENA: *[evidence suppressed]*

The Hon. C. J. S. LYNN: *[evidence suppressed]*

The Hon. FRANCA ARENA: *[evidence suppressed]*

The Hon. C. J. S. LYNN: *[evidence suppressed]*

The Hon. FRANCA ARENA: *[evidence suppressed]*

The Hon. C. J. S. LYNN: What you are saying is that up until now, up until the information contained in this letter, you were of the belief that they were referring to "D"?

The Hon. FRANCA ARENA: Absolutely. I had never any doubt in my mind, *[evidence suppressed]*.

CHAIR: Mrs Arena, you must know that the name "'D'" is a very, very common name. *[evidence suppressed]*. Did you not even try to check up whether it was "D"?

The Hon. FRANCA ARENA: *[evidence suppressed]*. I cannot imagine—she talks about all the important people, a “D” for example. Why would she mention a “D” from Victoria when she is talking about that if nobody knows?

CHAIR: The reference to “D” does not occur in reference to *[evidence suppressed]* guests.

The Hon. FRANCA ARENA: It does, it does.

CHAIR: It follows a reference to people who smoke *[evidence suppressed]*.

The Hon. FRANCA ARENA: No, no, no. Look at the thing before, "*[evidence suppressed]*"—

CHAIR: *[evidence suppressed]*

The Hon. FRANCA ARENA: Exactly, important people. Who is “D” from Victoria? Who cares about “D” from Victoria? It is obviously a reference to “D”. The letter, I accept it. I mean, I cannot say. I accept it, but people—

CHAIR: Mrs Arena you are saying it is obviously a reference to “D”. Do you still believe it is a reference to “D”?

The Hon. FRANCA ARENA: Sorry?

CHAIR: You said it is obviously “D”.

The Hon. FRANCA ARENA: When I read it I was convinced that it was “D”. The letter said—

CHAIR: Did it not occur to you to check?

The Hon. FRANCA ARENA: I am not a policeman. Madam Chair, I do not think I got through to you. On what authority could I ring **Hotel A** and put the thing in their mind that maybe “D” was having affairs in **Hotel A**. I mean, on what authority could I ring **Hotel A** and say, "Could you give me a list of your guests? Is “D” always coming there?"

CHAIR: Have you checked nothing? Have you checked none of the material that you gave us?

The Hon. FRANCA ARENA: I am not a policeman, I do not check things. People give me material; I see if it credible enough and I do not. No I do not check things in the sense that you mean, as a policeman. I cannot do it. I cannot ring **Hotel A** and pretend to be someone else. If I say I am Franca Arena and I want to know if it is “D”, or another “D”. How do you think they are going to feel? It is going to leak out. It is going to look embarrassing for me and “D”. I am not going to check this sort of thing.

Reverend the Hon. F. J. NILE: They would ring “D” to ask him why you were asking the question.

The Hon. FRANCA ARENA: Exactly.

The Hon. A. B. KELLY: How did *[evidence suppressed]* help you to form your opinion in making that statement?

The Hon. FRANCA ARENA: I think you saw that **Hotel A** and a video was given to me after I made my speech. When I made my speech I did not even know the video existed or that the **Hotel A** *[evidence suppressed]* was there.

The Hon. A. B. KELLY: You have given the Committee this submission and have included that information as justification for making your speech.

The Hon. FRANCA ARENA: Not as a justification: as giving you the material that I have received. *[evidence suppressed]*

The Hon. C. J. S. LYNN: *[evidence suppressed]*

The Hon. FRANCA ARENA: Exactly. I think you have put it exactly: a reasonable person. “D” from Victoria—why would they put a “D” that nobody knows from Victoria who comes there regularly? It was a reasonable assumption. Nobody can deny that.

CHAIR: Do you believe the letter from the manager of **Hotel A**?

The Hon. FRANCA ARENA: I do not know what to believe. I would have to study it and read it and consider it. It is a little bit—I do not know. Unfortunately it is a sad thing of life. I have had people who have come to me to make allegations—say there is a discussion about the meeting—made allegations and then I say to them, "Look, are you prepared to back what you said to me?" "Oh, no, no. Look, I am sorry." *[evidence suppressed]*

The Hon P. T. PRIMROSE: I want to clear up one question about **Hotel A**. Do you believe that a letter signed by the hotel manager for **Hotel A**, “W”, would be credible?

The Hon. FRANCA ARENA: I suppose it is, yes.

CHAIR: I want to get back on track. What do you know of “G”’s past?

The Hon. FRANCA ARENA: I know that he has a lot of convictions. I know that, apart from being abused and becoming an abuser, he has for armed robberies, which he did on behalf of “K”. He was one of “K”’s boys. By the way, “G” was present when arrangements were made about “D”. I mean, one thing and another, I do not know. I know a lot about him. I know he is not a person you would like to invite for dinner, Madam Chair, but at the same time he is a human being

who has suffered a lot. He wants to rehabilitate himself and wants some of the truth to come out because he is sick and tired of people getting away with it.

My husband and I feel that he deserves some credibility, he deserves some respect. Every human being is deserving of respect and if he is prepared to rehabilitate himself, no matter what happens. I know a lot of people in high places and I think one was mentioned last night on television. I will not name him but, you know, respected, full of money, cars—

CHAIR: Will you answer the question?

The Hon. FRANCA ARENA: Yes.

CHAIR: In your paragraph 184 you state that “G” is imprisoned for child sexual assault. Do you think he committed those sexual assaults? Do you think he was wrongfully convicted? Do you have any reservations in placing any reliance upon a convicted paedophile?

The Hon. FRANCA ARENA: I do not know. I have never discussed his criminal record with “G”. He told me what he had done. I did not say, "Did you do it? Did you not do it?" I have no idea. I know that paedophiles know paedophiles, you understand. It is not much use, I am not going to ask Justice Wood if he knows about paedophiles because Justice Wood sits on the bench and he does not know the paedophiles, only as a judge. Of course “G” is a paedophile who is in prison, who speaks to paedophiles. I had wives of wardens, wives of governors of prisons ringing me up and telling me a lot of things. They know.

CHAIR: Do you think that “G” is an honest man?

The Hon. FRANCA ARENA: I think “G” is a person who wants to be—what word did you use?

CHAIR: An honest man.

The Hon. FRANCA ARENA: I think he wants to rehabilitate himself and have an honest future. That is what I believe he does. That is what I believe Mr Ken Buttrum of the juvenile justice believes. *[evidence suppressed]* I think “G” has had a shocking past, of which he is ashamed. He is ashamed, he has told me. He wants to atone for his sins against humanity.

Reverend the Hon. F. J. NILE: Do you believe “G” has anything to gain from making these allegations? In fact, as you said earlier, he could have put his own life at risk within the prison system.

The Hon. FRANCA ARENA: Absolutely none. What was the point? Why did he not make them about “L”? He made them because they were true. After all, it was good enough for Justice Wood to interview him at length. He interviewed him at length. He did not say to him, “G”, go and jump in the lake because we do not believe a thing you say. Your testimony is valueless.” No, Justice Wood interviewed him at length. *[evidence suppressed]*

CHAIR: Following up on the question asked by Reverend Nile, do you believe “G” to be applying for indemnity and early release as a result of information he is supplying?

The Hon. FRANCA ARENA: I think I have seen a letter, and that is the first time I have heard about it. I think I have seen a letter—was it a counsellor? That is the first time I knew. She sent a letter and she asked the Attorney General, I think. Yes, No. 4 and she said, "I am the drug and alcohol counsellor. I understand he applied for the exercise of the royal prerogative of mercy for an early release. I support his application." That is the first time I heard. I cannot even tell you. Maybe “G” told me. Madam Chair, you must understand that the amount of information, the number of people who came to me in the last 18 months, it is terribly difficult to even try to keep all the information. I was trembling at the thought of coming here, not because I have done anything wrong or I feel my conscience—it is just will I remember all the information.

CHAIR: Will you confine your answers to the questions instead of making a speech? Do you believe the claims of a convicted multiple sex offender who pleaded guilty to the sexual assault of a 12-year-old and his intellectually impaired brother?

The Hon. FRANCA ARENA: I think I told you before, “G” has never denied or ever purported to be a person who had no past. He had a terrible past. But you are a person—and I know, because I have often heard you—who believes in rehabilitation. Are we to throw a human being in the gutter because he has had a terrible past? He was abused from age six until he was 13.

CHAIR: Have you considered the risk that “G” is misleading you?

The Hon. FRANCA ARENA: I am a fair judge of people. It is not only me who knows “G”; Lisa Carty, who is a journalist from down south—

Reverend the Hon. F. J. NILE: With the *Illawarra Mercury*.

The Hon. FRANCA ARENA: The *Illawarra Mercury*, and her husband is a policeman. She is a very good person. I have been in touch with Lisa many times. I know she has visited “G” at Berrima a couple of times [*evidence suppressed*]. So he has done his good part for society as well. He wants desperately to change. Why shouldn't we give him a chance?

The Hon. R. S. L. JONES: In a pre-sentence report dated 7 September 1980, probation officer “M” stated, amongst other things, "he has proven himself to be an inveterate liar". He said in his assessment:

The offender presents as a young man whose homosexuality is deeply ingrained. He seems to be highly unstable emotionally and has no regard for the truth. His romantic fantasies and deceitful habits suggest the need for psychiatric assistance in an attempt to assist him to adjust to an acceptable standard of behaviour when free to return to the community.

In a pre-release report dated 12 June 1984, resident probation and parole officer “N”, stated:

A perusal of Service records indicates a degree of duplicity on the prisoner's part in dealings with this Service prior to his arrest . . . [He has] earned the label of manipulative and devious.

He said in his assessment:

An articulate and intelligent young man, Mr G has shown that he can be cunningly deceptive at times.

“O”, psychologist, stated, in a report of the Classification Committee dated 8 January 1981:

It is difficult to distinguish reality from fantasy in Mr G's version of his exploits—he appears to have a personality disorder which leads him to embellish the facts to show himself in a more favourable light . . .

Mr G also displayed evidence of personality disturbance on a neuropsychiatric scale adding weight to clinical impressions. His affect was inappropriately light-hearted on both occasions.

The Hon. FRANCA ARENA: How could I be aware?

The Hon. R. S. L. JONES: You may have had these documents. You may have bothered to check out what sort of person he was before you believed in him.

The Hon. FRANCA ARENA: When were those reports dated?

The Hon. R. S. L. JONES: They are dated 1984, 1981—

The Hon. FRANCA ARENA: That is 15 years ago. People change. Why did Wood call him? Why did Wood think he was a credible witness? The very fact that he went to Wood, that I read all the transcript, I thought, "If it is good enough for Justice Wood it is good enough for me."

The Hon. R. S. L. JONES: You think he is believable, do you not?

The Hon. FRANCA ARENA: Have you changed in the last 15 years, Mr Jones?

The Hon. R. S. L. JONES: Not in my credibility, no, nor in my psychiatric situation.

The Hon. FRANCA ARENA: That is debatable.

CHAIR: Will you please keep your remarks reasonably formal?

The Hon. FRANCA ARENA: Yes, of course.

CHAIR: Do you trust and believe everything “G” says to you?

The Hon. FRANCA ARENA: I always take everything—even Mr Jones when he tells me to concoct stories for the Parliament—with a grain of salt.

The Hon. R. S. L. JONES: I did not concoct anything. I ask you to withdraw it.

The Hon. FRANCA ARENA: I always take things with a grain of salt.

CHAIR: Would you trust and believe “G” in preference to Mr Carr, Mr Wood and Mr Collins?

The Hon. FRANCA ARENA: I think that is a very silly question, Madam Chair, if you will excuse me. I believe you have the same kind of philosophy in your life. I do not believe just because they are sitting on the bench, or have the premiership of this State—I have seen mafia people running Italy, and the Prime Minister is now in gaol, so what does it matter how far people have got? Because somebody is a poor bastard who has been kicked in the shins all his life should I discount what he says [*evidence suppressed*].

CHAIR: On any matter in which there are conflicting recollections or versions of events, you say you might trust and believe “G” in preference to those three people?

The Hon. FRANCA ARENA: I did not say that. Please do not verbal me.

CHAIR: I am asking you.

The Hon. FRANCA ARENA: I just told you that my philosophy in life is to take people at face value. The fact that they sit on the Supreme Court bench or they are sitting in the premiership or in the Prime Ministership chair, I do not necessarily think that they are good people. We have seen what Clinton is doing in America with his girlfriends, and the reputation of some of these great leaders. [*evidence suppressed*]

CHAIR: Whom do you trust most, “G” or “D”?

The Hon. FRANCA ARENA: I do not trust either or both of them.

CHAIR: Do you believe “D”’s name is in “K”’s "worn green telephone-address book"? If “D”’s name is not in that notebook, what effect does this have on any trust you have placed in the reliability of “G”?

The Hon. FRANCA ARENA: “G” told me, but I have also been told by a senior policeman that it is very easy to get the name off. He said, "Mrs Arena, don't be surprised if the name is not there any more." I imagine you are going to tell me that “G”’s name is not there. Can you believe that the name disappeared—

CHAIR: I am talking about “D”’s name, not “G”’s name.

The Hon. FRANCA ARENA: —that the “D” at **Hotel A** is not the “D” that we thought, that it was a “D” from Victoria. I accept it if you tell me the name is not there, but please accept what a senior policeman told me: that names disappear.

The Hon. R. S. L. JONES: Who was the policeman?

The Hon. FRANCA ARENA: I am sorry, Mr Jones, I am not going to tell you who it was.

The Hon. R. S. L. JONES: Then how can we believe it?

The Hon. FRANCA ARENA: Take my word for it.

The Hon. R. S. L. JONES: How can we? If you believe in the “A” story, how can we believe you on anything?

The Hon. FRANCA ARENA: I never said I believed it, I said I looked at it and it caused me sleepless nights. Did I say that I believed it?

The Hon. R. S. L. JONES: It was enough to cause you sleepless nights. It would not cause me one sleepless night if I read that rubbish.

The Hon. FRANCA ARENA: Just as well the world is made of different people, Mr Jones.

The Hon. R. S. L. JONES: Some people will believe anything.

CHAIR: Is there any reason for you to hide the name of the senior policeman.

The Hon. FRANCA ARENA: Yes, absolutely. He is a serving policeman, and there are problems for serving policemen.

The Hon P. T. PRIMROSE: A serving policeman is making a suggestion of illegality.

Reverend the Hon. F. J. NILE: He did not make the allegation; he said that names in other places at other times and in other documents were removed.

The Hon. FRANCA ARENA: Exactly. He did not say it disappeared from that.

CHAIR: Why can you not name him?

The Hon. FRANCA ARENA: I have said over and over again that I never reveal my sources, and I will stick to that.

The Hon. J. R. JOHNSON: A few moments ago you said that the senior policeman said to you, "Do not be surprised if the name disappears from the diary."

The Hon. FRANCA ARENA: If names disappear, if witnesses—

The Hon. J. R. JOHNSON: No, from the diary; that is what the transcript will show.

The Hon. FRANCA ARENA: From the diary, okay, because we were discussing that.

The Hon. J. R. JOHNSON: We have been assured and we have documentation which shows that the name is not there either as “D” or as “Pseudonym D”. Do you accept that?

The Hon. FRANCA ARENA: I accept it, but it does not necessarily mean that there could not be.

The Hon. J. R. JOHNSON: There could not be?

The Hon. FRANCA ARENA: It could not be that the name has been taken off.

The Hon. J. R. JOHNSON: You think the name might have been taken off?

The Hon. FRANCA ARENA: I do not know.

The Hon. J. R. JOHNSON: Do you think it was there?

The Hon. FRANCA ARENA: I think if “G”—

The Hon. R. S. L. JONES: “G” told you it was there, therefore you believed it; you are sure it was there?

The Hon. J. R. JOHNSON: We had that advice from the Police Integrity Commission: the name is not there.

The Hon. FRANCA ARENA: I believe them, but things do disappear, documents are doctored. I do not know. In my mind I say, "Should I believe it or shouldn't I believe it?" Why would “G” say that the name of “D” was in the book. He was present when a phone call was made—and I think it is in his statutory declaration, but he certainly told me—when arrangements were made between the boys.

The Hon. J. R. JOHNSON: Documents were read to you a short time ago by the Hon. R. S. L. Jones from various probation officers.

The Hon. FRANCA ARENA: That was 15 years ago, Mr Jones.

CHAIR: They are not all from that long ago. You will be provided with the dates later.

The Hon. FRANCA ARENA: I do not know why Justice Wood called him and said, "We will call you back." There are some discrepancies here, and they are discrepancies that have worried the daylight out of me all the time. If “G” wanted to invent something, why didn't he say he found the name of “P” in the book? It would have been more important.

The Hon. R. S. L. JONES: He mentioned “J”, did he not? What do you believe about his comment relating to “J”? Do you believe it is credible that “J” is also a paedophile?

The Hon. FRANCA ARENA: I have no idea. *[evidence suppressed]*

Reverend the Hon. F. J. NILE: *[evidence suppressed]*

The Hon. FRANCA ARENA: *[evidence suppressed]*

Reverend the Hon. F. J. NILE: *[evidence suppressed]*

The Hon. FRANCA ARENA: *[evidence suppressed]*

CHAIR: *[evidence suppressed]*

The Hon. FRANCA ARENA: *[evidence suppressed]*

CHAIR: *[evidence suppressed]*

The Hon. FRANCA ARENA: *[evidence suppressed]*

CHAIR: If “D”’s name is not in “K”’s notebook, what reasons do you think “G” had for alleging that it was?

The Hon. FRANCA ARENA: Absolutely none. I cannot imagine why “G” would have had any reason. Absolutely none. As I said, if it had been, and he was present when arrangements were made between “Pseudonym D”, as he called him, and you know, for “K”. He said he was present. I do not know what reason he had. I have no idea. And I do not know whether these arrangements were made, whether “D” is a paedophile, whether “D” is called “Pseudonym D”, whether he is gay or not gay, I can only tell you I discussed it with “Q”. I said to him, ““Q”, everybody is talking.”

CHAIR: Is one possibility that “G” was lying?

The Hon. FRANCA ARENA: Everything is possible. It is possible that “D” is the “D” in Hotel A. It is possible that “D” is “Pseudonym D”. It is possible that “G” is lying. Everything is possible. Everything is possible. I do not know, I am not a policeman.

CHAIR: Do you believe “G”’s claim in annexure three of your supplementary statement that *[evidence suppressed]* “J” was involved in “K”’s Costello network in a "peripheral sense"?

The Hon. FRANCA ARENA: I have no idea. I am not a policeman, *[evidence suppressed]*

CHAIR: As I have said before, you are not asking us questions.

The Hon. FRANCA ARENA: Ah, well, it is a democracy.

CHAIR: Can you answer that question?

The Hon. FRANCA ARENA: Yes.

CHAIR: Whether you believe his claims about “J”?

The Hon. FRANCA ARENA: I have absolutely no idea. I am not a policeman. I have no idea. I was not there. I do not know. Let “AA” inquire into it. I just do not know.

CHAIR: Are you aware that “G” has withdrawn his allegations in relation to “D”?

The Hon. FRANCA ARENA: No, I am not aware of it. When did that happen? He did not tell me. I have no idea.

CHAIR: If he had withdrawn his allegations, would you have expected him to tell you?

The Hon. FRANCA ARENA: Well, I do not know. He gave a statutory declaration to my lawyer at your expense, at the expense of the Committee only a week ago, was it not? When was it? We sent a lawyer out there to take a statutory declaration. Now, when did that happen? I do not know.

CHAIR: Has that statutory declaration been signed?

The Hon. FRANCA ARENA: I think that it was sent. It has been sent but it has not been returned. Everything is open, as you have seen, even Mr Mick Clough said, the fellow, if he rings me, he rings me, and I had permission from the Minister for Corrective Services, the thing is monitored. Everything is just done to squash every possibility, if there is any truth, to come out. If there is any truth, I do not know.

CHAIR: What reasons has he given for not signing the statutory declaration that he supplied to you?

The Hon. FRANCA ARENA: We sent a lawyer up there. He took the statutory declaration. The lawyer brought all the material. The material had to be typed into the statutory declaration. Mr Peter Karp here knew that “G” was in Silverwater. He rang the governor of Silverwater and said, "I have a statutory declaration that “G” needs to sign. Can I come to see him next Monday?" He said, "Yes, you can come next Monday." "Is 11 o'clock okay? Can I see the prisoner?" Is that right Mr Karp? Yes.

So, “G” rings me up on Sunday night because he had made representation to me to say that he wanted direct transfer from Junee to Wollongong. Instead he had to go from Junee to Goulburn, from Goulburn to Silverwater and he was afraid for his safety. So I wrote to the Minister, but nothing happened. He still went through the whole rigmarole. So, Sunday night he rang me up, reversed charges, and he said, "I want to tell you I'm back in Junee and I'm safe." I said, "Good, I'm glad. Bye, bye." Next morning when Mr Karp rang me and said, "I'm going to Silverwater to see “G” to sign the declaration", I said, "He's not there." He said, "It's not possible. I spoke to the governor." I said, "Well, they're having you on Peter. He's in Junee and he rang me last night

and reversed charges from June." So Mr Karp had to send the stuff by mail and it hasn't returned yet.

CHAIR: When was it sent by mail? Can Mr Karp inform me of that? Was it some weeks ago?

Mr KARP: Yes.

The Hon. FRANCA ARENA: Some weeks ago? It was a week ago.

CHAIR: Are you aware when police officers interviewed "G" at the Bathurst Correctional Centre he admitted that he was wrong and mistaken in relation to his allegations about "D"?

The Hon. FRANCA ARENA: No, I am not aware of that.

CHAIR: Are you aware that the police integrity commissioner, Judge Urquhart, QC, and Commissioner Ryan have advised that there is no mention of the name "D" or "Pseudonym D" in "K"'s worn green telephone book and that in nine royal commission interviews with "G" the prisoner made no mention of the name "D" or "Pseudonym D"?

The Hon. FRANCA ARENA: No, I am not aware. Nobody has informed me of anything.

CHAIR: I would like to hand you letters from Judge Urquhart and commissioner Ryan and I ask that the contents of both be included in the transcript at this point.

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Addendum 1

Letter, dated 3 February 1998, from Judge Urquhart to Commissioner Ryan.

Addendum 2

Letter, dated 4 February 1998, from Commissioner Ryan to **Solicitor R**, Solicitors.

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The Hon. FRANCA ARENA: May we have a copy of the **Hotel A** letter for me to have a look as well?

CHAIR: Yes. Did you tell Parliament on 21 October that you trusted the integrity of the police commissioner?

The Hon. FRANCA ARENA: Yes. I still do.

CHAIR: Did you say on radio 2GB on 13 November last year that Commissioner Ryan was a good and trustworthy man?

The Hon. FRANCA ARENA: I still do.

CHAIR: Do you believe statements made by Commissioner Ryan regarding the “G” allegation?

The Hon. FRANCA ARENA: Absolutely.

CHAIR: Are you aware of a Probation and Parole Service pre-sentence report contained in “G”’s corrective services file describes him as an "inveterate liar, highly unstable emotionally and whose romantic fantasies and deceitful habits suggest the need for psychiatric assistance"?

The Hon. FRANCA ARENA: I have no idea. Nobody has ever given me those reports.

Reverend the Hon. F. J. NILE: Are they not confidential?

The Hon. FRANCA ARENA: Exactly.

CHAIR: In paragraph seven of your supplementary submission you say that you are concerned about the treatment afforded to “G”, including his transfer from Kirkconnell to Junee. Are you aware that the reason for this transfer was that “G” was harassing and attempting to coerce an inmate of whom he had been found guilty molesting in 1989 when that inmate was 15 years old?

The Hon. FRANCA ARENA: I think this was raised with me by the Minister for Corrective Services when I protested to him in a letter. The Minister said that. I put it to “G”. He denied it. I might be able to find the letters, but he denied it entirely.

The Hon. R. S. L. JONES: Did you believe that denial?

The Hon. FRANCA ARENA: I do not know what to believe. I am just telling you what he did. He denied it.

CHAIR: But in statements you have said that he was being deliberately moved around?

The Hon. FRANCA ARENA: Well, he was in a low-security prison, like Goulburn Afforestation Camp. From there he was sent to Goulburn gaol, which is high security. From there he was moved to Junee. He actually contacted Mr Clough and Mick went to see him, and I think his letter says a lot. Mick didn't know much about him, but you can see from his letter even Mr Clough was concerned. What can I say to you?

The Hon. C. J. S. LYNN: In your mind what was the reason “G” was being moved around the prison system?

The Hon. FRANCA ARENA: I think it is to unsettle him. He is definitely a very emotional type of person. He says to me that the best way to get at him is to do this sort of thing and he feels that what he had to say is very, well, it is a bombshell if it was true and he believes it to be true and they are trying to do away with him.

CHAIR: But he has just withdrawn those allegations.

The Hon. FRANCA ARENA: Well, I do not know. When did that happen? In a letter that he has withdrawn the allegation? I have not seen it. What is it? I spoke to him only a few days ago. I do not know.

CHAIR: It is a statement to the police.

The Hon. FRANCA ARENA: The point is that when I made my speech in Parliament I had concern, I think that is the basic point, about Mr Carr not having a full paedophile inquiry, Mr Wood giving information about the age of consent, never bothering to inform the community that this problem of paedophilia should have been dealt with at that point in time and saying, "Look, I can't do it. After 2½ years I've had enough, but this is a terrible problem. As a judge, as a citizen, as a father I feel that something needs to be done." It was my duty to express a concern to Parliament, and that is what I did.

The Hon. C. J. S. LYNN: Has "G" ever indicated to you that he has been under any pressure within the prison system since you made your statement?

The Hon. FRANCA ARENA: Well, I think that he thinks that all these transfers are due to the fact that they know what he said. He said to me he thinks that all these transfers are due to the fact that he has told about "Pseudonym D", about "D" and all that. That is what he thinks. At least that is what he told me. The harassment.

The Hon. C. J. S. LYNN: So he thinks the system is harassing him rather than any particular individual in the prison system?

The Hon. FRANCA ARENA: I cannot say he said it in so many words because you must understand his calls are monitored and his letters are opened. So, he is very careful in what he says, but what he has conveyed to me, that is the best way I can put it, is that they are after him because he has told about "D" and the rest and so they are after him and this is why I went to the Parliament and said, "I am—" You know it is easy to do away with people in the prison system. Maybe he was exaggerating, but, you know, I just thought what about if one morning I got up and read in the paper that "G" was killed in one of those prison vans when recently he was transferred.

CHAIR: Could you answer the question?

The Hon. C. J. S. LYNN: In your view would it help this Committee in its inquiries if it was to call "G"?

The Hon. FRANCA ARENA: I think it would. I think you could make an opinion of him. I think you could form an opinion. Madam Chair, if he has retracted everything, do you have a document in which he says he has retracted?

CHAIR: It is coming.

The Hon. FRANCA ARENA: It is coming. I would really like to see it. What is said to me about things he said, as you have seen from the statutory declaration, to Kerry Chikarovski and to Lisa Carty. I am not the only person he gave this information.

The Hon. A. B. KELLY: Did Kerry Chikarovski go there as well?

The Hon. FRANCA ARENA: I beg your pardon?

The Hon. A. B. KELLY: Did they both go there to see him?

The Hon. FRANCA ARENA: I think Kerry went as well.

CHAIR: Did he deny to you that he had been harassing and coercing the inmate he had been found guilty of molesting previously?

The Hon. FRANCA ARENA: Yes.

CHAIR: He denied that to you?

The Hon. FRANCA ARENA: He denied that, yes.

CHAIR: When you put that to him?

The Hon. FRANCA ARENA: Yes, he said. I honestly cannot remember. I am going to have a look if he wrote to me, but he said it was a completely different reason.

CHAIR: Are you aware that in a summing-up the judge in his 1996 case revealed that the boys "G" sexually assaulted and their parents were relocated by the Department of Housing as a result of harassment over these offences?

The Hon. FRANCA ARENA: No, I was not aware of that.

CHAIR: Are you aware that "G" now aged 38 has been sentenced to a total of 25 years gaol for a range of offences, including demanding money with menaces and a significant number of child sexual assault charges?

The Hon. FRANCA ARENA: He told me all about his past. I actually never inquired what he has got to serve because it is something I learned when I was on the Women's Advisory Council and we visited a women's prison: you never ask how long they are going to stay. But he has never

pretended to be anything else but a criminal. He has not said to me, "Franca and Joe" when we went to see him, "I'm a very nice person, you should help me." He said, "I'm a bastard. I've done everything wrong in my life that could have been done. But I was abused at age six. I was never given a chance Franca and I want to rehabilitate myself." I am prepared to listen to a person like that.

CHAIR: And to believe him?

The Hon. FRANCA ARENA: Did I believe him?

CHAIR: And to believe him?

The Hon. FRANCA ARENA: With a grain of salt; I have always said, "with a grain of salt".

CHAIR: And repeat what he said?

The Hon. FRANCA ARENA: I have not repeated it to anybody. I have not gone around and said that "G" is, you know, I did not make any allegation to anybody. They are very heavy secrets that have weighed on my mind and on my conscious for months and months and months. To think, my God, what is this, why have I got to have all these responsibilities? It is a terrible responsibility.

Reverend the Hon. F. J. NILE: Why do you think "G" has withdrawn his allegation or will not sign the affidavit?

The Hon. FRANCA ARENA: I have no idea.

Reverend the Hon. F. J. NILE: Could he be under threat in prison, or intimidation?

The Hon. FRANCA ARENA: It could be, it could be anything Fred. I just do not know. It would be so nice to think that people are honourable, that they do not do anything and everything to survive or that they subvert the course of justice. I would like to believe that we live in a society where that happens but we all know that it is not like that. It is really difficult. I am not prepared here or anywhere to say that the word of somebody who wants to rehabilitate himself, even though he had a very bad past, which he always confessed to, is worthless. I am not prepared to do it now. They know, they have been in the system and they know how the system works. I can imagine that if some of the allegations are true, that things happened in the past, people have changed when they got an important position; they go into denial and they think that it never happened. We have not seen that before.

The Hon. J. R. JOHNSON: Mrs Arena, no doubt you will recall that when the Premier came to the caucus with the terms of reference that you and certain other members were not happy with those terms of reference?

The Hon. FRANCA ARENA: Yes.

The Hon. J. R. JOHNSON: Indeed a subsequent meeting of the caucus was held?

The Hon. FRANCA ARENA: Yes.

The Hon. J. R. JOHNSON: The Premier presented a new document. I think you and others spoke and you appeared to be happy with the terms of reference?

The Hon. FRANCA ARENA: Yes, but you see, what happened was, I actually—

The Hon. J. R. JOHNSON: There was no objection to them?

The Hon. FRANCA ARENA: Can I go on?

The Hon. J. R. JOHNSON: Yes.

The Hon. FRANCA ARENA: I think I was called to the Premier's office. I had prepared a motion and I was called down to the Premier's office. Bob spoke to me. He said, "Look, I think the first thing we have to put is that we reaffirm our belief in the royal commission." He had actually drafted it and he said, "These are better than yours, they are more extensive." He bamboozled me, as he is very capable of doing, and I said, "Well, okay, we go to caucus with these terms of reference and we speak to it."

I tell you honestly that I might be making some mistake, because there are so many things in my mind, but the bottom line was that after we finished the meeting of caucus with this motion being passed we went upstairs. I was there about half an hour and the phone rang. AAP, being the Australian Associated Press, rang me and said to me, "What kind of terms of reference did you pass in caucus that you are so happy about?" I said, "Why?" He said, "Well, the Premier has just issued this stuff; it is completely contrary and so restrictive." I said, "What is it?" I went downstairs and got his press release and had a look at it. I thought that this is not going to get us anywhere, so I went to see Bill Beckroge and asked what was the caucus rule to have an extra meeting. He told me 20 signatures.

We went around and got 20 signatures and had a meeting the next day. This was to make sure that the royal commission looked at all aspects of paedophilia. How many votes did I get? Only 12 out of caucus, because the Premier, you know only too well—maybe the Liberal members and Mr Jones do not know, but the Labor members here know.

CHAIR: Mrs Arena!

The Hon. FRANCA ARENA: I am sorry. They know how the Labor caucus works. I suppose the Liberal caucus works like that as well. Mr Duncan would know whether the National caucus works like that.

CHAIR: Mrs Arena, could you please understand that there is no way that the Committee will get through this material unless you can answer the questions and not make speeches. The Committee will take a break now for a short deliberative meeting and lunch.

(Luncheon adjournment)

The Hon. FRANCA ARENA: My solicitor, Peter Karp, spoke to “G” during the lunch break, asking him why he had not signed the statement sent to him by Peter Karp, McCabes, a couple of weeks ago. “G” told Peter Karp that he had not received the statement but he was still willing to sign it.

Reverend the Hon. F. J. NILE: He has not withdrawn, in other words.

The Hon. FRANCA ARENA: No.

The Hon. R. S. L. JONES: And the statement either yet.

The Hon. FRANCA ARENA: No, but we know what he said. He has not received it.

The Hon. R. S. L. JONES: The statement was obviously written for him to sign, is that right?

The Hon. FRANCA ARENA: It was an interview for two days by Jon Springthorpe.

Reverend the Hon. F. J. NILE: So that would be typed up for him to sign.

The Hon. FRANCA ARENA: Yes. They did not invent the statement. It is the thing he told them. They only write it down.

The Hon. R. S. L. JONES: But he may not be aware of things in the statement that he said then which he has now changed his mind on.

The Hon. FRANCA ARENA: He may or may not. Everything is possible, Mr Jones.

The Hon. J. R. JOHNSON: And it was sent about a fortnight ago?

The Hon. FRANCA ARENA: It was sent about a fortnight ago and he has not received it. It must have been stopped by the governor. He will get it couriered to the governor himself today and ask him to please give it to the prisoner to be signed.

Reverend the Hon. F. J. NILE: You are saying that he has not withdrawn the allegations. That is a key point.

CHAIR: They are not the allegations that we said were withdrawn.

Reverend the Hon. F. J. NILE: That he was going to withdraw his statement.

CHAIR: No. The statement that he made to us and which was drawn up by the solicitors, all I asked was why it had not been signed. There were no allegations that that had been withdrawn.

Reverend the Hon. F. J. NILE: You quoted him. You said that police officers had interviewed him and he was now withdrawing his allegations.

CHAIR: That was his allegation specifically about the name of “D” and “Pseudonym D” being in the book. That is totally separate.

Reverend the Hon. F. J. NILE: That is all he has withdrawn.

CHAIR: Yes. I was just asking why it had not been signed.

The Hon. FRANCA ARENA: We just felt that maybe it would be advisable to interview him because looking at the letter of Mr Ryan, the commissioner, he is saying, "My officer has subsequently interviewed “G”." I suppose things get from one person to another. It might be better for you, Madam Chair, to get “G” here. We were also wondering during the lunch break why Mr Ryan had not come to see you as scheduled. We had all put the day apart last Monday.

CHAIR: Mrs Arena, the Committee's deliberations are in secret. We deliberated in secret and made decisions, so it is not really your position to query those deliberations.

The Hon. FRANCA ARENA: Madam Chair, believe me, with all respect, I was not trying to find out your deliberations. I thought I understood that Mr Ryan had cancelled. I was actually asking whether it is proper or improper. Please tell me and I am happy to accept your word.

CHAIR: It is improper for you to ask us about our deliberations.

The Hon. FRANCA ARENA: It was not a deliberation; it was whether Mr Ryan had decided to come.

CHAIR: Mrs Arena, I have warned you. It is improper for you to ask us about our deliberations.

The Hon. FRANCA ARENA: Sorry, Madam Chair.

CHAIR: Is everyone clear that the only thing we asked earlier was whether there was a problem with “G” as he had not signed his statement? It has nothing to do with the withdrawn allegation; it is just his statement.

The Hon. FRANCA ARENA: But “G”'s statement has those allegations in it.

The Hon. R. S. L. JONES: It has the allegations about “Pseudonym D” and “D” and “J” in that statement. When was that statement taken?

The Hon. FRANCA ARENA: Two weeks ago—about mid February.

The Hon. R. S. L. JONES: It must be more than that.

CHAIR: Obviously at some stage the Committee will have to make decisions about who they believe.

Reverend the Hon. F. J. NILE: I think we will have to question him.

CHAIR: No, which statement of his we believe.

The Hon. FRANCA ARENA: But in fact it is important for you to deliberate whether you believe I sincerely and honestly believed when I made my speech in Parliament. Whether what he said is true or not was not for me to decide, Madam Chair.

CHAIR: You have made that clear. I shall continue with my questions. In your statement you say, "All these matters that I have set out above were known to me at the time I delivered my speech on 17 September 1997." You say that in paragraph 74. However, you now state in respect of the information concerning "D" in paragraph 65 that it was given to you in October 1997, after you had made your speech on 17 September 1997 and on 8 October 1997 you had a conversation with "C" regarding this matter. That is in paragraph 2 of the supplementary submission.

The Hon. FRANCA ARENA: I have made an honest mistake, and when I realised it we corrected it in the supplementary thing. You must understand, with all the things that happened, that it is easy to make an honest mistake. When I realised it we corrected it. After all, Justice Urquhart went to the Nader inquiry and said that all the evidence was taken in public and then had to go back and admit that one about the judge was taken in private. I accept his mistake and I hope you will accept mine because sometimes—

The Hon. J. R. JOHNSON: Which is yours?

The Hon. FRANCA ARENA: The fact that I said that all the stuff above I knew when I gave my statement. The fact about the video and the thing, I only knew after. I am sorry, it was an honest mistake. When we did the supplementary I corrected it.

CHAIR: The facts list, A10, is dated 18 January 1998. The note from "C" does not bear a date when she sent it to you. When did you receive this document? It is annexure 10 of the main submission.

The Hon. FRANCA ARENA: This material, it is a later version. I think I said it in my—"C" had given me all this information well before my speech. Then when I said to her that I could not remember or could not find something she amplified. This was 5 October dated to the 21st, updated to 18 January. She actually had given me well before 5 October.

CHAIR: So you do not have an exact date when you received the document from "C".

The Hon. FRANCA ARENA: No, but I have been in contact with “C”. If you look at my submission on page 15 I said “C” subsequently updated the submission. “C” and I were in contact constantly since the Yeldham affair. She contacted me and we were in constant contact. She would give me information as it was coming on. In the beginning I used to just take the information and then as time went on I had to say, "Look, “C”, please put it in writing." She updated the material continuously.

CHAIR: But you do not date material when it comes to you.

The Hon. FRANCA ARENA: Sometimes I do. If you had been deluged—there is no other word for it—and 11 boxes which are still there of material I have with letters. I have always answered every single letter, whether it was for or hostile or whether it was with information or just said, "Good on you Franca". I have answered every single letter. So we were absolutely deluged with material.

CHAIR: Supplementary submission annexure 1, which is the note from “C” in respect of the information given by “S”, does not bear a date as to when you received that document. When did you receive that document?

The Hon. FRANCA ARENA: I received it after I had made my speech. That is a mistake I made in which I said in my first submission all the material had, and then I cannot remember whether I spoke to “C”. I said I actually received the material about the tape and **Hotel A** after I had made my speech.

CHAIR: Were you told it before you made the speech?

The Hon. FRANCA ARENA: No. I do not think so, no.

CHAIR: Was that document part of the material which you tabled in Parliament and which was in the four volumes?

The Hon. FRANCA ARENA: My solicitor does not think so. As I told you, in fact the four volumes were prepared by my solicitor. I was very ill at the time.

CHAIR: Why was it not in the—?

The Hon. FRANCA ARENA: Maybe we had not received it yet. I could not tell you.

CHAIR: When was the information in that sheet first given to the police?

The Hon. FRANCA ARENA: I think as soon as I received it, or after the box. I could not tell you. I really could not tell you.

CHAIR: You have no records of when you send material to the police?

The Hon. FRANCA ARENA: Well, it would have gone to the police. After all, this would have been received in, say, October. I think she put the date 5 October 1997. If it was not in the boxes—and I am not sure whether it was or was not; I cannot honestly recall, and I would not like to say one thing or another—it would have gone to the police soon afterwards, all with our permission.

CHAIR: It would have been sent by you to the police?

The Hon. FRANCA ARENA: Well, I am not sure, Madam Chair. Honestly, I am not sure. Because I think “C” told me that she gave it to the police. Sometimes I have not forwarded stuff to the police when people told me that the police already had the material.

CHAIR: You did say earlier that you sent all your material to the police?

The Hon. FRANCA ARENA: Yes, but if they had already sent it, I could not see the point in sending it again. I mean, depending on the person. I know “C”, *[evidence suppressed]*, is in constant contact with the police as well. *[evidence suppressed]*. She has actually sent me some material only yesterday or the day before which I have not even had the time to look at.

CHAIR: So you do not know whether you sent it to the police?

The Hon. FRANCA ARENA: I cannot remember. I would have to check my records, Madam Chair.

CHAIR: Have you taken any steps to find out who the private detective is?

The Hon. FRANCA ARENA: Absolutely none.

CHAIR: You do not know?

The Hon. FRANCA ARENA: I do not know. With all due respect to you, I understand you must ask me the question, but I am not a policeman. I can hardly cope with the stuff that arrives on my desk, and I have to put it on to one policeman. How could I possibly—?

CHAIR: Why did you not ask “C”?

The Hon. FRANCA ARENA: I just spoke to her about it.

CHAIR: You never asked her who the private detective was?

The Hon. FRANCA ARENA: I spoke to her about the video, and I said I cannot believe that this video could be there. She said, "I believe it." She said, "I spoke to “S” about it, and he said it was." I said, "Can I have a copy?" They said, "No, I can't give it to you."

The Hon. C. J. S. LYNN: Do you know whether “C” knows the name of the “T apparatchik” that she speaks about?

The Hon. FRANCA ARENA: I did not even ask her. I do not want to know certain things. I mean, we are going in very dangerous grounds. I just said, “Look, I’ll just put it here. You make what you want of it.” *[evidence suppressed]*, and I just— This is very very nasty stuff, if it is true.

The Hon. C. J. S. LYNN: *[evidence suppressed]*

The Hon. FRANCA ARENA: *[evidence suppressed]*

The Hon. C. J. S. LYNN: *[evidence suppressed]*

The Hon. FRANCA ARENA: *[evidence suppressed]*

CHAIR: Did you take any steps at all to find out who the “T apparatchik” was?

The Hon. FRANCA ARENA: I have. I repeat, I am not a detective. Look, it is hard for anybody to believe that “D” would be so foolish to go to **Hotel A** and have sex with young boys. I told “S” I did not believe it. I did tell him that. He said, “Well, don’t believe the video exists. It will come out.” What can one say? I just thought, even if “D” was so foolish to have sex with young boys, he would not go to **Hotel A**. It just does not make sense, does it?

The Hon. R. S. L. JONES: You are now aware, are you not, that he did not actually stay in that hotel, because there was never a booking for him at that time?

The Hon. FRANCA ARENA: Well, I am not quite sure that I have reached your conclusion, Mr Jones.

The Hon. R. S. L. JONES: The Committee has that evidence from the manager, who wrote to the Committee.

The Hon. FRANCA ARENA: I am not sure that I have reached your conclusion. That is all I want to say.

Reverend the Hon. F. J. NILE: We have a statement; it is not evidence.

The Hon. R. S. L. JONES: It is a statement from the hotel manager of **Hotel A**, who said that “D” has not stayed at that hotel since at least July 1990.

The Hon. FRANCA ARENA: I do not know the man. I do not know whether he is reliable, credible, or whether he wants to protect his clients or his hotel. I have no idea. I just do not know. Do not ask me to think that his statement is credible or not. I do not know. *[evidence suppressed]*

The Hon. R. S. L. JONES: What do you know about this person “S”?

The Hon. FRANCA ARENA: "S" is a former ward of State. He is a boy who has had a lot of problems. *[evidence suppressed]* He contacts me now and again. I do not have a lot to do with "S". I find him very difficult to deal with. He has rung me a few times at 11 o'clock at night, and I have had to take the phone off the hook now when I go to sleep so that he does not ring me any more.

The Hon. R. S. L. JONES: Do you think he is credible?

The Hon. FRANCA ARENA: You know, it is such a subjective thing to be credible or not credible. I do not know. There are some people who can be completely credible in one area and absolutely liars in another. I do not know him well enough to say he is credible. But, as I said, you get information given by showing the video tape. I discussed it with "C", and I said, "'C", I just find it hard to believe, the fact that "D" would be such a paedophile, but on top of it so stupid to go in a hotel like Hotel A. I don't believe it." She said, "Well, the video exists." What am I to say?

The Hon. C. J. S. LYNN: Had she seen the video?

The Hon. FRANCA ARENA: No, she had not seen it.

The Hon. C. J. S. LYNN: How does she know it exists?

The Hon. FRANCA ARENA: Well, because she believes "S".

CHAIR: So if "C" believes someone is credible, that is good enough for you.

The Hon. FRANCA ARENA: To say it is good enough for me is going too far. But, for me, it is enough to make us think about it. She was prepared to write. *[evidence suppressed]*, and she is well respected. I have known her for a few years, but not a terribly long time, and I have asked for information about her. It is always how she is a very good person, a decent person. So why would "C" put her career on the line?

CHAIR: Given that "C" said that this is a credible person, do you think that you would be justified in raising this allegation in Parliament?

The Hon. FRANCA ARENA: I have never raised this allegation in Parliament.

CHAIR: I am asking you a question.

The Hon. FRANCA ARENA: No. *[evidence suppressed]* I have never raised any of these allegations in Parliament. I could have done so.

CHAIR: Why would you not feel that you could raise it in Parliament, if you think "C" is credible?

The Hon. FRANCA ARENA: Because I think it is up to the police. If you remember well, Madam Chair, even when I raised the name of Justice Yeldham in Parliament I did not say, "Is Justice Yeldham a paedophile?" I said—I can't remember now exactly—was Justice Yeldham interviewed? Did he have particular information of interest to the police? Was it because he was—? He was a member of the prevention of sexual abuse for children. This is the hypocrisy of this man. *[evidence suppressed]*

CHAIR: If the police got the information and still no charging occurred, would you raise the allegation in Parliament?

The Hon. FRANCA ARENA: No. If the police— Sorry, would you say it again?

CHAIR: If the police got the allegation, and then no-one was charged, would you then feel able to raise the matter in Parliament?

The Hon. FRANCA ARENA: Well, if the police told me— Because, as I said, I am in contact with them. And look, we checked it out, and there is nothing to it. Well, I have to accept it. As I said, I am not a detective; they are the detectives. I have to accept it. I would not raise it in Parliament. I have not raised it before, and I would not raise it after.

The Hon P. T. PRIMROSE: Would you feel the same way, for instance, if the police advised you that a name was not in a book, but you had been told that a name was in a book and you—?

The Hon. FRANCA ARENA: And it is not in the book?

The Hon P. T. PRIMROSE: Yes.

The Hon. FRANCA ARENA: Well, I would feel I had been given the wrong information.

The Hon P. T. PRIMROSE: By?

The Hon. FRANCA ARENA: By whoever gave me the information.

The Hon P. T. PRIMROSE: That the name was in the book?

The Hon. FRANCA ARENA: That is right. They checked it out. You must understand, Peter, that all the time—I mean, the Wood royal commission was the best example of how much corruption there has been in the police force and what liars some of them are, what drug traffickers happen, what they did, so it is not that I consider the police—I must tell you I consider "AA" a very honest man.

CHAIR: So you believe the police some of the time but not at other times? You gave evidence earlier that you believe that names could disappear from a book?

The Hon. FRANCA ARENA: That is what a policeman told me.

CHAIR: And you believe that?

The Hon. FRANCA ARENA: Yes, I believe it. Of course I do.

CHAIR: However, you are prepared to believe other police if they told you something else?

The Hon. FRANCA ARENA: The realities of life are not black and white and that is how it is. There are some police who are corrupt and are prepared to get money under the thing. We see Chuck Fowler taking money under and we see that some outstanding policemen were prepared to put their lives on the line, like Mr Forsyth, who was buried today. There is good and bad in the police force. Of course there are some police who are very credible and whom I would believe. A friend of mine has been Neville Ireland. You all knew Neville Ireland.

CHAIR: If you took an allegation such as the one we are talking about to the police and the police said that there was nothing in it, you would accept that as evidence?

The Hon. FRANCA ARENA: Yes.

CHAIR: Would it have to be certain police or any police?

The Hon. FRANCA ARENA: As in investigating—I mean, I have had dealings with some of the top policemen like Peter Ryan, Clive Small and “AA”. I think they are three very honourable men and if they told me, I would take their word for it. I do not think I would take the words of every policeman I know, unfortunately.

Reverend the Hon. F. J. NILE: Like Rogerson.

The Hon. FRANCA ARENA: Exactly, Rogerson. Thank you, Mr Nile. Unfortunately there are some policemen [*evidence suppressed*]

Reverend the Hon. F. J. NILE: You made the point that you would not use parliamentary privilege to simply raise and smear people's names on the basis of these documents?

The Hon. FRANCA ARENA: Under no circumstances and if I said in the media a few times, "I am going to name a judge and this and that" it is to scare the daylights out of them because I knew that some of them had something to hide and I thought maybe I will scare them enough by being scared. Maybe it is the wrong tactic. Maybe it is something I should not have, but that is how I felt. I never had the intention to go into Parliament and start naming Smith, Tom, Dick and Harry —

The Hon. R. S. L. JONES: But you told us at the beginning of your evidence that all the documents will become public documents tomorrow because of the John Della Bosca defamation case. That would be naming names?

The Hon. FRANCA ARENA: We will go to court if that is how Mr Della Bosca feels about it. I have to defend myself.

The Hon. R. S. L. JONES: You are going to name names because he is suing you?

The Hon. FRANCA ARENA: I will have to defend myself. I will have to take the legal advice of my lawyers.

The Hon. R. S. L. JONES: So you will be naming “J”, “D”, “U”?

The Hon. FRANCA ARENA: I have no idea what my lawyers will do. I am not going to tell you what my defence is going to be, but I will tell you that if I am going to be sued for defamation, I am not going to sit back—

The Hon. R. S. L. JONES: No matter who gets hurt in the process.

CHAIR: Can I just clarify some things. You made one statement just then that when you have said in the media that you were going to name names you were not telling the truth.

The Hon. FRANCA ARENA: No, not telling the truth.

CHAIR: You are saying that is not what you are going to do?

The Hon. FRANCA ARENA: I was trying to scare people off.

CHAIR: So you were not actually going to name names in Parliament?

The Hon. FRANCA ARENA: No, I have no intention—

CHAIR: So when you said you were going to name names you were not telling the truth?

The Hon. FRANCA ARENA: In a way you could say I was testing the waters. I think that is a nice way of putting it.

CHAIR: But earlier in evidence today you said that most of the material will be made public tomorrow because of the Della Bosca defamation case. You are telling us here that you will not name names in Parliament because you would not do that but that you are going to name them in public in the Della Bosca case?

The Hon. FRANCA ARENA: Madam Chair, I am being sued for defamation.

The Hon. R. S. L. JONES: [*evidence suppressed*]

The Hon. FRANCA ARENA: By Mr Della Bosca, an ALP strategist. I have to go to court and tell the truth. I will have to swear on the *Bible*.

The Hon. R. S. L. JONES: Even if that truth may be entirely wrong in these documents?

The Hon. FRANCA ARENA: I will have to tell the truth. I will have to take the advice of my lawyers and this is how the justice system works in this country. Do you expect me, Mr Jones, to go there and not reveal why I made some speeches? I have to defend myself and I will take the advice of my lawyers.

The Hon. R. S. L. JONES: Even if the evidence might be entirely wrong, like “A”’s stuff, for example?

The Hon. FRANCA ARENA: There will be defence lawyers for the other side so each one of us will have to put our case to the jury—I do not believe there is a jury anymore, but a judge.

Reverend the Hon. F. J. NILE: In defamation cases the lawyers can demand that you submit all documents relating to the case. In fact, you will be charged by the court if you do not?

The Hon. FRANCA ARENA: Exactly.

Reverend the Hon. F. J. NILE: That is part of defamation law.

The Hon. FRANCA ARENA: All I have to put is the basis of my belief. If you tell me that some of my beliefs are wrong, I can tell the judge, "Look, when I gave my speech my beliefs were those." [*evidence suppressed*]. Mr Carr did not come and call me on 18 September and say, "Franca, come here and let's discuss it." He was, after all, my parliamentary leader. Mr Egan, the head of the House, did not call me. My Whip did not call me. None of them ever made one move to talk to me asking what were the reasons and saying, "Franca, you were wrong. Here is the proof." They tried—

CHAIR: Mrs Arena, can you answer the questions. If the defamation case goes ahead are you prepared to name the names that you have given to us?

The Hon. FRANCA ARENA: Madam Chair, I will have to take the advice of my lawyers. I am sorry, but it is no concern of yours what I will do in my defamation case. With all due respect—I am not being cheeky—but it is no concern of yours what I am going to do in my defamation case.

CHAIR: Do you believe you would be justified in blackening the reputation of those people that you have alleged are paedophiles?

The Hon. FRANCA ARENA: You should ask Mr Della Bosca. You should call him here and ask Mr Della Bosca whether he is entitled to sue me. If he wants war, he will have war. I have the right to defend myself.

CHAIR: And therefore any other names that are blackened in the process is fair enough?

The Hon. R. S. L. JONES: Incidental, collateral damage.

The Hon. FRANCA ARENA: As my lawyer said, there are also legal things of which I am not aware. There might be a no publication order, there might be all sorts of things, I do not know. All I can tell you is tomorrow I am in court for a defamation action by Mr Della Bosca and it is my intention, if I have to ruin myself financially to defend myself to my last breath, I will continuously defend my good name. These people who think they can threaten me, intimidate me, they are not going to get away with it. I am going to fight back with everything I have got. I have done nothing wrong and I am not going to be intimidated by these people and if they want to—

CHAIR: Who do you think is intimidating you?

The Hon. FRANCA ARENA: Well, I think the action of Mr Della Bosca is obviously—for instance, let me just give you an example of why he is suing me. Because of the front page of the *Daily Telegraph*, which had the photo. All of this, even this enormous expense of taxpayers' money, is because of the front page of the Telegraph the following day after my speech. I just wonder how many of you have read my speech of 17 September or looked at the front page of the Telegraph. Mr Della Bosca is suing me but not the Telegraph. Smart Alec. He does not want to put the Telegraph off side, but he is suing me. There is justice—I believe in justice.

CHAIR: I want to take you back to my previous question. Have you taken any steps to find out where the alleged videotape is or to see it?

The Hon. FRANCA ARENA: None whatsoever. I am not a policeman. I am not an inquirer. I do not have resources. I have only got one member of staff and she and I hardly can cope with the work. Imagine if I am going to ring up **Hotel A** or **“T”** or whatever and say, "Where is the video?"

CHAIR: Just answer the questions. What motives do you think **“C”** may have in bringing this information to your attention?

The Hon. FRANCA ARENA: Whatever her motives are, having known her for a long time, I think that it would only be honourable motives. She has done that in good faith, of that I am sure. There is no malice in that woman. She is not a nut case and she is not a malicious person, that is for sure. She is looking for justice. She deals with a lot of victims of paedophilia and she is motivated by justice. Like everybody else she can be wrong. I accept that.

The Hon. A. B. KELLY: In your supplementary statement, item two, you asked her to confirm her information in writing and that is in a fax. Why do you think she did not sign it?

The Hon. FRANCA ARENA: I do not know.

The Hon. A. B. KELLY: I assume that is the one from her, is it?

The Hon. FRANCA ARENA: Absolutely.

Reverend the Hon. F. J. NILE: Was there a covering sheet with it indicating who it came from?

The Hon. FRANCA ARENA: No, but look—

The Hon. A. B. KELLY: That is definitely from her, is it?

The Hon. FRANCA ARENA: I swore on the *Bible* to tell the truth and I assure you this document is from her, but the best thing for you to do is get “C” who, I think, has written to you and ask her to speak to the Committee; ask her to come here and verify the documents I put here. I do not think any of you could think that I would put a document saying it was from “C” and it would not be from “C”.

The Hon. A. B. KELLY: I was asking a supplementary question. The Chair asked what were her motives. I was asking whether you knew why she would have sent that without signing it. It would be rare for someone not to sign it?

The Hon. FRANCA ARENA: It is very difficult. I think you should ask her. She has told me. Did you get a letter from her asking to come to the Committee? Yes, I see Lynn Lovelock is nodding her head. She has written; she wants to come to talk to you and I think you should ask her these questions.

CHAIR: What steps have you taken to ensure that “S” is not using you for the purpose of giving currency to a maliciously false accusation?

The Hon. FRANCA ARENA: I do not know how many times I have to reply that I am not a policeman. I just do not know.

CHAIR: So you have taken no steps?

The Hon. FRANCA ARENA: I have not inquired. I rang him and I said, “S”, I believe you have seen a tape”. He said, “Yes, I have seen a tape” or whatever it was. I cannot remember that. I said, “Could I please have a copy of that tape?” He said, “No, it is not available. [*evidence suppressed*]. I said, “I just can't take it, “S”. If you are going to put such an accusation, you should substantiate it” and he said, “Oh, well, if you don't want to accept it, don't accept it.” It is an allegation that has been made. I put it here as an allegation. I tell you I have not checked it. “AA” is a detective. He can check it. I do not know.

CHAIRMAN: Do you know anything adverse concerning “S” either in terms of his behaviour or reputation?

The Hon. FRANCA ARENA: As I said I know “S” was a ward of the State who was abused in an institution. We get to the usual thing here. Of course accusations of paedophilia do not come from Supreme Court judges. They are made against them sometimes but they don't come from—I mean, last night I saw a leading businessman being accused of a shocking thing. Sorry, I am digressing. Your question was? I am getting a bit tired.

The Hon. R. S. L. JONES: Anything adverse concerning “S” either in terms of his behaviour or his reputation?

The Hon. FRANCA ARENA: Yes. I had heard about “S” and he told me himself that he was a ward of the State. He was declared to be mentally retarded and was given very little education because of that. *[evidence suppressed]*. I can tell you you might like or not like “S”, and I myself tell you I can take not much of him because he is very overpowering, but he is certainly not stupid. You will find him to be a very intelligent person. He is a very angry young man, there is no doubt about that. He sent me a fax one night, three pages of correspondence with Helen Bauer asking questions about wards of State and what is being done about this. He cares, he cares about wards of State. He was one himself. I have never been to his house. I do not even know where he lives. He has a post office box.

CHAIR: Referring to paragraph 2 of your first supplementary statement, you refer to claims that “D” had sex with a boy in *[evidence suppressed]* at **Hotel A**.

The Hon. FRANCA ARENA: It was alleged in this statement.

CHAIR: The statement that you sent to us. Paragraph 2. Do you want me to read out what you said in paragraph 2.

The Hon. FRANCA ARENA: No, I have it in front of me.

CHAIR: You refer to claims that “D” had sex with a boy in *[evidence suppressed]* at **Hotel A**. Are you aware that “D” was *[evidence suppressed]* during that period?

The Hon. FRANCA ARENA: Here I have got October 1997. Is that supplementary statement no. 2?

CHAIR: It is the supplementary statement that you refer to in paragraph 2. It says "A tape was made about *[evidence suppressed]*, on a week day."

The Hon. FRANCA ARENA: That is not mine. That is not my statement.

CHAIR: I am sorry, Mrs Arena, it is the statement that you attached to your submission, S1.

The Hon. FRANCA ARENA: This is not my statement, this is a statement by “C”.

CHAIR: It is a statement that you attached to your submission. I call it your statement.

The Hon. FRANCA ARENA: It is not my statement. I am sorry, but there must be—

CHAIR: Well then it is not your submission.

Reverend the Hon. F. J. NILE: It is not her statement, they are her attachments.

CHAIR: It is her evidence.

The Hon. FRANCA ARENA: It is wrong to call it my statement. I object to that strongly.

The Hon P. T. PRIMROSE: But, is it your evidence? Is it evidence you are giving?

CHAIR: None of your annexures have anything to do with you. Is that it? You just handed them all to us and you have nothing to say about them.

The Hon. FRANCA ARENA: *[evidence suppressed]*

The Hon. R. S. L. JONES: *[evidence suppressed]*

The Hon. FRANCA ARENA: *[evidence suppressed]*

The Hon. R. S. L. JONES: *[evidence suppressed]*

The Hon. FRANCA ARENA: *[evidence suppressed]*

The Hon. R. S. L. JONES: *[evidence suppressed]*

The Hon. FRANCA ARENA: *[evidence suppressed]*

The Hon. R. S. L. JONES: *[evidence suppressed]*

The Hon. FRANCA ARENA: I completely disagree with you. You are verballing me and I hope that the persons take the shorthand and that it will be released. I have never said that. If you ask me on the Bible at this very moment do I think that **Judge B** and **“D”** are paedophiles, I would say to you with the utmost honesty and on the life of my sons that I don't bloody well know. I do not know if they are paedophiles.

CHAIR: Mrs Arena, will you constrain yourself? Thank you.

The Hon. FRANCA ARENA: Yes, I will constrain myself but I am sick of all this stupid questioning.

Reverend the Hon. F. J. NILE: Mr Jones is provoking her with that line of questioning.

The Hon. FRANCA ARENA: He keeps on verballing me.

The Hon. R. S. L. JONES: All the evidence leads to that. All the evidence that she presents, whether it be **“A”** or **“S”**.

CHAIR: Mr Jones, I believe that at some stage that is an issue that has to be addressed, but it may be that it can be addressed by you. It is certainly, I think. a legitimate question to ask.

The Hon. FRANCA ARENA: And I gave a legitimate answer about 10 times that I do not know because I am not a detective. I do not know whether they are paedophiles or not. If I told you "Yes, I believe", it would be wrong and if I tell you "No, I do not believe" it would be wrong again. I do not know.

CHAIR: You said that you have put the material before us to show why you made your speech. Why did you include this statement?

The Hon. FRANCA ARENA: Because I thought it was an important thing for you to see, that "C" wants to come and see you to discuss issues of concern regarding the whole issue, and this is a document she gave me. To me it is a strange document, but at the same time an important document. I said to "C", "'C", do you want me to put it in the statement?" She said, "Yes, please. I want to come and speak to it." You ask "C" to come here and discuss it with you. That is all you should do.

CHAIR: Do you believe there is any credible evidence in the documentation you have given us that **Judge B** and "D" are paedophiles?

The Hon. FRANCA ARENA: I have no idea. I do not know. I am not a policeman. You should call "AA" here and Commissioner Ryan and ask them. It is them who made the inquiries. I am not a policeman. How many times do I have to repeat it to you, Madam Chair? I do not know.

CHAIR: If you are not satisfied with the work of "AA", will you name them in Parliament?

The Hon. FRANCA ARENA: I am satisfied. I think I have repeated about 10 times that I think "AA" is one of the most honest, is an old-fashioned, decent policeman who I would trust with my life. I can tell you that if "AA" told me there is nothing to worry about I would believe him.

CHAIR: If you disagree with his conclusions, would you name them in Parliament?

The Hon. FRANCA ARENA: I cannot see the point of disagreeing with him because, I told you, I believe he is an honest policeman and if he told me, "Look Franca, I have looked into it and there is nothing in it," I would take his word for it. If Mr Roger Rogerson, another policeman now discredited, had said something to me, I would have doubts—and I have seen Rogerson as a type of Rogerson policeman—but "AA" happens to be a person I have great esteem for. I think he is an honest, old-fashioned policeman who would not be part of any cover-up.

CHAIR: I want to refer you back to the previous question. Are you aware that at the time referred to in annexure 1 to your supplementary statement, the time that this was meant to be occurring, "D" was *[evidence suppressed]*.

The Hon. FRANCA ARENA: Madam Chair, I am not aware of it and it just shows you my sincerity in telling you that I have made no inquiries; that I did not go and check. I do not have the time; I do not have the inclination. I did not check it. Otherwise if I had been a bit smarter, I would have checked and not put it in, would I not.

The Hon. R. S. L. JONES: You would not have put it in here if you had known that, would you? You would not have put this as part of your submission if you had known he was *[evidence suppressed]* at that time?

The Hon. FRANCA ARENA: Exactly, I would not have put it in. I would have said to "C", "C", I have checked it and you and "S" are wrong." I would not have done it. I did not check it. I did not check the allegations because I am not a policeman. I do not know how to go about checking. I am not an investigator. How do I know? I did not even check where "D" was. I do not know.

Reverend the Hon. F. J. NILE: I wonder if it is possible, because of the statement we have had from the hotel, that there is a "D" and there may be a video of "D" from Victoria and not this "D".

The Hon. FRANCA ARENA: No.

The Hon. R. S. L. JONES: It may be quite a different person.

The Hon. FRANCA ARENA: No, no, no. I really think—

CHAIR: Given that this material, your annexure, is not relevant to your state of mind when you made your speech because you got the annexure after you made your speech; and given that you do not know whether it is true or not, or claim you do not know whether it is true, why did you give it to the Committee?

The Hon. FRANCA ARENA: Because I told you I spoke about it to "C" and she said to me, "Could you make sure you include my declaration because I want to make sure that I am going to see the Committee and talk to them." This material in a way—

The Hon. A. B. KELLY: It is not a declaration, it is a piece of paper with no signature, no author.

The Hon. FRANCA ARENA: I thought I made it clear that it was from her. I can give you, I told you, my word that it is from "C". I mean, I would not be so foolish to tell you one thing for another.

The Hon. A. B. KELLY: When she said it was a declaration, you did not double check with her and say, "It is not a declaration."

The Hon. FRANCA ARENA: I think she faxed it to me at my home.

Reverend the Hon. F. J. NILE: Is she perhaps careful to protect herself? If she did sign it and it fell into the wrong hands she would be sued for defamation.

The Hon. FRANCA ARENA: Exactly. You know, people are also very concerned. She said the material, if it goes to the privileges committee. Some people wanted to write to you directly and send you the material directly. I checked with Lynn Lovelock and asked, "Is it possible for it to happen?" She said, "No, because if you send the material to them directly it is not covered by parliamentary privilege."

The Hon P. T. PRIMROSE: Knowing now what you know about the fact that "D" was [evidence suppressed] when these allegations were alleged to have occurred, what do you now believe about "C"'s credibility?

The Hon. FRANCA ARENA: I really do not know at all. I can only tell you that my experience with her is that she is a good, decent person. She is a professional. I have never found her to lie or be malicious about somebody and all I can tell you is I do not know. I think that you should ask her to come to this Committee, interrogate her and form your own opinion. You should not ask me or form an opinion of her through me. As I told you, I can only tell you that I found her to be a decent person, never malicious, looking for the truth.

CHAIR: Mrs Arena, is this the sort of material you wanted to make public this morning?

The Hon. FRANCA ARENA: When this morning?

CHAIR: When you demanded that this be an open inquiry.

The Hon. FRANCA ARENA: Well, I mean an open inquiry with code names, like the Wood royal commission had. I never implied to have an open inquiry that we would be having the media here and everybody and start talking about [evidence suppressed]. It would have been Mr X, Mr Y and that sort of thing.

CHAIR: With reference to [evidence suppressed] that refers to "D"?

The Hon. FRANCA ARENA: Even that could have been Mr X. Why?

CHAIR: Do you think that no-one would go and look at [evidence suppressed]?

The Hon. FRANCA ARENA: [evidence suppressed] How did Wood have an inquiry? [evidence suppressed] He thought he was having it in private or given a code name so that their reputation would not be sullied if everything was not right. I just cannot believe that you are telling me that you cannot have an open inquiry with code names. Of course you can. Justice Wood proved it. Are you telling me that Justice Wood did the wrong thing in having public hearings.

CHAIR: [evidence suppressed]

The Hon. FRANCA ARENA: [evidence suppressed]

CHAIR: *[evidence suppressed]*

The Hon. FRANCA ARENA: *[evidence suppressed]*

CHAIR: *[evidence suppressed]*

The Hon. FRANCA ARENA: My dear chairperson, there are a lot of ways to do it and you have been long enough around to know that it can be done. If you try to tell me it cannot be done, I think you are wrong.

CHAIR: Do you believe “V” would act in a criminal way by concealing so-called evidence for political purposes, as suggested by “S”?

The Hon. FRANCA ARENA: I do not see. What “V”?

CHAIR: “V”.

The Hon. FRANCA ARENA: Where is the allegation, Madam Chair?

CHAIR: *[evidence suppressed]*

The Hon. FRANCA ARENA: *[evidence suppressed]*

The Hon. R. S. L. JONES: *[evidence suppressed]*

CHAIR: *[evidence suppressed]*

The Hon. FRANCA ARENA: *[evidence suppressed]*

Reverend the Hon. F. J. NILE: *[evidence suppressed]*

The Hon. FRANCA ARENA: *[evidence suppressed]*

CHAIR: *[evidence suppressed]*

The Hon. FRANCA ARENA: *[evidence suppressed]*

CHAIR: *[evidence suppressed]*

The Hon. FRANCA ARENA: I do not know what to believe. That is what was told to me, and I do not know what to believe. I do not even know if the video existed. I told you, I said to “C” that *[evidence suppressed]*, and she said to me, "Well, it does exist." So what do I have to say? After all, you investigated.

Reverend the Hon. F. J. NILE: “C” said, "I think the tape is real. He is describing something he has seen. I could be wrong." She is not dogmatic. She has never seen the tape; she is only going on her impressions of this person.

The Hon P. T. PRIMROSE: Do you believe that if a prominent member of Parliament refers to these matters, whether they are true or not, it increases their credibility, and gives them credence; that because you, as a responsible and intelligent person, provide this material and take it seriously, you add to the weight of credibility?

The Hon. FRANCA ARENA: It is very difficult. If you were in my position—

The Hon P. T. PRIMROSE: I am, all the time. I get the same allegations.

The Hon. FRANCA ARENA: You get allegations like this all the time?

The Hon P. T. PRIMROSE: Members of Parliament get material all the time, and we use our judgment.

The Hon. FRANCA ARENA: I must have been an exception, because in all the 16 years nobody ever came to me and said, "Member of Parliament epsilon is a paedophile." If they had, I would have had the same pain, sleepless nights and thinking, "My God, what am I going to do with it?" I have been in Parliament for 16 years. I have had enough experience to say some people are nuts, and it is a bit difficult to discount. But with other people you just do not know. I felt a responsibility to see that some of these allegations were followed up.

The Hon P. T. PRIMROSE: You believed they had an ounce of credibility and you were prepared to use your position to give them more?

The Hon. FRANCA ARENA: I did not use my position to give them credibility. I told you the truth. I think that people made these allegations, and they are serious. I come originally from a country where I have seen judges, prime ministers—in Europe it is not so unusual. When I moved to Manly 30 years ago I was told by a friend, "Aren't you lucky. You have got the Premier, Mr Askin, living there, and the chief of police, Norm Allen, living there. You could not get a better place." Then I found that both of them were crooks. That was really nice!

The Hon P. T. PRIMROSE: My simple point, which I am happy to refer to later, related to the issue of judgment.

The Hon. FRANCA ARENA: On the issue of judgment, I do not know.

The Hon. R. S. L. JONES: Did you make no judgment when you included these allegations in here?

The Hon. FRANCA ARENA: I made the judgment that they were of concern. I expressed my concern and I wanted some of this material to be looked at. “C”, and a lot of these people—

Reverend the Hon. F. J. NILE: You said she asked you?

The Hon. FRANCA ARENA: Yes. I think a lot of people who have put this material want very much to come to see you, to discuss the issues with you, and I think in all fairness you should see them and you should then make a judgment on their credibility. I think that is most important.

CHAIR: I refer to paragraph 64 of your main submission, annexure 12. When did you receive the anonymous letter dated 6 November 1996?

The Hon. FRANCA ARENA: I must have received it a few days after that.

CHAIR: You said, "Whilst it was difficult to give credibility to anonymous material it was sufficient to sow doubts in my mind." What doubts did it sow in your mind, and how do you justify those doubts?

The Hon. FRANCA ARENA: *[evidence suppressed]*

CHAIR: *[evidence suppressed]*

The Hon. FRANCA ARENA: *[evidence suppressed]*

CHAIR: *[evidence suppressed]*

The Hon. FRANCA ARENA: *[evidence suppressed]*

CHAIR: *[evidence suppressed]*

The Hon. FRANCA ARENA: *[evidence suppressed]*

CHAIR: *[evidence suppressed]*

The Hon. FRANCA ARENA: The words "cover-up" used in my speech refer to the terms of reference agreed, which was an agreement between Mr Carr and Justice Wood. They agreed to sink the paedophile inquiry. Whilst caucus wanted an inquiry in respect of paedophilia, and the community thought there was going to be an inquiry on paedophilia, the two of them made an agreement that it would be very restrictive and announced an extension of the terms of reference. I think the media release by Mr Carr said that the Premier of New South Wales announced an extension of the terms of reference of the royal commission. This followed discussion with the royal commissioner, Mr Justice Wood, who agreed to the new paedophilia terms of reference. There were no new terms of reference. What did they do? What did they achieve? Nothing. The paedophiles are still out there laughing and here I am being quizzed and put through the third degree. Where are the paedophiles? Enjoying themselves.

CHAIR: You asked to be judged by your peers. You asked for a thorough investigation. Members of the Committee have asked you a number of questions and you have given long

replies. If you do not want a thorough investigation and to be judged by your peers, let the Committee know now.

The Hon. FRANCA ARENA: I do indeed, but this whole exercise is futile; it should never have happened.

CHAIR: You asked for it to go to the privileges committee. That is what is happening, and we are questioning you, I hope thoroughly.

The Hon. FRANCA ARENA: I am here at your complete disposal.

CHAIR: Did you consider the possibility that the letter was a malicious and mischievous attempt to gain your assistance to blacken **Judge B**'s reputation?

The Hon. FRANCA ARENA: I considered everything. I considered that it could be a malicious letter, I considered that it could be a nut case, I considered that it could be exactly the truth. I do not know; I am not an investigator. I was not where it happened, I do not know. I considered everything. I always consider all aspects.

CHAIR: Are there still any doubts in your mind? If so, what are they and on what are they based?

The Hon. FRANCA ARENA: Doubts about what?

CHAIR: The anonymous letter. Do you believe the contents of the anonymous letter should be revealed in Parliament?

The Hon. FRANCA ARENA: I have never revealed it in Parliament.

CHAIR: No, I am asking you.

The Hon. FRANCA ARENA: No, absolutely not.

CHAIR: Why do you believe the letter was anonymous?

The Hon. FRANCA ARENA: I have no idea. If I knew where it came from I could tell you. It was anonymous, I do not know.

CHAIR: Has there been any further contact from the author of the letter?

The Hon. FRANCA ARENA: No, I have not received another letter with the same typing. This is specific typing. It would have been easy to recognise the typing.

CHAIR: Why did you bother to keep this anonymous letter?

The Hon. FRANCA ARENA: I kept practically all the material. A couple of letters I suppose were so vile I ripped them up and threw them in the garbage bin, which I regretted because generally I keep everything. Mr Johnson might well remember one morning we were on the twelfth floor and I showed him an anonymous letter making allegations about Tom, Dick, Harry and John. Do you remember, Mr Johnson, I showed it to you?

The Hon. J. R. JOHNSON: Yes, but I forget the names.

The Hon. FRANCA ARENA: I do not even want to bring them in.

CHAIR: How do you make distinctions between what you call a vile letter and, say, the “A” allegation?

The Hon. R. S. L. JONES: Is hers not a vile document, too?

The Hon. FRANCA ARENA: I met “A”. She is a sweet, decent young girl who suffered a lot. She had spinal surgery for all the sodomy she suffered at a young age.

The Hon. R. S. L. JONES: Sodomy by **Judge B**?

The Hon. FRANCA ARENA: I do not know by whom.

The Hon. R. S. L. JONES: That is what she alleges, is it not?

The Hon. FRANCA ARENA: I do not know who sodomised her.

The Hon. R. S. L. JONES: **Judge B**, according to your submission.

The Hon. FRANCA ARENA: That is according to her declaration.

The Hon. R. S. L. JONES: In your submission?

The Hon. FRANCA ARENA: Yes, and so I do not know. I met her, so there is a distinction to make between something which comes completely anonymously and somebody like “A”. When you see her you think—I do not know what to think.

CHAIR: Was the letter something on which you relied in your speech of 17 September 1997?

The Hon. FRANCA ARENA: No, I did not rely on it at all. All I relied on was the fact that the terms of reference were purposely changed by Mr Carr, that Mr Carr subverted the will of caucus. He went to see Mr Wood and the two of them agreed to terms of reference which sank the paedophilia inquiry. I was angry and I am still angry, because our children are under threat.

CHAIR: What do you believe should be done about the matters raised in the letter?

The Hon. FRANCA ARENA: Absolutely nothing. I do not know if “AA” has used it in any way. I can hardly think that anything can be done, but I received it, I put it to you.

CHAIR: Was this letter part of the material tabled by you in Parliament and subsequently conveyed to the police commissioner's task force?

The Hon. FRANCA ARENA: Yes, I think it is in the full volume. I am not sure; I would have to have a look at it.

CHAIR: *[evidence suppressed]*

The Hon. FRANCA ARENA: *[evidence suppressed]*

CHAIR: *[evidence suppressed]*

The Hon. FRANCA ARENA: *[evidence suppressed]*

CHAIR: *[evidence suppressed]*

The Hon. FRANCA ARENA: *[evidence suppressed]*

CHAIR: *[evidence suppressed]*

The Hon. FRANCA ARENA: *[evidence suppressed]*

CHAIR: You state that it was sufficient to sow doubts in your mind. Those doubts in your mind were not in any way expressed?

The Hon. FRANCA ARENA: I did not express it in any way. I never expressed with anybody the fact that—I do not think until my lawyers went through my documents they even knew of these things. I just received this material, I filed it and thought, "Oh, my God". I even wondered if other members were receiving material as I was.

CHAIR: Do you still have those doubts and can you explain what they are?

The Hon. FRANCA ARENA: I am concerned, Madam Chair, still now as I was on 17 September, that we missed a unique opportunity to have a full inquiry into paedophilia.

CHAIR: No, I am talking about the doubts that were raised by these allegations of paedophilia, by this letter?

The Hon. FRANCA ARENA: I am telling you that I do not know what weight to give to this letter. It is not very important in itself, but my concern is that a full inquiry into paedophilia has never taken place and Mr Carr has never told us why nor Mr Justice Wood told us that instead

of recommending the lowering of the age of consent has not recommended a full inquiry into paedophilia. How is he going to live up to that?

(Short adjournment)

CHAIR: In paragraph 37 of your original statement you said, "Many of us felt that the Premier had subverted the wishes of his own caucus." What do you mean by "subverted" and what do you believe were his motives?

The Hon. FRANCA ARENA: I think meaning that we actually wanted a full inquiry into all aspects of paedophilia. I think it was made quite clear that that was what the caucus wanted, I wanted, people like Deirdre Grusovin wanted, the people who spoke, and instead Carr just issued some terms of reference which were completely different. I think the terms of reference are all there and speak for themselves.

CHAIR: Can you answer the question, what do you believe were his motives?

The Hon. FRANCA ARENA: I am sorry, I did not get that. What do I believe were his motives? I do not know. No idea. You should ask Mr Carr. I have no idea. I am not here to answer for the motives of Mr Carr and Justice Wood. I am not going—

CHAIR: Can you suggest any motives?

The Hon. FRANCA ARENA: No. I mean, you should know.

The Hon. R. S. L. JONES: You have attacked him many times for watering it down.

The Hon. FRANCA ARENA: Yes. I think I will never forgive him, I told you before.

The Hon. R. S. L. JONES: But you think you have no reason—

The Hon. FRANCA ARENA: I think that it was a unique opportunity to look at paedophilia in all its aspects. I think it was a unique opportunity to get the guilty ones and protect our children, and we missed it. How could a mother, a citizen and a member of Parliament ever forgive the Premier of New South Wales who spent \$70 million on an inquiry, which had 235 people, and just closed it down and the paedophiles are still at large. Two weeks after, Armidale blew up, another week after something else blew up. They are all out there still.

The Hon. C. J. S. LYNN: When you say, "Many of us felt the Premier subverted the wishes . . .", how many and who are "us"?

The Hon. FRANCA ARENA: I am sorry, could you repeat that?

The Hon. C. J. S. LYNN: In paragraph 37 you say, "Many of us felt that the Premier had subverted the wishes of his own caucus and so we decided to call for a special caucus meeting."

The Hon. FRANCA ARENA: Well, I suppose I am looking at a group of people like myself, Deirdre Grusovin, Bob Harrison, some of the people in effect who—

The Hon. J. R. JOHNSON: Have a look at paragraph 39.

The Hon. FRANCA ARENA: —signed, who were very worried, who spoke in caucus regarding this matter. Mick Clough, some people—you know how it is in your party. I am sure that everybody was concerned about the issue of paedophilia, but some people feel more strongly about one issue than another. There was a group of us who felt very strongly about paedophilia. Others might have felt very strongly about Aboriginal rights. Do you know what I mean? In caucus there was a nucleus of people who felt very strongly about paedophilia.

The Hon. C. J. S. LYNN: Do these people still support you?

The Hon. FRANCA ARENA: Oh yes. They do, not openly, but I am in very good relations with some of my former colleagues. I think they might agree or disagree with me, but they think I have always acted honestly. We see each and talk to one another.

CHAIR: We have just talked about protection of the guilty ones. Do you believe protection of the guilty ones was part of his motives?

The Hon. FRANCA ARENA: I have no idea. As I said, you should ask Mr Carr. I have no idea why he did it. Madam Chair, if I knew why he did it, rest assured that in my speech on 17 September I would have said so. I do not know. I do not know why he did it. I have no idea.

CHAIR: In paragraph 39 you state, "The Premier had been at work that morning to ensure the defeat of my two additional paragraphs." What do you mean by "at work" and what do you believe the Premier's motives were? Do you consider any of these motives were corrupt or improper?

The Hon. FRANCA ARENA: I have no idea what his motives were, but when I say he had been at work, it is that when, for instance, there are rumours that a motion is going to be moved in caucus against the Iraq war, like it was two weeks ago as reported in the newspapers, it was put that Mr Johnno Johnson was the only one awake to understand what the danger of the motion was. The motion was passed, as it happened at this meeting. Now if Mr Carr had known beforehand about the motion about Iraq, which was passed two weeks ago, he would have rung people and said, "Hey listen, it's going to look bad for Labor, don't vote for it." That is what happens in political parties; nothing terrible about it. It is the Premier, he wants his troops to support him.

CHAIR: Do you consider any of these motives were corrupt or improper?

The Hon. FRANCA ARENA: I do not know what his motives were, so I cannot judge whether they were corrupt or improper. I do not know what his motives were.

CHAIR: You state, "At the time I could not understand why the Premier did not want an extensive inquiry into all aspects of paedophilia." At the time, what did you believe were his possible motives?

The Hon. FRANCA ARENA: I just told you, I do not know. You ask the same question over and over again. I told you, I do not know what his motives were.

The Hon. R. S. L. JONES: You said "at the time"; do you now understand?

Reverend the Hon. F. J. NILE: It is not relevant to this inquiry what she thinks now, is it?

The Hon. R. S. L. JONES: Of course it is relevant. At the time you did not understand, but do you understand now?

The Hon. FRANCA ARENA: As I said to you, I keep asking myself why.

The Hon. R. S. L. JONES: You said at the time you did not understand, which implies that now you do understand?

The Hon. FRANCA ARENA: No. I meant at the time I did not understand, nor do I understand now. I would like Mr Carr to come out publicly and tell the people of New South Wales why we missed this golden opportunity. He said Justice Wood did not want it, he was tired. It was discussed with "AC". He said we will get another judge. It seemed the best thing, get another judge. He finished his work. We would have said, "Thank you Mr Wood, you did a wonderful job on the police. Thank you very much. Let's get another judge to look into paedophilia."

CHAIR: You state that the idea of getting another judge was the best solution, but was "vetoed by the Premier"?

The Hon. FRANCA ARENA: Yes.

CHAIR: What did you then consider were the Premier's motives?

The Hon. FRANCA ARENA: No idea. You keep asking me other people's motivation. I have no idea. You should ask Mr Carr. You should ask him to come here and tell you. Quiz him and ask him why did he not want a paedophilia inquiry.

CHAIR: What did you consider were the Premier's motives in doing so when you made the speech on 17 September?

The Hon. FRANCA ARENA: No idea, Madam Chair.

CHAIR: Was he trying to engage in a cover-up?

The Hon. FRANCA ARENA: I have no idea. As I said in my speech, the cover-up was the terms of reference. He reached an agreement with Justice Wood. The two of them, intelligent men, The two of them alert men, must have known the problem of paedophilia. Why did they agree to terms of reference which made sure that paedophilia kept on being covered up?

The Hon. R. S. L. JONES: In your speech you said, "The system is protecting itself?"

The Hon. FRANCA ARENA: Yes.

The Hon. R. S. L. JONES: Which part of the system is protecting itself?

The Hon. FRANCA ARENA: Well, you know, the system is protecting itself.

The Hon. R. S. L. JONES: What system? What part of the system is protecting itself? That is why the cover-up occurred, because the system is protecting itself, you said so in your speech.

The Hon. FRANCA ARENA: Yes. Well, there are all these articles, I think they are all there, saying judges are going to be named, MPs are going to be named, eminent people are going to be named and obviously nobody wanted these people—

The Hon. R. S. L. JONES: So those people were protecting themselves by having the cover-up?

The Hon. FRANCA ARENA: I do not know what they were doing.

The Hon. R. S. L. JONES: That is what you are saying, you have just said that.

The Hon. FRANCA ARENA: Quite obviously, as I said to you this morning, I have never doubted that Mr Carr would go to Mr Wood's office and say, "Listen Justice Wood, there are some MPs and judges and things that might have been paedophilia or might not. I don't want you ever to name them", but things are not done like that Mr Jones.

The Hon. R. S. L. JONES: But you could say it would be done in a very subtle way?

The Hon. FRANCA ARENA: He could have gone there and said, "Here are your terms of reference, stick to them." That is exactly what Justice Wood did.

The Hon. R. S. L. JONES: So the system will protect itself?

The Hon. FRANCA ARENA: Exactly.

The Hon. J. R. JOHNSON: That is what he is required to do by law; stick to his terms of reference?

The Hon. FRANCA ARENA: Yes.

The Hon. J. R. JOHNSON: If he thought he needed an extra widening of the terms of reference he could have asked for it?

The Hon. FRANCA ARENA: I could not agree with you more. I think if I have something to fault Justice Wood with it is the fact that he did not. How could he not do it? He was well aware of how important paedophilia was and what a terrible problem it was. How did he accept such wishy-washy terms of reference? How could he?

The Hon. R. S. L. JONES: To protect the system.

Reverend the Hon. F. J. NILE: Do you agree that he did go beyond the terms of reference when he started cross-examining religious leaders, who were not covered by the terms of reference?

The Hon. FRANCA ARENA: Exactly. He applied different ones. At times when he came to religious institutions he berated the Bishop of the Catholic Church, of the Anglican Church, and looked at paedophilia in the church. That was not in his terms of reference. When it suited him for some reason or another he went beyond—on the age of consent, who asked him to make such a statement? Who asked him?

The Hon. R. S. L. JONES: So the church is not part of his system, you think?

The Hon. FRANCA ARENA: The churches were not part of his terms of reference and he investigated them.

The Hon. R. S. L. JONES: If the system was protecting itself obviously he was not protecting the churches, because he named them?

The Hon. FRANCA ARENA: Yes, the system not protecting itself is a not a reference to him.

The Hon. R. S. L. JONES: Not a reference to what? What is your answer?

The Hon. FRANCA ARENA: Is not a reference to Wood exactly.

The Hon. R. S. L. JONES: He is part of the system which is protecting itself, is he not?

The Hon. FRANCA ARENA: I do not know, that is your interpretation.

The Hon. R. S. L. JONES: But you are saying they are watered down. He did not ask for enhanced terms of reference. If there was a massive cover-up, and if the system was protecting itself, then surely Wood and Carr are part of that system?

The Hon. FRANCA ARENA: Well we are all part of the system.

The Hon. R. S. L. JONES: Not the churches, apparently.

The Hon. FRANCA ARENA: We are all part of this system and we all have a responsibility to the children of this State, and we have given it away. We, as members of Parliament, and you as a member of Parliament, should have supported my speech.

CHAIR: Mrs Arena, please do not make speeches, just answer the question. Earlier you talked about concerns that were raised by you because of newspaper articles. Do you believe everything you read in newspapers?

The Hon. FRANCA ARENA: No, but I am concerned about things. If somebody writes things, as you can see in the *Sydney Morning Herald*, the first time they wrote about the conspiracy we wrote to them. Then it gets to a stage where you do not. I certainly do not believe the things they wrote about what I said in my speech; it was completely subverted. But what can you do? I believe some and I do not believe some, it depends who writes it as well. Some journalists are very credible, if you look at people like Brad Martin, I do not want to name people particularly. There are some journalists that you generally know that if they write something they will do it with great integrity or responsibility. Others just have to fill in the newspaper.

CHAIR: Do you believe that Justice Wood wanted to protect the system?

The Hon. FRANCA ARENA: You should ask him.

The Hon. A. B. KELLY: Earlier you said about a meeting between Bob Carr and Wood that you do not think they would have come out and said, "I want you to cover this up". But you said in your speech after the Premier met with Justice Wood:

I am bold enough to presume that an agreement was reached to ensure that people in high places would not be named as it would have been too traumatic for the community to realise how many of its so-called upstanding citizens were involved in criminal activities.

Are you recanting from that statement?

The Hon. FRANCA ARENA: No. I think I addressed it on page 28.

The Hon. R. S. L. JONES: So Wood and Carr did reach an agreement to suppress it?

The Hon. FRANCA ARENA: Could you look at page 28.

An agreement was reached between the Premier and Justice Wood. The Premier announced an extension of the terms of reference. These followed discussion with the Royal Commissioner, Mr Wood, who agreed to the new paedophilia terms of reference.

So an agreement was reached.

The Hon. R. S. L. JONES: To ensure that people in high places would not be named? That is what you said in your speech?

The Hon. FRANCA ARENA: It was not done in such a way; it was the new terms of reference. It was done with new terms of reference.

The Hon. R. S. L. JONES: But that is another way of doing it, presumably. They changed the terms of reference so, according to your speech, they would not be able to name people in high places?

The Hon. FRANCA ARENA: That was a deduction that one could arrive at.

CHAIR: Is that a deduction that you arrived at?

The Hon. FRANCA ARENA: I do not know, I am not sure.

The Hon. A. B. KELLY: Yes it was, it is in your speech.

Reverend the Hon. F. J. NILE: That is what you said.

The Hon. FRANCA ARENA: That is what I said, I know, but—

The Hon. A. B. KELLY: You are bold enough to presume?

The Hon. FRANCA ARENA: Exactly, I am bold enough to presume. I did not say, "I know that they have done it." I said, "I am bold enough to presume."

The Hon P. T. PRIMROSE: You said, "I believe this is due to the fact that it was decided that it was too damaging for the community to have members of Parliament and judges exposed. And so the whole matter was swept under the carpet."

The Hon. FRANCA ARENA: I think Wood on 19 March said, "It is not my purpose here to investigate paedophiles in high places." Why did he say that? Why did Justice Wood say on 19 March, "It is not my purpose here to investigate paedophiles in high places"? It was his job to investigate. It is not much use to say that these people who set themselves up as role models in the community should be pursued with a lot more vigour than the ordinary paedophiles.

The Hon P. T. PRIMROSE: In your speech you say that if they had the terms of reference that you were seeking and if, in your words, Justice Wood had done what you hoped he would do, that the result would have been too damaging for the community to have members of Parliament and judges exposed and as a consequence they swept the whole matter under the carpet?

The Hon. FRANCA ARENA: That is what I said.

The Hon. C. J. S. LYNN: In paragraph 40, page 11, of your statement referring to a conversation with "AC", you state:

If Justice Wood does not want extensive terms of reference, if the job is too big for him and he wants to finish quickly, because he is worn out, we will be able to get another judge. However, this idea, which was indeed the best solution, was vetoed by the Premier.

What evidence do you have to support that statement?

The Hon. FRANCA ARENA: I think we discussed it with "AC" afterwards and he said, "No, the Premier said the terms of reference stand". Obviously the Premier has vetoed it. I was never told the words by "AC" that the Premier had "vetoed it". When I said to "AC", "Can't we get a judge?" he said, "No, the Premier said that the terms of reference as given will stay." It was quite obvious he had vetoed it.

The Hon. R. S. L. JONES: Do you think that Justice Wood did not want to extend the terms of reference?

The Hon. FRANCA ARENA: I think he said so. I will have to look at the report, he said so somewhere in the report.

The Hon. R. S. L. JONES: Do you think that he did not want to extend them?

The Hon. FRANCA ARENA: I think he was tired, he was most probably tired and just wanted to finish.

The Hon. R. S. L. JONES: Not that he did not want to investigate all the other matters?

The Hon. FRANCA ARENA: I do not know, that is something you should ask him.

The Hon P. T. PRIMROSE: In your speech you said it was decided that it was too damaging for the community to have members of Parliament and judges exposed, so the whole matter was swept under the carpet.

The Hon. FRANCA ARENA: I did not say it was Woods' motivation, did I?

The Hon. A. B. KELLY: You said, "I believe it was due to the fact that it was decided", presumably at that meeting.

The Hon. R. S. L. JONES: By Justice Wood and Carr.

The Hon. FRANCA ARENA: It was decided. I did not say by Wood and Carr. It was decided.

The Hon. R. S. L. JONES: You did.

The Hon. A. B. KELLY: It follows straight on in your speech from what I read out a moment ago, still describing the meeting that was held.

The Hon. FRANCA ARENA: On page 571, paragraph 1.25 it states:

The Royal Commission did not, itself, seek an extension of its powers in a way which would have converted it into a standing body tasked with the criminal investigation of unlawful paedophile or pederast activity, for the reason that:

And it goes on for a full page.

The Hon. R. S. L. JONES: Are you quoting Justice Wood?

The Hon. FRANCA ARENA: Yes, page 571 of Volume IV of the Wood royal commission.

Reverend the Hon. F. J. NILE: He could have been saying that because he honestly believed that if there had been an inquiry into the paedophile network it could have taken another two or three years. He believed that it could have been a very extensive inquiry?

The Hon. FRANCA ARENA: Exactly.

Reverend the Hon. F. J. NILE: And he did not wish to do it himself?

The Hon. FRANCA ARENA: But it was so easy to get another judge. As I said, when everything had been set up it was a lost, missed opportunity.

The Hon. C. J. S. LYNN: In paragraph 43 you say that a few weeks later three ALP senior party officials came to your office and asked for an explanation and to "counsel you" on the issue of crossing the floor. Were they members of the parliamentary—

The Hon. FRANCA ARENA: No, by "official" I meant Eric Roozendaal and some other party officials from Sussex Street.

The Hon. C. J. S. LYNN: Is this usual practice?

The Hon. FRANCA ARENA: Is it usual practice, Johnno? I suppose so, because head office would. It is not a parliamentary party which can discipline you; it is an administrative thing by head office. They came to see me and actually Carr had said that I would be counselled, so three of them came and I said, "Why do we have a conscience vote on abortion and homosexuality but not on paedophilia".

The Hon. C. J. S. LYNN: What was their response?

The Hon. FRANCA ARENA: They could not respond. They said, "Oh, well, it is a decision by the party". I said, "Well, we should bring it up at the next State conference. Paedophilia to me is more important than homosexuality and abortion and I feel that I could not live with myself if I had not crossed the floor."

The Hon. C. J. S. LYNN: Did you feel intimidated or were you satisfied that that was normal party practice?

The Hon. FRANCA ARENA: I did feel a bit intimidated but I am in a position where I could tell them to go and jump in the lake because I am not seeking preselection again. You know it puts you in a very strong position. If I had a seat taken away, like Mrs Grusovin is taken away and being punished because she stands up against paedophilia, then I would have been in a much more vulnerable position.

CHAIR: I refer you to your other recollections about discussions with Labor colleagues? In paragraphs 13 and 17 you have referred to your discussions with Labor colleagues. Can you name those Labor colleagues?

The Hon. FRANCA ARENA: No, I cannot name the colleagues. I have asked a couple of them to give me a statutory declaration or to allow me to use their names but I was told no. You know only too well how things happen in the ALP. They are not going to have their noses put out of joint, especially with an election coming up, by sticking up for me. So even though I have asked a couple of them who I had an absolute recollection of discussing the issue, they said they do not want to be involved.

The Hon. R. S. L. JONES: What was the impending crisis you are talking about?

The Hon. FRANCA ARENA: *[evidence suppressed]*

CHAIR: *[evidence suppressed]*

The Hon. FRANCA ARENA: *[evidence suppressed]*

CHAIR: *[evidence suppressed]*

The Hon. FRANCA ARENA: *[evidence suppressed]*

The Hon. R. S. L. JONES: *[evidence suppressed]*

The Hon. FRANCA ARENA: *[evidence suppressed]*

The Hon. J. R. JOHNSON: *[evidence suppressed]*

The Hon. A. B. KELLY: *[evidence suppressed]*

The Hon. FRANCA ARENA: *[evidence suppressed]*

The Hon. J. R. JOHNSON: *[evidence suppressed]*

The Hon. FRANCA ARENA: *[evidence suppressed]*

CHAIR: *[evidence suppressed]*

The Hon. FRANCA ARENA: *[evidence suppressed]*

CHAIR: *[evidence suppressed]*

The Hon. FRANCA ARENA: *[evidence suppressed]*

CHAIR: *[evidence suppressed]*

The Hon. FRANCA ARENA: *[evidence suppressed]*

CHAIR: *[evidence suppressed]*

The Hon. C. J. S. LYNN: *[evidence suppressed]*

CHAIR: *[evidence suppressed]*

The Hon. FRANCA ARENA: *[evidence suppressed]*

The Hon P. T. PRIMROSE: *[evidence suppressed]*

CHAIR: *[evidence suppressed]*

The Hon. R. S. L. JONES: *[evidence suppressed]*

The Hon. C. J. S. LYNN: *[evidence suppressed]*

The Hon. R. S. L. JONES: *[evidence suppressed]*

The Hon. FRANCA ARENA: *[evidence suppressed]*

Reverend the Hon. F. J. NILE: *[evidence suppressed]*

CHAIR: *[evidence suppressed]*

The Hon. FRANCA ARENA: *[evidence suppressed]*

Reverend the Hon. F. J. NILE: *[evidence suppressed]*

The Hon. FRANCA ARENA: *[evidence suppressed]*

CHAIR: And you refuse to name the Labor colleagues.

The Hon. FRANCA ARENA: Absolutely.

The Hon. C. J. S. LYNN: Even in camera?

The Hon. FRANCA ARENA: Even in camera, yes. I have given my word that I would not name anybody. If in many cases I had been able to name my source it would have made life much easier for myself, but I have always told people—look what is happening to Deirdre Grusovin. Her whole seat, preselection is going to go because she stood up for paedophilia. It has been a great lesson.

CHAIR: Can you not make speeches? In paragraphs 14, 15 and 16 you refer to a member of security services.

The Hon. FRANCA ARENA: Yes.

CHAIR: Can you name the member of security services?

The Hon. FRANCA ARENA: No.

The Hon. R. S. L. JONES: Were you aware that all members of the security services gave evidence at the Nader inquiry and that every one of them denied knowledge of this?

The Hon. FRANCA ARENA: I only know what I was told. I am not going to go into details. My statement is here; you can read it and accept it or reject it. But that is exactly what happened. As I told you, that is exactly how it happened. I am not prepared to give the names of these people.

The Hon. J. R. JOHNSON: That is exactly how you were told how it happened.

The Hon. FRANCA ARENA: Exactly. I agree.

The Hon. C. J. S. LYNN: In my reading of this submission, your primary concern is about children and the protection of children against paedophilia.

The Hon. FRANCA ARENA: Yes.

The Hon. C. J. S. LYNN: And on the conscience side that is more important than anything else. You have now given us a heap of information which we have read and have tried to digest, marry up and so on. Some of it may border on the fantasy and some may be factual. I am not doubting your credibility. If you have given us evidence and you mention people without names we have to take that at face value. However, if you gave us those names it would make much easier the job of the Committee in coming to a conclusion on this issue.

The Hon. FRANCA ARENA: I understand. You have seen in the correspondence that I wrote well before I made the submission. There are letters that I sent to people in which I said a year, two years ago I will always protect my informants. I would not be able to protect children if I had no informants. One informant asked me. There is even a member of the crossbenches—not only

a Labor person—who said to me about eight months ago, "I know the meeting took place. I was told by a very reliable source and you were absolutely right." He told me after my speech on 17 September so it is not eight months ago. I wrote to him myself again about three weeks ago and said, "Look, I have got to face the privileges committee. Do you remember this conversation? Could you please just attest that we had the conversation and you told me that?" He rang me and said, "I am sorry but I cannot get involved. It is too difficult." This is the usual reply I get.

The Hon. C. J. S. LYNN: But surely this is the forum. This is the process we are using to determine the truth or otherwise of the terms of reference. We have to report to the Parliament and so on. Surely this is the opportunity now. This is the crunch time. Do you put the suppression of the names ahead of the importance of protecting children against these paedophilia rackets?

The Hon. FRANCA ARENA: I have given my word in these cases that I would not reveal my sources, and I just cannot go back on my word. Whatever it costs me, I will not go back on my word. Informants are coming to me because I have always said in public and in private that I would rather go to gaol than reveal my sources.

CHAIR: This is not in public. You are saying that you are prepared to do serious damage to individuals' reputations by alleging that they are paedophiles but you are not prepared to say who has alleged they are paedophiles in this in-camera discussion.

The Hon. FRANCA ARENA: I have never alleged anybody is a paedophile. There are people who have made allegations and I include it in my submission. I never myself made allegation that somebody was a paedophile. You look at my whole submission and ask me where did I say that so and so was a paedophile. I think this morning I told you about 10 times if you ask me whether so and so is a paedophile I said I do not know. I honestly do not know. I will repeat—

CHAIR: You just repeat the allegations of others.

The Hon. FRANCA ARENA: I do not repeat the allegations of others.

CHAIR: But you have given them to us.

Reverend the Hon. F. J. NILE: It is also a question of whether this committee is strictly in camera in the current situation. All the other parliamentary committees of which I have been a member clear the room when they hear evidence in camera.

The Hon. C. J. S. LYNN: Do you trust the current process of this Committee, and with the legal representatives, to be able to speak frankly, forthrightly and honestly and know that that will be protected information?

The Hon. FRANCA ARENA: I trust the Committee; I trust the process. As I said, when I give my word of honour. [*evidence suppressed*] I gave my word of honour to these people that I would not reveal my sources and I am not going to reveal my sources. I trust the process. It is a

question of my own integrity, of having told people that I would not reveal my sources and now doing them in because I am in a difficult situation. I cannot do it.

The Hon. C. J. S. LYNN: Do you appreciate how much more difficult that makes the job of the Committee?

The Hon. FRANCA ARENA: I understand and I am sorry.

CHAIR: I have a list of 19 people and I want to know who they are. Are you telling the Committee that you will not name any people?

The Hon. FRANCA ARENA: I am sorry but the people were willing to be named—the people who are willing to be named or the people who are willing to put their names to documents are here in the submission. The ones who are not in the submission I am not willing to reveal because I have given my word of honour that I would not. It would be wasting our time for you to go through the 19 names because I will not reveal names.

CHAIR: I think I better go through them because you may or may not have given your word of honour.

The Hon. R. S. L. JONES: One or two of these may be okay.

CHAIR: First, you have said that you will not name the member of security services mentioned in paragraphs 14, 15 and 16.

The Hon. FRANCA ARENA: That is right.

CHAIR: A colleague mentioned in paragraph 16—that is a colleague of the member of the security service, in line 5 of paragraph 16. The colleague?

The Hon. FRANCA ARENA: No. I am sorry.

CHAIR: You will not name them. Do you know who he or she was?

The Hon. R. S. L. JONES: Without actually naming the person you would not know who they were.

The Hon. A. B. KELLY: So you would not have given that person.

The Hon. FRANCA ARENA: I am sorry, we are looking at—

CHAIR: Paragraph 16 line 5, "It was a colleague who saw them and told me." That is a reference to a conversation with a security guard.

The Hon. R. S. L. JONES: A colleague of the security guard?

CHAIR: Yes.

The Hon. A. B. KELLY: So you are not naming the security guard, just the colleague.

The Hon. FRANCA ARENA: Yes. I know who the colleague is.

CHAIR: You know who the person was who gave that information to the security guard.

The Hon. FRANCA ARENA: Yes.

CHAIR: And you gave that person your word of honour that you would not name them.

The Hon. FRANCA ARENA: Yes.

The Hon. C. J. S. LYNN: Then what is the use of providing that information?

The Hon. FRANCA ARENA: You asked for an explanation of what happened and I gave an explanation. I realise how much easier it would make my thing. I mention for instance the head of security, Mr Beverstock. I have noticed that Mr Beverstock, since my documents have gone in, does not even say hello and turns his other side. He must know. Somehow he knows that I have mentioned him. I do not know how he knows but he knows. Even though I had a conversation with him, he never asked me and I never said to him—when we discussed the “**AB**” case and things like that I never said to him, "Alan, I give you my word of honour." So I felt free to put his name down. I never told him. But to people I said, "You can talk to me. I give you my word of honour. Under no circumstances will I reveal your name." I will not reveal their names.

CHAIR: In paragraphs 22 to 33 you refer about John and David.

The Hon. FRANCA ARENA: Yes.

CHAIR: Will you reveal their names?

The Hon. FRANCA ARENA: This is the Yeldham affair.

Reverend the Hon. F. J. NILE: No, 24 is John.

CHAIR: Yes. Paragraphs 22 to 33 refer to John and David. You will not name them.

Reverend the Hon. F. J. NILE: David is not his real name.

The Hon. FRANCA ARENA: Exactly.

CHAIR: I refer you to annexure 3, page 2, where you talk about "friend of brother".

The Hon. FRANCA ARENA: But this is the same. It is my letter of May 1997.

CHAIR: I am just checking with you. It is the letter of 26 May.

The Hon. FRANCA ARENA: This is about the Yeldham affair. It has got nothing to do with my speech of 17 September.

CHAIR: I refer you to annexure 3, page 2, the letter of 26 May 1997, and the reference to "other boys". Can you name them?

The Hon. FRANCA ARENA: I am sorry, I cannot name any of these people.

CHAIR: I refer you to paragraph 33 of your submission, where you talk about "confidential inquiries". Of whom were these confidential inquiries made?

The Hon. FRANCA ARENA: People in the legal profession.

CHAIR: Can you name any of those people?

The Hon. FRANCA ARENA: No.

CHAIR: In relation to paragraph 33, by whom were you told?

The Hon. FRANCA ARENA: By an informant.

CHAIR: And you will not name the informant?

The Hon. FRANCA ARENA: No.

CHAIR: I refer you once again to paragraph 33, where you say, "I was also told once again".

The Hon. FRANCA ARENA: I think it is the same.

CHAIR: I refer you to paragraph 63, annexure 11.

The Hon. FRANCA ARENA: You see, Madam Chair—and I am saying this for the record—you are looking at all the names that I cannot reveal. But there are all the names that I have revealed throughout my statement and in my attachment. I think it is very important for the record to show that in a lot of cases where I was given permission, all the names and all the attachments are there.

CHAIR: I am asking you about specific people, so that the Committee knows what credibility to attach to your annexures. I refer you to annexure 11 and "C"'s letter, which is at the back of the annexure. In paragraph 3 she refers to an orthopaedic surgeon.

The Hon. FRANCA ARENA: Madam Chair, you are asking me about a letter from “C”. You should ask “C”. I have no idea who the orthopaedic surgeon is. She would know. How would I know?

CHAIR: So in your many conversations with her, you have never asked her who the orthopaedic surgeon was?

The Hon. FRANCA ARENA: I cannot actually remember. I am sure that if she told me it would have gone through one ear and out the other, because I do not know many orthopaedic surgeons. I think it is a question you should ask “C”; she has made the statement. Why should I know who the—?

CHAIR: You supplied the Committee with the statement, and I am questioning you about your annexure. Further on in the letter, in paragraph 4, she refers to "another family member". Do we know who that is?

The Hon. FRANCA ARENA: I think this is becoming ridiculous, if I can say that with all due respect to you, Madam Chair. I am not going to answer questions on a statement made by a person who has asked to come to this Committee to give evidence and about whom there is a letter and a request to come to the Committee. I cannot answer for her.

CHAIR: Can you answer about the annexure that you gave to the Committee in your submission, in your justification for your actions on 17 September? Can you answer questions?

The Hon. FRANCA ARENA: I am answering every question that is put to me in the best way and the most truthful way I can. When I cannot, I will just tell you.

CHAIR: You did not ask questions about this letter of “C”?

The Hon. FRANCA ARENA: I told you, Madam Chair, that I might have. I cannot remember at the moment. [*evidence suppressed*] So, even if she had—which I cannot recall—given me the name of, for instance, the surgeon or something, the best person to ask is “C”, not me.

CHAIR: I take you to paragraph 64 of your statement, where you refer to the anonymous letter. Can you tell the Committee who that letter is from?

The Hon. FRANCA ARENA: Are you for real? It says "anonymous". How could I tell you who it is from? You said it is an anonymous letter.

CHAIR: Did you have any other communication with the person who sent you that letter?

The Hon. FRANCA ARENA: You might forget that you have asked me before, but I give you the same answer I gave you before. It is a very typical typewritten letter, and I have never received another one. I told you that before.

CHAIR: I take you to your supplementary statement. In paragraph 1, supplementary annexure 2, I refer you to the words "I think the tape is real". Is the "I" referred to there "C"?

The Hon. FRANCA ARENA: That is right, yes.

CHAIR: You have already confirmed that you do not know who the private detective was in the "S" allegation.

The Hon. FRANCA ARENA: No.

CHAIR: And you do not know who the "T" apparatchik was in the "S" allegation?

The Hon. FRANCA ARENA: No.

CHAIR: I take you to your supplementary statement, annexure 1. Who are the boys aged 12 and nine? Have you ever asked about their identity?

The Hon. FRANCA ARENA: Madam Chair, I told you that "C"—I do not think she saw the tape herself. I think she said that clearly in her statement. It is her statement; it is not my statement. I have no idea.

CHAIR: In paragraph 85 you name Alan Beverstock. Why do you name him and not others?

The Hon. FRANCA ARENA: As I told you, Madam Chair, I had conversation with him and at no stage did Mr Beverstock say, "Give me your word of honour that you won't reveal your sources." Nor did I say to him, "Alan, I give you my word of honour that I will not reveal my sources." By then I was getting quite concerned about all these people who were unwilling or unable to come forward, so I was very careful not to tell him, "I give you my word of honour." He did not ask it, so I felt quite at liberty to mention my conversation with him.

The Hon. C. J. S. LYNN: In your mind, is Mr Beverstock aware of the security officer who gave you the information, to whom you referred earlier?

The Hon. FRANCA ARENA: Of the security person?

The Hon. C. J. S. LYNN: Yes.

The Hon. FRANCA ARENA: I have no idea. I did not discuss it with him.

CHAIR: In paragraph 94 of your statement, towards the end of the paragraph you say, "In addition, I was told by a former member of Parliament who came to see me . . .", that he had been told by a friend, et cetera. Can you name the former member of Parliament?

The Hon. FRANCA ARENA: No, Madam Chair. I wrote to him and asked him if I was able to, and he said, "You gave me your word you wouldn't reveal it", so I am not going to reveal it.

The Hon. C. J. S. LYNN: In your view, why would a former member of Parliament facing something this serious, knowing the system and having, it seems, nothing to lose, not want to add his name to this?

The Hon. FRANCA ARENA: Former members of Parliament aspire to be put on Government committees, or be given little jobs and little sinecures, and he is interested in doing that. And by supporting me, he is putting himself against the Carr machine.

The Hon. C. J. S. LYNN: You are saying that people will put their own personal ambitions in this regard above the higher goal, that is, the protection of children?

The Hon. FRANCA ARENA: Unfortunately, that has been my experience.

The Hon. C. J. S. LYNN: If that is the case, and if your passion about this subject is so great, why do you not name them?

The Hon. FRANCA ARENA: Because, to me, my word of honour is as important as my swearing on the Bible today. It is just as important. I would not lie to you to save my skin, nor would I break my word with these people.

The Hon. C. J. S. LYNN: But what about your commitment to the protection of children from paedophiles? Surely, there is conflict there in your values?

The Hon. FRANCA ARENA: But these people are not paedophiles. They have given me information, and if I break my word, everyone is going to go around and say, "Look, you can't tell anything to Franca Arena because the first thing she is going to do is splutter it left, right and centre."

The Hon. C. J. S. LYNN: Then why tell it to you in the first place?

The Hon. FRANCA ARENA: I will never get information ever again.

The Hon. C. J. S. LYNN: What use is the information if it cannot go anywhere? If the information cannot come to us in the Parliament, what use is that information? Why give it to you?

The Hon. FRANCA ARENA: But the police have got some information that you might not have. I mean, when people tell me something, it is just—can I say to you, all during this period the whole paedophile thing has been like a huge puzzle. You put a little bit here and a little bit there, and you look at the puzzle in a big picture, and that is how it has been.

The Hon. C. J. S. LYNN: Have you given their names to the police, or have you suggested to them that they go directly to the police?

The Hon. FRANCA ARENA: The police are not interested in the names of these people, or a piece of information or story.

The Hon. C. J. S. LYNN: But we are.

The Hon. FRANCA ARENA: I know you are. But I would not give it to you.

The Hon. C. J. S. LYNN: But, surely, we are pursuing the same issue as the police are pursuing.

The Hon. FRANCA ARENA: But, you see, these people are not paedophiles. They are not connected with the inquiry on paedophilia.

The Hon. C. J. S. LYNN: But they are concerned with the issue?

The Hon. FRANCA ARENA: But I cannot understand what is the point of knowing—as far as the paedophile investigation and catching a paedophile is concerned, in one of the questions here you would like to know who is the former member of Parliament who told me. You are investigating me while the police are investigating paedophilia.

CHAIR: Mrs Arena, I will bring you back to it. You asked for a thorough and full investigation by the privileges Committee. The Committee is giving the matter a thorough and full investigation. Do not criticise the Committee for that.

The Hon. FRANCA ARENA: Madam Chair, I am not criticising you, believe me. I have asked for a full inquiry because after I made my speech I was thrown into a judicial inquiry with such restricted terms of reference, when we knew how it was going to go: you were going to expel me from Parliament—the first woman ever—and I would have had to wear that badge of dishonour for the rest of my life. That is something I am never going to accept.

CHAIR: I return to the final question. Can you give the Committee the name of the friend of the former member of Parliament, that is, the friend at the ALP head office?

The Hon. FRANCA ARENA: No. I do not even think the person told me that. In all honesty, I am sure he did not tell me.

CHAIR: So you do not know the name of the friend at the ALP head office?

The Hon. FRANCA ARENA: No.

CHAIR: Can you give the Committee the name of the member of the security service mentioned in paragraph 94 and paragraphs 14 and 15? Is it the same member of the security service?

The Hon. FRANCA ARENA: No. I cannot give you the name. But I have given you the names of a lot of people. And I want to re-emphasise that once more, because when this transcript goes out people will think: she did not give the name about this. But you have not asked me about a

lot of the material in this statutory declaration, in these speeches, supporting some of the things I have said. You have not asked me about **Judge D** doing something. I am getting upset.

CHAIR: I have asked you not to make speeches but just answer questions.

The Hon. FRANCA ARENA: I am going to make speeches. I am defending my honour and my integrity.

CHAIR: You asked for a full and thorough inquiry. We are doing this. You cannot object to the questions.

The Hon. FRANCA ARENA: I wanted a fair inquiry as well.

The Hon. C. J. S. LYNN: Coming back to the naming of the people in the security services. This in my view is key information in us deciding whether there was or was not a conspiracy or cover-up as you allege.

The Hon. FRANCA ARENA: There was all these articles in the newspapers saying that there was an impending crisis. The senior Labor strategists are very concerned. Is it out of this world when you see article after article that there are going to be MPs named, judges named, a Labor member named, that the senior Labor Party strategist, being Mr Sheahan, President then of the Labor Party, Mr Della Bosca, and Mr Carr would not meet and say, "What are we going to do?" It is such a normal thing. It does not seem to be an outrageous thing to do for them, if you knew that one of your party members was about to be maybe exposed about something. Would you not meet to discuss "What are we going to do if it happens? What are we going to do if it does not happen?" It is not something to be a conspiracy. As I think I said in my statement it would have been delinquent of them not to meet.

The Hon P. T. PRIMROSE: I would regard it as also being equally reasonable that a security guard employed by Parliament House would be able to say who came into Parliament House. I do not regard that as being outrageous, awful or part of a conspiracy.

The Hon. FRANCA ARENA: No.

The Hon P. T. PRIMROSE: All we want to know is who was that person so we can clarify it once and for all and take away the mystique. Let us find out who that person. They were doing their job.

The Hon. R. S. L. JONES: Does that person really exist?

Reverend the Hon. F. J. NILE: The question is whether Mrs Arena honestly believes from all this information that there was a cover-up. That is the basic question: did she believe it? In her mind was it true that there was a cover-up.

The Hon P. T. PRIMROSE: And the way we get to objective facts, as I understand it, is if a security guard doing their job in Parliament says who came in and who went out. I do not regard that as being an abnormal thing.

Reverend the Hon. F. J. NILE: We do not have to prove that there was a meeting but the fact that Mrs Arena believes there was a cover-up.

The Hon. P. T. PRIMROSE: Let us get the name of the security guard.

CHAIR: It would help if we knew if this person existed.

The Hon P. T. PRIMROSE: Let us get the name of the security guard so it is a tangible piece of evidence.

The Hon. FRANCA ARENA: I think I have said it in this thing about Mr Beverstock. I asked Mr Murray, the Speaker, about Mr Beverstock. I said "Is it true that Mr Beverstock's job has been in danger?" He said, "Yes, I have had to save his job at least once." It was Mr Murray who told me. Do you think the security guards would put their jobs in jeopardy? It is not in the statement but Adriana, my secretary, got the call from the security guard's daughter, who said to her, "My father blah, blah, blah, was seen blah, blah, blah. He spoke to us in the family and I am prepared to tell you". A few days passed by and I said to Adriana, "Look, I do not know whether to put all these people in. He is going to lose his job when he is found out. Then we thought, Well, she has offered. Let's ring back". So Adriana rang back and you can ask her to come here. I rang back and she said, "Look, I am too scared now. No, forget about it", and that has happened quite a few times.

CHAIR: Mrs Arena, can you understand that by your refusing to give us the name of the security officer—obviously it is pretty vital information—there would arise in our minds a doubt that the security officer existed?

The Hon. FRANCA ARENA: Yes.

CHAIR: In terms of the previous question, this is not something shameful that he has done.

The Hon. FRANCA ARENA: Why do you not, for instance, invite some of the journalists like Michael Dwyer of the Financial Review, Brett Martin of the *Bulletin* to ask why they wrote those articles. Why did they say senior party—

CHAIR: You cannot answer a question with a question. Please answer it.

The Hon. FRANCA ARENA: I am sorry but I will answer the question as I see fit. I told you that I gave people my word of honour that I would not reveal them and put them into trouble and that is what I am doing. I do realise I said, and I repeat, it would make my task much easier if I blubbed out and told you. I gave my word and I keep my word. You have had the whole Nader inquiry looking at these meetings and trashing me to pieces.

CHAIR: That is why I would have thought that you would give us some evidence to support your position.

The Hon. FRANCA ARENA: If I was prepared to give you the names, would you be prepared to say that Mr Nader was completely wrong. I doubt it. I will put some people in and look dishonourable to them and you would still say that Mr Nader—

The Hon. R. S. L. JONES: As I understood it—maybe I am wrong—the security guards gave evidence to the Nader inquiry and denied having seen—

The Hon. FRANCA ARENA: Which security guard?

The Hon. R. S. L. JONES: I thought every one of them had. It may be that one of those has lied to the commission of inquiry.

Reverend the Hon. F. J. NILE: Or they could have lied to Mrs Arena.

The Hon. FRANCA ARENA: Where is the evidence that every security guard was asked?

The Hon. R. S. L. JONES: I just read it last night at about one o'clock in the morning.

The Hon. FRANCA ARENA: Where was the evidence, Mr Jones?

The Hon. R. S. L. JONES: It is in a supplementary apparently. I did read it. I am just trying to find it. You would have read the Nader report, would you not, anyway?

The Hon. FRANCA ARENA: I indeed have.

The Hon. C. J. S. LYNN: It is in the supplementary. D10 is one of them, Kenneth Drew.

Reverend the Hon. F. J. NILE: It would be true in your mind that if parliamentary staff are under a certain code of behaviour, that if they do reveal information of things that they see or hear in Parliament that would really mean their dismissal from the position?

The Hon. FRANCA ARENA: Absolutely. As I told you the head of security told me, and I remember his words as I was sitting here, when I told him "A statutory declaration has been given to me about "AB". Alan, is there anything you can say?" He said "What goes on in this place at the weekend would turn your hair white". I said, "Alan, what are you doing about it?" He said, "Nothing. What can I do? There is nothing I can do. I can lose my job. That's all I can do. Nobody wants to know, Franca." This is exactly his words. I said, "Won't you even tell Clive Small?" He said, "I will tell Clive Small." As a matter of fact I even saw him after about two or three weeks and I said, "Did you speak to Clive Small?" He said, "No, he didn't ring me. I told you, they don't want to know". But eventually Clive Small did ring him and I think saw him but Mr Beverstock now does not even say good morning to me and his wife is of Italian background like myself. We are good friends—we were good friends. He does not even talk to me.

The Hon. R. S. L. JONES: Why do you think that is?

The Hon. FRANCA ARENA: He does not like me to have put his name into the material.

CHAIR: I take you to your supplementary submission, paragraph 11, annexure 8, which is the fax of 27 October. Can you tell me the name of the policeman in that?

The Hon. FRANCA ARENA: No, *[evidence suppressed]*

CHAIR: Is the officer named later the same person or a different person?

The Hon. FRANCA ARENA: No.

CHAIR: It is a different person?

The Hon. FRANCA ARENA: A different person.

CHAIR: And you cannot reveal his name?

The Hon. FRANCA ARENA: The one on 11?

CHAIR: Annexure 8.

The Hon. FRANCA ARENA: Paragraph 11? Yes. I think I put here I know— *[evidence suppressed]*

The Hon. R. S. L. JONES: Could I refer you to the actual words of the Nader inquiry at page 336:

It is clear from the evidence of the security officers that Mrs Arena did not get so-called "confirmation by security officers and others unable to talk about it publicly who could testify to it but are in fear of losing their jobs", as indicated in her speech. See the evidence of Mr Beverstock and other persons set out.

Clearly Alan Beverstock and other security officers believe that the security officer does not actually exist who saw them arriving before this so-called meeting?

The Hon. FRANCA ARENA: What page are you reading from?

The Hon. R. S. L. JONES: I will pass it to you. It is the actual transcript of Friday, 3 October.

The Hon. FRANCA ARENA: Are you reading the submission made by the counsel of Mr Carr and Mr Collins which I would not imagine would be—

The Hon. R. S. L. JONES: They are just referring to evidence that has been given on page 325. In other words, we have no evidence that this security officer actually exists at all or whether it is a figment of your imagination.

The Hon. FRANCA ARENA: Mr Richard Jones, you are at liberty to believe me or not to believe me. I sworn on the *Bible* this morning and I take my swearing very very seriously. I tell you that the person exists and the person gave me the information. As I said, you are at liberty to do what you like with this information.

Reverend the Hon. F. J. NILE: Knowing what you now know, would you make the same speech again that you made on that date, 17 September?

The Hon. FRANCA ARENA: My concern for the children has not changed. My concern that there has not been a paedophilia inquiry has not changed and my disgust at the fact that the children are still being abused out there is still the same. What I said I think this morning because I think Peter asked me more or less the same question was that I most probably—as I wrote the speech myself, I did not consult with anybody to look at it. If I had my lawyers then as I have now I most probably would have put things in a way which was clearer but I think that I made quite clear an assumption—what did I put—those words which did not make assertions, do you understand? I would say to a certain extent, yes, I would make the same speech because my concern that the issue of paedophilia has not been dealt with is as strong now as it was in September

Reverend the Hon. F. J. NILE: Did you have any malice in your mind against Mr Carr when you were preparing that speech or giving it?

The Hon. FRANCA ARENA: Never, and I want to look at everybody in the face here and tell them that I never ever had any malice against anybody and for Mr Carr, because here I am on trial, but Mr Carr went outside the Nader inquiry and said "She lied. She knew she was lying. She acted out of malice." That is really something that he will get sued for because I am not going to take that lying down. I have never acted with malice. If I was wrong because some of the information I was given was wrong, I can accept that, but the fact that I acted with malice, that I wanted to somehow—I mean, somehow he thinks that because I was not made a Minister 2½ years ago I had it against him. *[evidence suppressed]*. I am one year from going out of Parliament. Why did I not take it easy and forget all about it? I was motivated by all these victims who came to my office day after day, and still are coming.

The Hon. R. S. L. JONES: *[evidence suppressed]* you have submitted to us in your evidence in the various annexures fantastic evidence about the involvement of "D" and **Judge B** in paedophile activities which are hardly credible and you did not verify any of these. We now know that some of these were entirely wrong anyway because "D" was not *[evidence suppressed]* when one of these submissions was made and had never been at that hotel anyway. The information about **Judge B** where he is supposed to be an axe murderer and having cut off people's penises and raped this woman, you have given that to us in evidence and you expect us to believe that, presumably. *[evidence suppressed]*

The Hon. FRANCA ARENA: I think, Mr Jones, that you are yourself malicious in your question, if I may say so; malicious in imputing to me motives which I did not have.

The Hon. R. S. L. JONES: How could you have given us this information, which is absolute rubbish?

The Hon. FRANCA ARENA: I was given information and I gave it to you to make you understand—

The Hon. R. S. L. JONES: It is rubbish. This stuff is absolute rubbish.

The Hon. FRANCA ARENA: Why not just say so, "It is rubbish. We do not count it." Ask the witnesses, ask people to come here.

The Hon. R. S. L. JONES: I would not even present this as evidence to anyone. It would go straight in the bin.

The Hon. A. B. KELLY: Do you believe it to be rubbish?

The Hon. FRANCA ARENA: I do not know. You asked me this morning, "Do you believe "D" is a paedophile, do you believe **Judge B** is?" I do not know. I have no idea.

The Hon. R. S. L. JONES: This is your so-called evidence, which is absolute nonsense. This is what you back up to say you do not know. You have no evidence whatsoever.

The Hon. FRANCA ARENA: I can see that you have turned into a policeman and have already done investigations. *[evidence suppressed]*

The Hon. R. S. L. JONES: If you damage other people's reputations in the meantime, it does not matter.

The Hon. FRANCA ARENA: How do we damage? Who knows about us? Who knows about it?

CHAIR: Have you read "A"'s allegations?

The Hon. FRANCA ARENA: I suppose I read it when she gave it to me a long time ago.

CHAIR: Will you summarise them for us?

The Hon. FRANCA ARENA: Look, I could not.

CHAIR: Is there anything in there that you can remember?

The Hon. FRANCA ARENA: I agree with you. All I can remember is that when I read it myself I spoke to “C”—

CHAIR: Are you able to give us something that would let us believe that you had actually read it?

The Hon. FRANCA ARENA: What has it got to do with your inquiry, Madam Chair?

The Hon P. T. PRIMROSE: It is your evidence.

The Hon. FRANCA ARENA: It is not my evidence, it is the evidence of a member of the community who came to me as a member of Parliament and said to me, "Here it is, my statutory declaration. I want you to have it investigated."

The Hon. A. B. KELLY: You asked us this morning to put it in your submission, to have it recorded here as your submission.

CHAIR: I asked you this morning did you want your submission to be included as part of your evidence and you said yes.

The Hon. FRANCA ARENA: It is all part of my submission, but it is not my evidence. It is evidence of members of the community who have come to me and said, "Mrs Arena, I am a member of the community, you are a member of Parliament. Here it is, do something about it." What do I do about it? I give it to the police.

Reverend the Hon. F. J. NILE: They are annexures to your statement.

CHAIR: You said that you took the allegations seriously. Can you tell us something of those allegations that you remember?

The Hon. FRANCA ARENA: I remember that she said that she was part of a sexual abuse by a group of a satanic cult. These are the broad lines. That is what I remember, a satanic cult was doing terrible things. I said to “C”, "How is it possible that a human being can go through such terrible things, a young girl?"

The Hon. R. S. L. JONES: She was six years old at the time, was she not?

The Hon. FRANCA ARENA: She has had two—I can remember she said one, for sure one operation on her spine because of the injuries she suffered when she was sodomised. What do you answer when a professional person tells you something like that? I said, "The police will investigate it." She said to me, "My uncle was part of the satanic group. He used to have a mania for photographs. All these paedophiles like photographs and videos and I know in this house at such and such a place the photographs are still there. Do you think we can get them?" I said, "You must be kidding," *[evidence suppressed]*

CHAIR: I take you to paragraph 63 where you say you had many sleepless nights because of how serious the allegations were and you said, "I, accordingly, was going to take them seriously." What were the allegations? Have you any memory of what was in that statement?

The Hon. FRANCA ARENA: I just told you it was satanic abuse. They used to meet I think down at the national park. It used to be all these terrible things happening. Apart from all of that I remember clearly saying to "A", "'A", you might be wrong." She said, "I recognised him. I recognised him [*evidence suppressed*]. I recognised **Judge B**." She said, "Not only I recognised him, but my sister did."

CHAIR: I have not asked you that question. I asked you to name an incident in the "A" allegations.

The Hon. FRANCA ARENA: I am just trying to, you know, exactly what my lawyers—I do not spend my time memorising intricate particulars. I do not see the purpose of it. I remember the allegations she made were very serious and difficult to believe, but when even "C" said she had an operation on her back and spine because of what she suffered as a child, I just do not know.

CHAIR: One incident that you can tell us.

The Hon. FRANCA ARENA: I think my answer is on question 14. I think I put it there. I think I went to the question four times.

The Hon. R. S. L. JONES: On page 19 of your submission you quoted her as saying:

Judge B then dragged me downstairs to the basement. There were bodies strung up all around the walls. He took me around to all the dead men and made me suck all the blood off their penises. I was later taken to the furnace room where they had a big incinerator and a stainless steel table where they were burning all of the bodies. They quite often burnt bodies there. There was a pipe which went to the outside of the building and up past the roof level. It made me sick whenever I saw smoke pouring out of it because I knew they were burning some bodies.

Reverend the Hon. F. J. NILE: Madam Chair, I do not see the point of this.

The Hon. FRANCA ARENA: It is all available there.

Reverend the Hon. F. J. NILE: You are trying to discredit Mrs Arena by doing that.

The Hon. R. S. L. JONES: No, I am not. I am just reading a little of it and it is full of it.

CHAIR: Reverend Nile, Mr Jones is quoting from an annexure that Mrs Arena provided to us. I think that it is a legitimate question.

Reverend the Hon. F. J. NILE: And which she said she does not know whether it is true or not.

The Hon. FRANCA ARENA: Exactly. I said the police are investigating it. I know it is hard to believe. How can I imagine that such terrible things happen in our society, whether it is **Judge B**

or Tom, Dick or Harry. It is just too horrible to contemplate. I hope it never happened. I hope the girl is fantasising. I do hope so, but how did she get all these injuries? How did both she and her sister— *[evidence suppressed]*. But I have never found “C” to be either malicious or untruthful.

CHAIR: Did you read a single page of the annexure of “A”’s allegations?

The Hon. FRANCA ARENA: I read the whole stuff. I think that I find your question offensive in telling me that I would have put something in my submission without even reading it. I find that offensive, Madam Chair. I have read all the material very carefully. I know that it is very difficult. What do you want to know? At the national park, I remember. I even interrogated her. I said, “A”, you said that you used to have meetings at the national park.” I know the park because it is down at Chatswood, Fullers park, I think. At one part she said they used to have meetings at midnight or during the night. I said, “I know it is a rather isolated place, “A”, but how is it that all these cars were coming down for these meetings and they would have had lights on. Somebody must have noticed. Did anybody ever come down to see what these cars were doing?”

She just looked at me and she said to me, “You don't believe me, do you?” I said, “It is not a question of me not believing you, “A”. I just want you to explain to me how that did happen.” She said, “Well, I do not know how it happened but nobody ever came.” I did not even question her. I remember this particularly because I know Fullers Bridge, the park down there. I have been there for picnics myself. I just found it very strange that the cars would have gone there.

The Hon. R. S. L. JONES: Could I just read another couple of paragraphs, if you do not mind.

Reverend the Hon. F. J. NILE: I mind. I do not think there is any relevance in reading those extracts.

CHAIR: Are you proposing to read them out with a view to asking Mrs Arena a question?

The Hon. R. S. L. JONES: Yes.

CHAIR: I will allow it.

Reverend the Hon. F. J. NILE: I register my objection.

The Hon. R. S. L. JONES: She said:

My mother grabbed me by the hair and shoved a penis in my mouth that she cut off one of the bodies. It had blood all over it. I gagged and nearly threw up. I shook my head to try to get it out. **Judge B** was holding down my arms and body. He yelled, “You little bitch,” and took the penis off my mother and turned me on to my stomach and pushed the penis into my anus. He said, “See how you like that.” He left it there and dragged me outside the room. He then took me into the bathroom and I just stared at the bath. Someone had filled it with blood and body parts. There were arms and legs and a head. I pulled the penis out of my bottom. He said, “What are you doing?” He picked me up and threw me in the bath. I was horrified. He then took off his clothes quickly and got into the bath with me.

Reverend the Hon. F. J. NILE: What is the question, Madam Chair?

The Hon. R. S. L. JONES: She said:

He got in behind me like my father used to do. All the blood was splashing out on the floor and he threw some of the body parts on to the floor.

Do you believe that nonsense?

The Hon. FRANCA ARENA: I do not know.

The Hon. R. S. L. JONES: Do you have any doubt about that?

The Hon. FRANCA ARENA: Of course I have got great doubts about it.

The Hon. R. S. L. JONES: Do you think it is possible that that happened, that **Judge B** was involved in sitting in a bath full of body parts?

The Hon. FRANCA ARENA: I have got great doubts about her submission. However, I have also met her and I have a letter here from “**C**” which says:

[evidence suppressed]. I have been seeing “**A**” once a week, at times more often, for 2½ years. During that time I have become very familiar with her character and personality. During that time her behaviour has been consistently that of a highly ethical and scrupulously truthful person in all areas of her life. She has a very strong religious faith and tries to live by those principles. She has at times been severely depressed but never been delusional.

I can think, reading what you have just read, that it is absolutely and utterly out of this world, but when I read “**C**”’s statement, I say, “Where is the truth?” I do not know, Mr Jones. I honestly do not know. I cannot emphatically and completely tell you that they are lies or that “**C**”—they might be exaggerations. I do not know what it is.

The Hon. R. S. L. JONES: But you think it could be true?

Reverend the Hon. F. J. NILE: You are probably aware that in recent days some repressed memory cases similar to that that have now been discredited; in that psychologists have kept questioning the person and the question has created the images not reality. That is a possibility, is it not?

The Hon. FRANCA ARENA: Absolutely, I could not agree with you more. There could be also the possibility that she has fantasised and made up the bodies and this and that, but it could very well be the possibility that **Judge B** or whoever she saw there did abuse her, did do the terrible things that she says; that that part of it is true. *[evidence suppressed]*

CHAIR: You said that you wrote your speech on the 17 September. Was the speech given as written?

The Hon. FRANCA ARENA: Oh, yes, it was. It was given as written. I had it all written down.

CHAIR: So that they were your considered words?

The Hon. FRANCA ARENA: Well, they were my considered words in the sense that you must realise that the report came out on 23 or 22 August. It took me at least a week to read it and then I started writing bits and pieces. You know that English is not my mother tongue. I was 21 when I started living in an English-speaking country. I generally write my speech beforehand so that I can correct it, and leave it there a few days. Considered, yes. I certainly did not speak off the cuff. No, I did not speak off the cuff.

CHAIR: The only material that is to be made public from today's hearing is material which the Committee decides to make public. I ask you to confirm that you will comply with that procedure.

The Hon. FRANCA ARENA: In what sense do you mean?

CHAIR: That the only material to be made public from today's hearing can be made public by this Committee. That was a decision of the Committee.

The Hon. FRANCA ARENA: I certainly do not intend to release anything in public or to anybody, but I told you that tomorrow we are in court regarding my defamation case by John Della Bosca. I will have to take the advice of my defamation lawyer. It is neither Mr Taylor nor Mr Karp, who is still my solicitor, but I have a specialist—

CHAIR: I am not talking about your defamation case; I am talking about today's proceedings—evidence that has been given and questions that have been asked. Do you confirm that you will comply with the procedure?

The Hon. FRANCA ARENA: Absolutely. Nobody except my lawyers have seen this document.

Reverend the Hon. F. J. NILE: The problem is that the Hon. R. S. L. Jones has read much of the statement on to the transcript. He deliberately read on to the transcript material that has not been made available, and I object to that.

CHAIR: In my view if Mrs Arena provides the Committee with material as part of her statement, which this morning she asked to be part of her evidence, it is legitimate for members of the Committee to refer to that material when asking questions.

Reverend the Hon. F. J. NILE: Is the “A” statement now in the transcript?

The Hon. R. S. L. JONES: Not the whole statement.

Reverend the Hon. F. J. NILE: What the Hon. R. S. L. Jones read is now in the transcript; the document itself is not in the transcript.

CHAIR: Mrs Arena wanted it all in public.

The Hon. R. S. L. JONES: If this had been a public inquiry I would have read it out.

The Hon. FRANCA ARENA: Is the evidence referring to **Judge B** going to be in the transcript?

CHAIR: Mrs Arena, you are not here to ask questions; you are here to answer the Committee's questions.

The Hon. FRANCA ARENA: The media will ask me what is going to be released next Tuesday, and I would like to know.

CHAIR: You are not allowed to say anything to the media about this Committee. I am the only person who is allowed to speak to the media, and only after discussion with members of the Committee.

The Hon. FRANCA ARENA: I will comply with your ruling but I will certainly not be silenced. If the media ask me what happened today at the Committee hearing I will say that I am not allowed to discuss it but there were a lot of questions and answers.

CHAIR: You are not allowed to speak to the media about what happened today.

The Hon. FRANCA ARENA: I am sorry, Madam Chair. That is your ruling, but I will not abide by it. You can charge me with contempt if you want to. On what basis do you say I am not allowed to speak to the media? I am not going to reveal to the media what happened here today or give them details, but I am certainly going to say that a lot of questions were asked and a lot of questions were answered. I am not going to be silenced. After what happened yesterday, I hope that all members of the Committee will go and see the letter. Madam Chair has been meeting with the lawyers for Mr Carr about procedure. I find that unacceptable. Lynn Lovelock is the person to ask about procedure.

CHAIR: If your lawyers had approached legal counsel assisting the Committee and requested a discussion about procedure, we would have agreed to that.

The Hon. FRANCA ARENA: You should have referred them to the clerk.

CHAIR: I am the Chair of the Committee and I am in charge of procedures.

The Hon. FRANCA ARENA: And I am a citizen of this country and I am a member of Parliament, like you are, and I am not going to be silenced. I am going to play fair and respect you and respect your position, but you are not going to crush me like Mr Carr tried to do. Under no circumstances will I be silenced. When is the next meeting, Madam Chair?

CHAIR: We will let you know.

(The witness withdrew)

(The Committee hearing concluded at 4.52 p.m.)

POLICE INTEGRITY COMMISSION

3 February 1998

PRIVATE AND CONFIDENTIAL

Commissioner P J Ryan
Commissioner of Police
NSW Police Service
College Street
SYDNEY 2000

Dear Commissioner

Re: Mr D

I refer to a letter from **Mr G** *[evidence suppressed]*, a copy of which we understand was forwarded to you on *[evidence suppressed]* by *[evidence suppressed]* Solicitors, acting for **Mr D**.

I have been asked to make available to the Police Service any relevant records held by the Royal Commission in relation to the allegations made by **Mr G** in that letter and in a speech by the Hon Franca Arena in the Legislative Council on *[evidence suppressed]* and advise as follows:

- The “worn green telephone book” of **Mr K** was seized by officers of the Royal Commission under legal search warrant *[evidence suppressed]*.
- The telephone book was tendered in Royal Commission hearings *[evidence suppressed]*. At that time, Justice Wood granted access to the exhibit to the NSW Police Service.
- There is no entry in the telephone book for “**Mr D**” or the *[evidence suppressed]* “**Pseudonym D**” *[evidence suppressed]* either under “*[evidence suppressed]*” or elsewhere.
- The telephone book *[evidence suppressed]* was disseminated to the Child Protection Enforcement Agency *[evidence suppressed]*.

- **Mr G** was interviewed by Royal Commissions officers on nine occasions: *[evidence suppressed]*.
- During the interview on *[evidence suppressed]* **Mr G** was taken through **Mr K**'s telephone book *[evidence suppressed]*.
- The record of interview *[evidence suppressed]*, along with other records of interview, was summarised in a Statutory Declaration of **Mr G**'s prepared by Royal Commission officers *[evidence suppressed]*.
- There is no mention by **Mr G** of **Mr D** (or **Pseudonym D**) in the record of interview *[evidence suppressed]* nor in any of the other records of interview, nor his Statutory Declaration.
- All internal holdings relevant to **Mr G** and all documents supplied by **Mr G** to the Royal Commission have been disseminated to the NSW Police Service including:
 - * dissemination of the Statutory Declaration on *[evidence suppressed]*.
 - * dissemination of a copy of all records of interview on *[evidence suppressed]*.

Please advise if you wish any further advice in relation to this matter.

[evidence suppressed]

Yours faithfully

Judge P.D. Urquhart, Q.C.
Commissioner

Private And Confidential

Solicitor R

4 February 1998

Dear Sir

I refer to your letter of 30 January 1998 regarding the allegations made against your client, **Mr D**.

I was aware of the allegations made by one **Mr G** and that formed part of the current investigation of which I have custody following the presentation of the Arena papers to Parliament [*evidence suppressed*].

The green telephone book belonging to **Mr K** which was seized by officers of the Royal Commission under a legal search warrant [*evidence suppressed*] and subsequently tendered to the Royal Commission Hearings [*evidence suppressed*] as a confidential exhibit, has been examined by the Unit working under my command to investigate the allegations made by the Hon Franca Arena. There is no entry in the telephone book under the name of '**Mr D**' or the code name '**Pseudonym D**' or [*evidence suppressed*]. My officers have subsequently interviewed **Mr G** at [*evidence suppressed*] Correctional Centre and put his allegations and our subsequent findings to him. He admitted that he must have been wrong and mistaken in his allegations and he has withdrawn them.

I hope this information satisfies your concerns in relation to the allegations made against your client.

Yours faithfully

PJ Ryan
Commissioner

16 March 1998

THE HON. FRANCA ARENA, MLC

PRESENT

The Hon. Dr Meredith Burgmann, MLC (Chair)

The Hon. Jennifer Gardiner, MLC
The Hon. John Johnson, MLC
The Hon. Richard Jones, MLC
The Hon. Anthony Kelly, MLC
The Hon. Charles Lynn, MLC
The Hon. Andrew Manson, MLC
The Revd the Hon. Fred Nile, MLC
The Hon. Peter Primrose, MLC

In this transcript code names have been used for certain persons mentioned during the evidence and small parts of the evidence have been suppressed. This is in line with the resolution of the Committee on 24 November 1997:

That all evidence in relation to the Committee's inquiry into the conduct of the Honourable Franca Arena, MLC be taken in camera, and that the Committee only authorise those sections of the evidence to be made public which it is satisfied will not cause unnecessary damage to the reputations of any individuals, compromise ongoing police investigations or prejudice any matters currently before the courts.

FRANCA ARENA, on former oath:

CHAIRMAN: Good morning Mrs Arena. I'll just remind you, you're still sworn in from last time so we don't have to do you again. The timetable if it suits you is we'll go now till 1.00 pm and then have a lunchbreak till 2.00 pm and then go from 2.00 pm then perhaps till 4.00 pm. If that is alright with you.

The Hon. FRANCA ARENA: Thank you Madam Chair. I have a brief statement, if it is okay with you, Madam Chair?

CHAIRMAN: Yes.

The Hon. FRANCA ARENA: On the last hearing day I was asked a number of questions which were critical of me for including in my statement written documents which I had received. These documents record allegations made to me about certain people, including "**D**" and "**Judge B**". I entirely reject your criticism. If you as my peers are to judge me fairly you must know what I had been told. It is not to the point that you would not have made the speech I did, because you did not have the information I did. You must bear in mind what I had been told when you judge me. You should bear in mind any supporting information which may come to light after my speech.*[evidence suppressed]* I said they agreed on narrowed terms of reference—that fact cannot be denied—and Mr Carr never told us why.

It was important for the Committee to see the substance of the allegations my constituents made to me. Some were significant in affecting my speech, some were not so important. Many came to me asserting that neither the Wood Royal Commission nor the police took up their case. As I have said, some victims' allegations are passed on to the police. Others have already been taken up by the police. There is another category which is most concerning where victims have been to the police and even to the royal commission but their claims are not investigated. One of the best examples of this is the case of "**AD**", who claimed to have been abused as a teenager by "**E**",*[evidence suppressed]*. Despite complaints right up to the present time, he has had no satisfactory answer as to why his complaint has not been investigated. This is an instance of the system protecting itself. I would have been derelict in my duty to my constituents had I not called for a proper paedophilia inquiry and had I not said that a general paedophilia inquiry had not been held because of an agreement between Mr Carr and Justice Wood as to the terms of reference.

You have been charged to conduct a full inquiry into my speech and into the Nader report. I have always wanted that. But do not criticise me because I have given you a full and detailed statement. You asked for a "full statement" in your letter of 24 December 1997. I was complying with your directive in so far as I was able. I wish to table that letter. I have been responsible in my parliamentary speeches. I have never accused anyone in Parliament of being a paedophile. I named Yeldham and "**AE**", but I was circumspect in what I said about them. I did not accuse either of them of paedophilia. I was asked about whether I would name names in Parliament and if I would not, why did I say that I would. I believe Parliament is a proper avenue to encourage an

appropriate investigation so that the truth can be revealed. My claim that I would name names in times past is to encourage the proper investigation and also because if I had sufficient evidence, say three or four statutory declarations of victims, and evidence that the police had not properly investigated the matter, then in those circumstances I may be prepared to name names. I would not do so irresponsibly. I have not done so in the past. But one important purpose of Parliament is to ensure that official corruption is exposed one way or another.

It is an utter waste of time to question me about the truth of the allegations made to me or the credibility of the witnesses who made them. I cannot help you. You must speak to them. I do not think you are likely to reach the truth without hearing from them. The royal commission interviewed “G” nine times—I repeat, nine times—and called him as a witness, as the letter from Justice Urquhart to Commissioner Ryan dated 3 February 1998 shows. That letter was attached to the last transcript. Justice Wood did not reject him because of his criminal record, so neither should you. You have relied on mistaken information in questioning me. I suggest you call the relevant witnesses to get it from the "horse's mouth". Do not rely on some hearsay here, some recently written letter there. You said that “G” had withdrawn his claim about “D”. He did not do such thing. You have his signed statement. You should not find that any allegation has been withdrawn without first calling as witnesses both “G” and the police officers.

I do not know if “W”'s letter about the identity of “D” is correct. Some would find it unpersuasive. However, I think that it is probably a matter for the police rather than this Committee. But if the Committee insists on investigating these matters, notwithstanding it has nothing whatever to do with my speech, then get your evidence firsthand. Call “W” as a witness. Do not rely on a letter from somebody whose word, not sworn to, has not been tested in any way. I have been asked about the motivations of Wood and Carr for the agreement as to the terms of reference. I have disclosed my beliefs about their motivations. I do not know if my belief is correct. I presumed, as I said in my speech. I believed Justice Wood may have had enough of being a royal commissioner, as my conversation with “AC”, referred to in my speech, discloses.*[evidence suppressed]*

I believed then, and I still believe, that one or both of Justice Wood and Mr Carr were concerned about the trauma to the community of paedophilia investigations into the pillars of our society. Nader did not believe this. He said it was "completely fanciful". Yet it happens all the time. Take Richard Nixon as an example. He resigned before he was impeached and after that his conduct was never properly investigated. Why is that? Because some people thought it would be damaging to the office of the President to fully investigate the alleged corruption? The same can probably be said about President Clinton's present troubles and about the unwillingness to investigate Yeldham and “**Judge E**” as disclosed in the Wood report. Justice Wood himself said on page 798:

This was . . . due to the entirely inappropriate philosophy at the time that sensitive matters were better left undisturbed and unknown.

That this philosophy exists is undeniable. No-one would espouse it publicly, but it exists nevertheless. What about when former Allen, Allen and Hemsley partner Adrian Powles

misappropriated millions of dollars of clients' money? The Law Society investigations are explained in Valerie Lawson's book *The Allens Affair*. She says that at the time the President of the Law Society:

... knew that the downfall of Allen's would mean a collapse of public confidence in the Sydney legal market and perhaps the entire national legal system.

That was at page 225 of the book. She also says that the Supreme Court judge agreed to a non-publication order on proceedings so as:

... to preserve the reputation of the legal profession in the eyes of the public ...

That is at page 234. The point is obvious. There is a philosophy that the exposure of a high profile person does not limit the damage to that particular person. All associated people are likely to be diminished in the eyes of the public. Do you really think that travel rorts by some parliamentarians do not diminish the public's view of parliamentarians generally, no matter how innocent the others are? Well then, you should recognise that the exposure of some of the pillars of the community as paedophiles will have a much larger fallout than upon the paedophiles themselves. In my view, the damage is, in the end, worth it because the system is cleaned up and the victims have been heard. But, obviously, others have a different view. It is probably the reason why it took so long before the police royal commission was established. This truth can be hard and painful. In my opinion, however, the inevitable trauma to the community is far outweighed by the benefits of the matters being properly investigated, the corrupt being charged, the innocent being cleared and the victims being vindicated.

I want to register a complaint about you, with all due respect, Madam Chair, repeatedly misleading me in your questioning. You have referred to "G" 's withdrawal of his statements when this is not so. [evidence suppressed] You also said "S" referred to "V", which is not so. And you claimed at [evidence suppressed]

If that happened in a court the judge would have dismissed the jury. This has been told to me by my lawyers. Finally, once more I want to reiterate that I have always acted in good faith without any malice towards anyone and on behalf of my constituents. May I respectfully ask you to look at my speech of 17 September once more and not to react to the newspaper articles the following day. You are obliged by your terms of reference to report on the Nader report. You should reject it as a basis for making recommendations about me because it was procedurally unfair for the following reasons.

One, the terms of reference were misleading and prevented a proper inquiry into the matters in my speech as I explained in paragraphs 128 to 132 and 143 to 159 of my statement. Two, Nader's use of the media to communicate with me was improper, as discussed in paragraphs 134 to 137 of my statement. Three, his unfounded allegations that I would pressure him by using old allegations against him would lead a reasonable person to conclude that he was biased against me, as discussed in paragraphs 138 to 142 of my statement. Further, Nader wrongly relied upon Alex Mitchell although Alex Mitchell's evidence was rejected in a crucial respect, as discussed in paragraphs 160 to 167, and he manifests an ignorance of the workings of Parliament, as discussed

in paragraph 169. Finally, the constitutional validity of the whole Nader inquiry remains in doubt if the Court of Appeal decision is invalidated by the apparent bias of one of its judges, as discussed in paragraph 8(c) of my statement and paragraph 13 of my supplementary statement. The legislation was retrospective and draconian. That Parliament was prepared to enact such legislation will continue to inhibit free speech in the years ahead. I table the material and letters.

CHAIRMAN: Are you ready to take questions?

The Hon. FRANCA ARENA: Yes.

CHAIRMAN: Is the signed document by “G” any different to the previous document?

The Hon. FRANCA ARENA: I think it is more comprehensive than the one in the original submission.

CHAIRMAN: Do any changes come to mind?

The Hon. FRANCA ARENA: From the unsigned one and the signed one?

CHAIRMAN: Yes.

The Hon. FRANCA ARENA: No, I do not think there are any changes. I think it was sent by Mr Karp, my solicitor, to him, he signed it and it was sent back by the governor of the gaol.

CHAIRMAN: Did you communicate with “G” about the changes?

The Hon. FRANCA ARENA: There were no changes that I know of.

CHAIRMAN: Were there any changes in the document concerning his allegations about the worn green address book?

The Hon. FRANCA ARENA: Were there any allegations—

CHAIRMAN: Were there any changes in the statement about his allegations about the worn green telephone book?

The Hon. FRANCA ARENA: I do not think so. In any case, I did not communicate with “G” about anything at all. As a matter of fact, I have correspondence—which I am very happy to bring to the Committee—with “G”. He had asked my husband and I to visit him for Christmas, but when I knew that the privileges committee was going to take place I wrote to him straight away and said to him, “I am sorry, “G”, but because you are going to be a witness to the privileges committee—if it calls you—I do not think it is proper for me to come there; people will construe that we have discussed your statement or anything.” I have all that correspondence, which dates back to last November and December. I have never discussed his statement with him—never.

CHAIRMAN: Did you claim that a Parliament House security officer confirmed that a meeting had taken place on the evening of 24 March 1996 between Carr, Della Bosca and Sheahan?

The Hon. FRANCA ARENA: I spoke to this security officer. He said to me that he had seen two cars coming in and that he recognised the Premier in one of them—the car in the front. As everybody was talking about the meeting having taken place, he assumed—and told me, and I assumed that he told me the truth—that they were the two cars of the Premier; the president of the party, Terry Sheahan; the secretary general of the party; and I think there were other people in the cars.

CHAIRMAN: Are you aware that there were four security officers on duty between 7 a.m. on 24 March and 7 a.m. on 25 March and they all gave sworn evidence that they were not aware of any such meeting?

The Hon. FRANCA ARENA: I can only tell you what I was told. If that is the evidence that was given, I accept it. But that is what I was told. I think I said to you also in my supplementary statement that when I asked this fellow, "Do you remember that you told me that?" he went to water and did not want to discuss it any more. As a matter of fact, my secretary was prepared to put in a statutory declaration which says that the daughter of the security officer had rung her and told her that her father knew all about it and was not speaking out because he was afraid of losing his job. She said, "I know all about it." Adrianna said to her, "Well look, if we need you, we will get in touch with you." She did not want to speak at Parliament House; Adrianna rang her from her own home. She has a statutory declaration ready if you need it. When she rang her, she said, "My father is terrified. I can't say any more." The whole thing was—people are scared to speak about it.

CHAIRMAN: Why are they scared to speak about it?

The Hon. FRANCA ARENA: About losing their jobs.

The Hon. FRANCA ARENA: That Parliament House would act against people who spoke?

The Hon. FRANCA ARENA: Yes.

CHAIRMAN: Are you aware that the Nader inquiry issued a summons to the Clerk of the Parliament to produce entry and exit records for meetings taking place during this period? These records, to quote Mr Nader, did not disclose any entry to Parliament House by Mr Carr, Mr Della Bosca or Justice Sheahan on 24 March 1996.

The Hon. FRANCA ARENA: The reality is that unless you book your car in, if you have got the pass the security officer would not know you come in. I came in yesterday because I had to go to a function for St Patrick's Day. I am sure that there is no record of my coming into Parliament House. I had my key. I went in, parked my car and came out through the little door at the side. People would not know, unless you have to ask; unless you have not got a key, they wouldn't know.

CHAIRMAN: Are you aware that the Mil-key that you use to enter Parliament House produces a computer record that can be read out? Every time you use a Mil-key to go into the car park or to enter or exit any of the other doorways or the gate out into Macquarie Street it goes onto a computer record.

The Hon. FRANCA ARENA: No, I was not aware of that.

CHAIRMAN: That is the case.

The Hon. FRANCA ARENA: I accept it, but I was not aware of it.

CHAIRMAN: Can you produce any evidence of this meeting?

The Hon. FRANCA ARENA: No, I think I told you that I was given that information and I took it at face value, I believed it. We must remember that all the articles were written about [*evidence suppressed*]. It would make sense. I will repeat what I have said in the past, it would be delinquent of the secretary of the party, the president of the party and the Premier not to meet and ask, [*evidence suppressed*] I just think it is a normal reaction, as common sense would indicate.

The Hon. C. J. S. LYNN: According to your statement, you were informed by your Labor colleagues many times that a meeting had taken place between Mr Carr, Mr Della Bosca, Terry Sheahan and some party officials to see what could be done to "avert the impending crisis". Who were the colleagues who informed you of the meeting that had taken place between Mr Carr, Mr Della Bosca and Terry Sheahan?

The Hon. FRANCA ARENA: I think I said it last time and I think I said it in my statement that I respect people's confidentiality. Even though I understand that it would make things much easier for me if I named names, I respect confidentiality. When I tell people "I give you my word that I will not reveal my sources" I keep to my word.

The Hon. C. J. S. LYNN: In that statement I did not take it, as you are inferring, that they had spoken to you in the strictest confidence; I took it that it was a conversation that they had mentioned to you.

The Hon. FRANCA ARENA: Let me tell you, and I think I have said it also, that I contacted at least three of them.

The Hon. C. J. S. LYNN: Of your Labor colleagues?

The Hon. FRANCA ARENA: Yes, and the crossbench—two Labor colleagues and a crossbench member. I said, "Do you remember that we had this conversation? Do you remember me telling you that?" "Yes, but I do not want to get involved. Please, it was confidential material. I do not want to get involved", that is the standard answer that you get from people. I can understand. When it comes to my former Labor colleagues—I find it hard to say former Labor colleagues at times—our party can be very punitive, Mr Lynn, very punitive. It is enough to look

at what is happening to the seat of Deirdre Grusovin to realise how punitive they can be. She dared to bring the issue of paedophilia to the Parliament for the first time and her seat is in danger, she lost being vice-president of the party for reasons that no-one knows.

CHAIRMAN: Mrs Arena, can you answer the questions?

The Hon. FRANCA ARENA: I thought I was answering the question of Mr Lynn.

Reverend the Hon. F. J. NILE: You know how parties work. You seem to be implying that there must have been a meeting because of the political situation. It is necessary for a meeting to be at Parliament House or elsewhere? You believe that there was a meeting because of the political crisis.

The Hon. FRANCA ARENA: Exactly. I was given the information and it was discussed amongst colleagues that the meeting took place at Parliament House. If somebody told me it took place at head office in Sussex Street—I just do not know. I just ask you: if there were all these articles in the newspapers, whether it is the National Party, the Liberal Party or the Labor Party, would it not be common sense that the leaders would meet and ask,*[evidence suppressed]*

The Hon. A. B. KELLY: I would like to clarify the matter about the cars coming in. You said that the Premier came in one car and that Mr Sheahan and Mr Della Bosca came in another car.

The Hon. FRANCA ARENA: Can I clarify it? He told me that he did not recognise the other people.

The Hon. J. R. JOHNSON: In the same car?

The Hon. FRANCA ARENA: He only recognised the Premier in the first car.

The Hon. A. B. KELLY: He did not recognise the people in the other car?

The Hon. FRANCA ARENA: No.

CHAIRMAN: Given the sworn evidence of the security guards, the examination of parliamentary records and your failure to produce any evidence supporting your claim, why should not this Committee adopt Mr Nader's conclusion that "Mrs Arena was not telling the truth in her speech about the basis for her allegation that there was such a meeting. In fact, she had no information capable of supporting her allegation"?

The Hon. FRANCA ARENA: As I said, maybe the meeting did not take place on that Sunday, maybe it took place another Sunday. Maybe it took place in another place. I was given information. I am not the kind of person who, if you come to me and give me some information,

starts thinking you are a liar. Why would this person tell me he saw two cars coming in? There was no reason for him to invent it or to mail me a story. Mr Nader called Alex Mitchell but did not call a very respected journalist like Michael Dwyer of the *Australian Financial Review*, [evidence suppressed]

This is not a rag of a newspaper; it is the *Australian Financial Review*. Why didn't Mr Nader call Michael Dwyer and say, "Why did you write that sort of thing? Who gave you the information?", or at least question it?

CHAIRMAN: Did you contact Mr Dwyer to ascertain the information?

The Hon. FRANCA ARENA: No, I did not.

CHAIRMAN: Did you read other articles at the time which made similar claims?

The Hon. FRANCA ARENA: Yes, I think they were all enclosed together with my submission. There are about five or six articles.

CHAIRMAN: And you believed them?

The Hon. FRANCA ARENA: Yes, I did. There is an article today about some of our colleagues being investigated by ICAC. I do believe it. If it was not true, somebody would write a letter. If somebody wrote something about me which was untrue I would write a letter to the newspaper saying, "Could you please correct it?"

CHAIRMAN: If no-one is named, how can someone write to a newspaper and correct it?

The Hon. FRANCA ARENA: The Labor Party could have written a letter. The secretary could say, "I am one of the Labor Party strategists. None of us is concerned about anything. Your article about us being absolutely in a kind of panic because of impending allegations is not true. We have no panic." That could have been a way of dealing with it.

The Hon. R. S. L. JONES: In your speech you said, "I have confirmation by security officers and others." So there was more than one security officer. You mentioned only one.

The Hon. FRANCA ARENA: No, "and others" meaning other people.

The Hon. R. S. L. JONES: But you referred to security officers.

The Hon. FRANCA ARENA: No, security officer, sorry.

The Hon. R. S. L. JONES: That is wrong?

The Hon. FRANCA ARENA: Yes.

The Hon. R. S. L. JONES: What about "others"?

The Hon. FRANCA ARENA: I told you, it was the members of parliament. Believe me, Mr Jones, in those days on the twelfth floor—and you know that I am there every day—it was discussed at length, at least amongst Labor colleagues. I never even discussed it with the crossbench. It was only later on that this crossbencher said to me, "You know, about the meeting, you were right. I have had it from a very reliable source that you were right."

The Hon. R. S. L. JONES: But not necessarily late the following Sunday. You said the meeting took place late the following Sunday.

The Hon. FRANCA ARENA: Yes.

The Hon. R. S. L. JONES: You now think it may not have been late the following Sunday?

The Hon. FRANCA ARENA: Maybe.

The Hon. A. B. KELLY: You are not prepared to name that crossbench member?

The Hon. FRANCA ARENA: No, he has asked me not to.

The Hon. A. B. KELLY: Did he subsequently tell you that he had only heard it by way of rumour, or that he does not want to confirm it?

The Hon. FRANCA ARENA: I should not have said "him". I wrote him or her a letter and said, "Do you remember that conversation took place? Are you prepared to come and support me? Don't do it for any friendship between you and me or because we are Labor colleagues; do it for truthfulness and the children." This has got to do also with children. We forget the victims out there. He rang me and he said, "I find it very difficult. I do not want to get involved. There were a lot of rumours at the time." I said, "It is not a question of rumours at the time. You said to me, 'I got it from a very reliable source that the meeting took place.' You said that to me." It was like "AA" saying to me, "People change their stories."

The Hon. A. B. KELLY: He was saying he thought it was only hearsay.

The Hon. FRANCA ARENA: When I spoke to him about two weeks ago his exact words were, "There were a lot of rumours at the time."

CHAIRMAN: Does it worry you that no-one is prepared to come forward and confirm that they gave you any of this information?

The Hon. FRANCA ARENA: The information is about the meetings, and the meetings are important, but they are not the most important thing. The most important thing here was that we had an opportunity to have a full inquiry into paedophilia, and the paedophilia inquiry did not take place. That is a damage to the community.

CHAIRMAN: We are asking specific questions about the meeting, which was referred to in your speech.

The Hon. JENNIFER GARDINER: I return to the question of the crisis for the Government, which was obviously discussed in the public domain.*[evidence suppressed]*

The Hon. FRANCA ARENA:*[evidence suppressed]*

The Hon. JENNIFER GARDINER: That was commonly discussed in this building, was it not?

The Hon. FRANCA ARENA: Absolutely, and may I say to you that I was *[evidence suppressed]* and three different people, to whom I had never spoken about it—I would never dream of it—came up to me and said, "When is he going to get arrested?" I was dumbfounded. I said, "What are you saying?" Three different people *[evidence suppressed]* at different locations asked me about it. It was even common knowledge up there. "Who did it, who said it?" "I do not know. I can assure you that I know nothing about it. I do not know what you are talking about." Because, apart from anything else, I do not want to get my pants sued off. I do not know if people are putting traps for me.

The Hon. A. B. MANSON: In regard to the alleged meeting of Labor Party leaders in Parliament House, I understand that you do not want to name anyone who gave you confidential information, but are any of those Labor Party or crossbench members also members of this Committee?

The Hon. FRANCA ARENA: No. Sorry, I had to think very carefully. It pains me in a way because it is easy to identify people, but no, they are not.

Reverend the Hon. F. J. NILE: You said a security officer's name should not be revealed because that person might be sacked by the Parliament. I find it hard to understand why a crossbench member would be fearful of his name being mentioned.

The Hon. R. S. L. JONES: It can be one of only three people.

Reverend the Hon. F. J. NILE: I do not see how that person would suffer. The member may not want the publicity, but if it is part of your case, and if the matter is so important, it would be in your interest to disclose that person's name and ask that person to come forward with evidence.

The Hon. FRANCA ARENA: I agree with you. I was very surprised and disappointed—

The Hon. R. S. L. JONES: This is a colleague of yours on the crossbench.

The Hon. FRANCA ARENA: —that this colleague—

The Hon. R. S. L. JONES: And a friend of yours.

The Hon. FRANCA ARENA: Yes. I was very disappointed and hurt that this person was not prepared to stand up, that he has no gumption. I did not ask him to swear on the *Bible* that he had seen the people come in—which he did not—just to say exactly what he told me.

The Hon. R. S. L. JONES: It can be one of only three people: Ian Cohen, Alan Corbett or John Tingle.

The Hon. FRANCA ARENA: I am sorry, but you are wrong about that.

The Hon. J. R. JOHNSON: Then it can only be the Hon. Elaine Nile. You said "he", and we have excluded them all.

The Hon. FRANCA ARENA: I think you are forgetting another person. I am not going to say it is that person or is not that person.

The Hon. R. S. L. JONES: Tony Windsor is the only other person. It has to be Alan Corbett, Ian Cohen, John Tingle or Tony Windsor.

The Hon. FRANCA ARENA: You did not say those names before.

Reverend the Hon. F. J. NILE: Mrs Arena should give serious consideration to providing the Committee with the name of that person.

The Hon. R. S. L. JONES: I think we know who it is.

CHAIRMAN: Reverend the Hon. F. J. Nile has a point. You argued that a security guard could not tell the truth because of fear of retribution from the Parliament, but surely a crossbench member would not fear telling the truth because of retribution from the Parliament. Where would the retribution come from?

The Hon. FRANCA ARENA: May I ask the Committee's permission to contact this person again? I will explain to him—I said "him" before, so I will continue to say "him"—the problem I have, and I will tell him what has happened here today and I will send you a letter with his reply.

The Hon. C. J. S. LYNN: Is this person in the Parliament because of a platform for the future of children?

The Hon. FRANCA ARENA: I would rather not say. If he allows me to, I will table a copy of the letter that I sent to him three weeks ago, with his reply by phone. But I would have to have his permission, because I have said over and over again that to me confidentiality is incredibly important and if you start saying, "It does not matter about him", my whole credibility goes down the drain. I have said to people, "I will not name you unless you give me permission." It is like if you ask me to say something which I have sworn on the *Bible* to be the truth and then I change it just because it suits me.

Reverend the Hon. F. J. NILE: You would not have said that to the crossbench member when he raised it with you, because he was simply providing you with information.

The Hon. FRANCA ARENA: We were discussing a matter of Parliament and this person said to me, "You know, about the meeting, you were absolutely right. I have had it from a most reliable source that it did take place." This was not happening then; that would have been months ago. I said, "Oh, I see. Are you able to do something? Are you able to write it down or something?" He said, "No, no, it is all very confidential." Then we spoke about the matter at hand, and when I was coming before the privileges committee I decided to write to him and I put it all in this letter, reminding him of our conversation. He rang and said, "Absolutely not, no. I am not interested. I have got to think of my own position." He used another word but I will not use it because it would be easy to recognise him.

Reverend the Hon. F. J. NILE: You could explain that this hearing is in camera and the person could be given a code name so that the person could not be identified outside this room.

The Hon. R. S. L. JONES: Could the document be subpoenaed?

CHAIRMAN: I prefer not to do that. I would prefer the Hon. Franca Arena to contact that person and provide the Committee with the information. As Reverend the Hon. F. J. Nile pointed out, this is an in camera hearing and names will be suppressed, so it would not be a problem for him.

The Hon. J. R. JOHNSON: *[evidence suppressed]*

The Hon. FRANCA ARENA: *[evidence suppressed]*

The Hon. J. R. JOHNSON: *[evidence suppressed]*

The Hon. FRANCA ARENA: *[evidence suppressed]*

The Hon. J. R. JOHNSON: *[evidence suppressed]*

The Hon. FRANCA ARENA: *[evidence suppressed]*

The Hon. J. R. JOHNSON: *[evidence suppressed]*

The Hon. FRANCA ARENA: *[evidence suppressed]* and he told them exactly these words.

CHAIRMAN: Who told you that?

The Hon. FRANCA ARENA: *[evidence suppressed]*

The Hon. R. S. L. JONES: Do you have any evidence he is other than him gay, that he is a paedophile?

The Hon. FRANCA ARENA: I have no evidence at all. Anyway the point is that *[evidence suppressed]* If there had been an allegation of paedophilia about “AG”—which might not have been, I do not know.

The Hon. R. S. L. JONES: You have never heard or seen allegations about him being a paedophile?

The Hon. FRANCA ARENA: Not until recently.

The Hon. R. S. L. JONES: You have got some allegations now that you have seen or heard about? Any substantial allegations?

The Hon. FRANCA ARENA: No. Oral allegations have been made, *[evidence suppressed]*

The Hon P. T. PRIMROSE: *[evidence suppressed]*

The Hon. FRANCA ARENA: I just cannot tell you, Mr Primrose.

The Hon P. T. PRIMROSE: Could you explain to me why and what sort of retribution you believe there would be against *[evidence suppressed]* for having had that discussion with you?

The Hon. FRANCA ARENA: You have been in the Labor Party, maybe not as long as I have but maybe as long as I have, and I do not have to explain it to you.

The Hon P. T. PRIMROSE: So an unnamed *[evidence suppressed]* gave you information from *[evidence suppressed]*?

The Hon. FRANCA ARENA: *[evidence suppressed]*

The Hon. A. B. KELLY: *[evidence suppressed]*

CHAIRMAN: No, he said to her.

The Hon. FRANCA ARENA: At a meeting with *[evidence suppressed]*. I do not know if it was *[evidence suppressed]*.

The Hon. R. S. L. JONES: Do you know when, what month or year he said that? Any idea?

The Hon. FRANCA ARENA: Who?

The Hon. R. S. L. JONES: When *[evidence suppressed]* said that to you. Presumably you were still a member of the Labor Party at that time.

The Hon. FRANCA ARENA: Yes.

The Hon. R. S. L. JONES: Have you any idea when it was he or she said that to you, *[evidence suppressed]*?

The Hon. FRANCA ARENA: It is weeks ago.

The Hon. R. S. L. JONES: In the last few weeks?

The Hon. FRANCA ARENA: Weeks ago, obviously after they had *[evidence suppressed]*

The Hon. C. J. S. LYNN:*[evidence suppressed]*

The Hon. FRANCA ARENA: He was not named, Mr Lynn; that was the name that went around.

The Hon. C. J. S. LYNN: In your statement. You said that the level of these concerns was at the parliamentary level. Although you will not name who, what actions were discussed as counter measures to these claims?

The Hon. FRANCA ARENA: None actually. Nobody said what counter measures there were going to be. That was never discussed.

The Hon. C. J. S. LYNN: So the concern was expressed that he may be named *[evidence suppressed]*

The Hon. FRANCA ARENA:*[evidence suppressed]*

The Hon. C. J. S. LYNN: Are you aware of any counter measures to that plan that were discussed?

The Hon. FRANCA ARENA: No, I do not think that was ever discussed with me at all.

The Hon. A. B. KELLY: You are going to approach the Independent member of Parliament and ask him to come before us or to allow you to release his name. Could you also do that in relation to *[evidence suppressed]*? Could you approach him and write back to us?

The Hon. R. S. L. JONES: Him or her?

The Hon. A. B. KELLY: Him or her.

The Hon. FRANCA ARENA: I will do so.

Reverend the Hon. F. J. NILE: One of the problems is that you made a comment about whether people could actually set you up. You have said sometimes that people tell you things which you are not sure are true or not. When people know that you are very concerned about the paedophile

issue is there any possibility that in all these conversations and remarks people may have given you information perhaps to set you up, because you take the reports sincerely and to create problems for you personally?

The Hon. FRANCA ARENA: I think everything is possible. The bottom line here is the paedophilia inquiry. The bottom line is the terms of reference which were so restrictive to the full paedophilia inquiry. Really, if you go out to the community and ask them, "Is it important that Mr Carr, Mr Della Bosca and Mr Sheahan met?" or, "Is it important that the paedophilia inquiry did not take place and that there are some paedophiles still out at large and not investigated—to give an example, "E"—when there are victims who have come forward, they have signed statutory declarations?" What happened? That is really what you have got to look at. What does it matter in the final analysis whether there was a meeting on a Sunday, whether it was at head office or Sussex Street? Here the matter is that the community out there paid \$70 million for an inquiry into the police and paedophilia. The community expected to see some result and nothing happened. That is the bottom line that you should be looking at. I know all these things are important, but I just have a lot of victims coming to me and telling me, "Why wasn't this done?" Throughout the months, Mr Wood—you are talking about "G". Mr Urquhart interviewed him nine times, then Wood interviewed him himself and said, "We will call you back" and he never did. Why?

CHAIRMAN: We are making specific queries here about the meeting. It would be best if your answers specifically deal with the meeting.

The Hon. R. S. L. JONES: The reason we are having this inquiry in the first place is because of three or four paragraphs in your speech of 17 September in which you made allegations that Peter Collins, Bob Carr, John Della Bosca, Terry Sheahan and—

The Hon. FRANCA ARENA: I never made allegations about Peter Collins—

The Hon. R. S. L. JONES: —Justice Wood, all got together to cover up paedophilia and did not allow people in high places to be named. That is why we are here because you made the allegations against these citizens.

The Hon. FRANCA ARENA: I am sorry, I never made allegations about Mr Collins—

The Hon. R. S. L. JONES: But you did say he met with Bob Carr—

The Hon. FRANCA ARENA: I said there was a meeting between Mr Carr and Mr Collins. There was a letter of invitation, which I had. I got it from the Parliamentary Library. I mean, I did not go through, you know, back doors getting it: it was in the Parliamentary Library. There was a letter of invitation by Mr Carr and a letter of response by Mr Collins and then Mr Collins said Mr Carr did not come. Okay.

The Hon. R. S. L. JONES: But you said it is fair to assume it did indeed take place when the furore had died down, then there was a meeting with John Della Bosca and so on in Parliament

House and then there was a meeting between Carr and Justice Wood and the whole idea of all these meetings was to cover up paedophiles being named.

The Hon. FRANCA ARENA: No, I am sorry, that is your conclusion. I never said that.

The Hon. R. S. L. JONES: That is how it reads in your speech.

The Hon. FRANCA ARENA: I never said that. That is a conclusion you reach.

The Hon. R. S. L. JONES: That is why we are here today.

The Hon. FRANCA ARENA: I know, but that is a conclusion you reached. I never said that.

CHAIRMAN: Getting back to your former statement to me about “E” being a paedophile, generally in your way of thinking do statutory declarations equal guilt?

The Hon. FRANCA ARENA: No, but statutory declarations to me are important enough to be thoroughly investigated. I never saw the allegations about “E” being thoroughly investigated. I have asked you to ask “AH” to come here as a witness to say why it is that so many allegations have been made by different people and nothing ever happens.

The Hon. R. S. L. JONES: But it does happen. A number of people have been charged, but if allegations have no substance people are not charged.

CHAIRMAN: Do you think the police tell you everything they are doing?

The Hon. FRANCA ARENA: No, but if you take “AD”, he has made specific allegations and he has not even been interviewed by the police. I do not know. I do not ask even; I do not think it is proper of me to ask the police what they are doing but victims come to me and say, "Why hasn't it happened?"

CHAIRMAN: Do you believe you are entitled to be told by the police what they are doing?

The Hon. FRANCA ARENA: No, I am not even entitled to ask them. I do not even have the audacity to ask “AA” or when I went to see “AI” to say, "What is happening here? Are you investigating?"

The Hon. R. S. L. JONES: Why do you assume nothing is happening?

The Hon. FRANCA ARENA: Because victims come to see me and say, "I have not even been interviewed." What would you reply to victims who say that? He has given a statutory declaration. You would think the police would have contacted him and interviewed him. He said, "Why?" I do not know what to answer to these victims.

CHAIRMAN: What if the the police evaluate this information and decide that it is not worth proceeding with? Would you accept that?

The Hon. FRANCA ARENA: I cannot see how—it is like if you evaluated my speech and not even interviewed me. Do you think it is your duty to interview me and question me? I think it is the duty of the police to interview “AD” and then say, ““AD”, I am sorry but this material you have given us is not sufficient.” I think it is their duty to interview him.

CHAIRMAN: So is it up to you to decide who should be interviewed and who should not?

The Hon. FRANCA ARENA: I will not answer that, Madam Chair. I think it is a bit of a silly question, if you allow me, with all due respect.

CHAIRMAN: We are trying to get to the bottom of your belief that there has been a massive cover-up. If you believe that this one witness not being interviewed is the cover-up, we need to know that.

The Hon. FRANCA ARENA: In my statement this morning I made it quite clear that there are certain people who have not been interviewed. The reasons why, I do not know. Justice Wood on 19 March 1996 said, "It is not my purpose here to investigate paedophiles in high places." When you hear that “E”, [*evidence suppressed*] does not investigate “E”, I mean, it is a matter of concern to me.

The Hon. R. S. L. JONES: Wouldn't the police be investigating anyway?

CHAIRMAN: The point I am asking you is if you believe that the police do not satisfy you with the thoroughness of their investigations, you believe it is a cover-up?

The Hon. FRANCA ARENA: It is not a question of satisfying me; it is a question of community standards. I would like you to go out there, stop 10 people in Macquarie Street and say, "If there was an allegation about a prominent person, a statutory declaration by a person who says 'I have been a victim of this person'"—look at “AE”; here he was, there were victims who said they had been abused by him and nothing was happening about “AE”. Nothing was happening. So somebody was covering up somewhere. I do not know what they were doing but it took a lot of hard work to get “AE” charged.

I do not know whether he is guilty or not, but all I can tell you is that people come forward and say, "I have been a victim of him. I have been sexually abused by him when I was a child." If that is not enough evidence for you, I do not know what is.

CHAIRMAN: But he has now been charged. What I am asking you is how much evidence you need to believe there is a police cover-up? You named one person whose evidence the police evaluated and decided not to question them.

The Hon. FRANCA ARENA: I think “E” is the best example. When there are victims who make statutory declarations it is the duty of the police to interview them. If they interviewed them and said, "There is not enough stuff to proceed"—and, as I said, I have not asked the police. The victims come to me.

The Hon P. T. PRIMROSE: To understand, as a procedure do you think it is appropriate that police should, if an allegation is made by an alleged victim, investigate that matter by interviewing that person?

The Hon. FRANCA ARENA: Yes.

Reverend the Hon. F. J. NILE: You mean interviewing the witness?

The Hon P. T. PRIMROSE: Yes, interviewing the witness.

The Hon. FRANCA ARENA: The victim in this case.

The Hon P. T. PRIMROSE: The victim. At that point, however, if the police choose not to do that then that is inappropriate and someone is preventing the police from doing their duty?

The Hon. FRANCA ARENA: I do not know what the reason is, but I think it is a denial of justice; a denial of justice to the victim.

The Hon P. T. PRIMROSE: Who then? Is it the police who are involved in the cover-up or are the police being told not to do it by someone?

The Hon. FRANCA ARENA: I do not know. I have no idea. But I refer you to my statement on page 41 which says:

[evidence suppressed]

There is a reference on page 42:

The allegations made against “E” are substantial and comprise allegations by four victims who were under age at the time of “E”'s sexual activity with them. Admissions by “E” that he was not called by the WRC because it was worried *[evidence suppressed]*. A complaint by a retired police officer and another person who both allegedly, separately witnessed criminal conduct by “E”.

They are all in attachment 29 of my submission:

In addition “G” told me that he saw “E” at least on two occasions at Costello's.

If that is not worth investigating, four victims—these victims were not interviewed by the police.

The Hon. R. S. L. JONES: Are you sure that none of these victims has been interviewed?

The Hon. FRANCA ARENA: “AD” was not interviewed by the police. At least, I think that “AD” was interviewed by the police once, but nothing ever happened to him.

The Hon. R. S. L. JONES: So he was interviewed by the police?

The Hon. FRANCA ARENA: Yes. I am sorry. He was interviewed by the police.

The Hon. R. S. L. JONES: How many of the other victims in this particular case that you know of have not been interviewed by the police?

The Hon. FRANCA ARENA: People come to see me. These four victims who brought me the material come to see me and say, "Mrs Arena, nothing has happened. Why?"

The Hon P. T. PRIMROSE: As I understand what you are saying, it is not the case that nothing has happened. It seems to me that what you are suggesting is that after interviewing these people and looking at the evidence the police, for whatever reason, and presumably the Director of Public Prosecutions, believe that there is insufficient evidence. As I understand it, that is what you are challenging. You are alleging that you know that people like “E” are in some way paedophiles or something else, but the police are not doing what they should be doing.

The Hon. R. S. L. JONES: Nothing happens, as you say.

The Hon. FRANCA ARENA: Nothing happens. This is what the victims come to me and tell me. I suggested that about three or four members of Parliament, who are very concerned about this issue, should go and see the Director of Public Prosecutions and discuss the matter with him. The organisation of that is in train.

The Hon P. T. PRIMROSE: And if he does not do anything?

The Hon. FRANCA ARENA: I think, in confidence, that if the Director of Public Prosecutions can do that—and I am not aware that he can do that.

The Hon P. T. PRIMROSE: If allegations are being made about these people being paedophiles, the police are investigating and they decide to take no action, what should be the role of a member of Parliament if the police do not uncover what you believe and do not take action when these people are named?

The Hon. FRANCA ARENA: If Mr Woodhouse or Mr Ryan said to me, "There is absolutely no way that these allegations can be sustained; I am satisfied that all inquiries have been made and we cannot bring forward charges, either because there is no substance in the allegation or because, unfortunately, it cannot be proven", I would accept that. I would definitely—

CHAIRMAN: Do you need to be satisfied in every particular case before you are satisfied that there is no cover-up? The police have to satisfy you in each case?

The Hon. FRANCA ARENA: It is not a question of being satisfied. It is a question of having my door knocked by victims who come to see me and say, "Why has nothing happened?" What do I say to them as a member of Parliament? When it was the Wood royal commission I would say, "Let us wait for the report. Justice Wood still has months to go. Let us wait for the report and see what happens with the report."

The Hon P. T. PRIMROSE: Now you are saying that the police have investigated and you will only be satisfied when they satisfy you?

The Hon. R. S. L. JONES: When something happens?

The Hon P. T. PRIMROSE: And when, from what you are saying, those making the allegations are satisfied?

The Hon. FRANCA ARENA: If the royal commission proved anything, it proved that investigations, at times, were not carried out properly. Wood identified that some of the investigations were defective. All I can tell you is that I do not trust all police. I do not trust all police, so if—

The Hon P. T. PRIMROSE: If the police say that they have investigated it, even then you may not be satisfied?

The Hon. FRANCA ARENA: I think that we must keep in mind that Commissioner Ryan looked at my documents and found them important enough to set up a special task force conducted by Mr Michael Woodhouse, who is an inspector who is looking at these allegations.*[evidence suppressed]*. To me that is a most important thing that you should bear in mind. I believe what Justice Wood found, that there is a lot of corruption in the police force. "E",*[evidence suppressed]*, could easily—I do not say he has done it—find his way to cover up his tracks. I do not know if he has or has not. All I know is that policemen telling me they could not find anything about "E" would not satisfy me. But if "AA", who is a person I respect and who, I think, is a thorough investigator, told me, "Franca, we have looked at this. Unfortunately, or fortunately, there is nothing in it. These people were wrong. It cannot be proved", I would accept it, because I believe that certain police are decent. I believe that "AA" is a most decent policeman. I think I said it about 10 times last time, and I am happy to repeat it, and I would believe his findings.

CHAIRMAN: What you are saying is that you do not believe the police investigation of "E" because you believe that he is a paedophile. If it were another offender and the police said that they had done the investigation and could find nothing, would you accept it then?

The Hon. R. S. L. JONES: Do you mean for a different offence?

CHAIRMAN: No, for paedophilia.

The Hon. FRANCA ARENA: I think you are verballing me. I never said that “E” is a paedophile. I said there are allegations made by four different victims that they were abused by “E”.

CHAIRMAN: I can get Hansard to read it out. About four or five minutes ago, perhaps longer, you actually referred to him as a paedophile.

The Hon. FRANCA ARENA: I am sorry, but because you gave me so much misleading information last time, which you have not corrected, I am not prepared to accept your word for it.

CHAIRMAN: We will get Hansard to read it out, because you definitely referred to him as a paedophile. But the question I am asking is: you believe that “E” is a paedophile, so you will not believe the police when they say they have done a thorough investigation. When do you believe the police if, say, it were an allegation against another alleged offender?

The Hon. FRANCA ARENA: I repeat that I did not say that “E” was a paedophile. I said there were allegations made by four different victims. I want to put that straight on the record. If the evidence about somebody is overwhelming, if other people, like lawyers, tell me that the evidence seems very strong, then I am likely to be very concerned about the adequacy of the investigation and nothing being proceeded with. That is, of course, of great concern to me. If the victims have gone to the lawyers and made statements and the lawyers tell me, "This is really strong stuff. It is going to get somewhere", and nothing happens, I am concerned. I am very concerned.

The Hon. C. J. S. LYNN: I cannot recall the reference, but in the inquiry I believe there was a stage when it was alleged that [*evidence suppressed*] because of some influence from above, so to speak. Are you aware of that instance and has that affected your opinion as to whether there has been a cover-up at a high level?

The Hon. FRANCA ARENA: That was stated in some of those papers, as you say. I cannot recall exactly where, but that was stated, that [*evidence suppressed*] I think that was stated in a statutory declaration. I just do not know. It gets to the stage that I do not know what to believe, but it is of great concern to me. If the Wood royal commission had not uncovered all that police corruption, three years ago I was a person who would have had a lot more faith in the police than I have today. I would have had a lot more faith. But you have seen how many of them are corrupt as well. It is a web of intrigue and things and you think: well, I have judged for myself that Commissioner Ryan is a most decent person. He also comes from outside. He does not have this mentality of mateship that they have. We have to deal with the mentality of mateship, which runs amok in the Labor Party and the police, where they cover up for their mates, no matter what.

CHAIRMAN: When police tell you things you decide which police to believe?

The Hon. FRANCA ARENA: Sorry, could you repeat?

CHAIRMAN: When police tell you things you decide which police to believe?

The Hon. FRANCA ARENA: I look at the evidence that has been given to the police.

CHAIRMAN: I am referring to when police tell you things arising, perhaps, out of evidence you have given. If police tell you things you decide which things you will believe and which things you will not.

The Hon. R. S. L. JONES: Do you believe Commissioner Ryan, for example?

The Hon. FRANCA ARENA: As I said to you, I have met the most committed, honest, decent policemen one could ever meet. I met policemen who were on holidays who came to court to support victims. I tell you that there are people for whom I have the greatest esteem. But the Wood royal commission exposed some of them as being rotten to the core, and there is a mentality amongst some of them to cover up for others. And so I do not know myself. I just think: goodness, how did a man like “E” ever get to *[evidence suppressed]*!

CHAIRMAN: Maybe he is not a paedophile?

The Hon. FRANCA ARENA: I did not say he was a paedophile, but certainly there are a lot of allegations about him.

CHAIRMAN: An allegation equals guilt?

The Hon. FRANCA ARENA: No, I did not say that. You are verballing me. I never said that. I said that allegations should be thoroughly investigated and I do not believe they have been.

The Hon. R. S. L. JONES: Do you believe that he should never have been *[evidence suppressed]*?

The Hon. FRANCA ARENA: It is not relevant, Mr Jones.

The Hon. R. S. L. JONES: Did you not just say how could a person like that become *[evidence suppressed]*

The Hon. FRANCA ARENA: Ask the community. You will find a lot of people—

The Hon. R. S. L. JONES: No, I am asking you. Do you believe he should not have been *[evidence suppressed]*?

The Hon. FRANCA ARENA: I certainly would have been a lot more cautious *[evidence suppressed]*, Mr Jones.

The Hon. R. S. L. JONES: Because of unfounded allegations?

The Hon. FRANCA ARENA: Do you know that they are unfounded?

The Hon. R. S. L. JONES: Have they been proved?

The Hon. FRANCA ARENA: Do you know if they have been investigated?

The Hon. R. S. L. JONES: Apparently some of them have. The Committee just heard from you that they have been and were found not worthy of consideration.

The Hon. FRANCA ARENA: Well, I do not know. You are saying that.

CHAIRMAN: Do you know the details of the police investigation regarding “E”?

The Hon. FRANCA ARENA: I only know what the victims have come to tell me, which was that nothing has happened despite their statutory declarations. I ask you: if you went to all the trouble to write a statutory declaration about a crime you believed had been committed and nothing happened, it certainly would worry you. But I remind you once more, Commissioner Ryan looked at my documents. They are very short of police staff, but still he set up a task force and a number of policemen are working on this area. If this is all in my mind, if I am paranoid about paedophilia, why would Commissioner Ryan have Michael Woodhouse and a task force of people look into my allegations?*[evidence suppressed]*

The Hon. R. S. L. JONES:*[evidence suppressed]*

The Hon. FRANCA ARENA:*[evidence suppressed]*

The Hon. R. S. L. JONES:*[evidence suppressed]*

The Hon. FRANCA ARENA:*[evidence suppressed]*

CHAIRMAN: You have said four witnesses came with statutory declarations about “E”. How many of those witnesses were paid by “Channel A”?

The Hon. FRANCA ARENA: Paid by “Channel A”?

CHAIRMAN: Yes. How many of those witnesses had their expenses paid and were paid other moneys by “Channel A”?

The Hon. FRANCA ARENA: Madam Chair, I do not know. You seem to sit there, all of you, to defend “E”, and I accept that, but I am here to defend those victims because I find it is a bloody insult to think that some of these people would make allegations because they were paid. It is “E” who pays people.*[evidence suppressed]*. It is not my victims; they do not get paid. I think it is an insult.

The Hon P. T. PRIMROSE: Did you say "my victims"?

The Hon. FRANCA ARENA: Yes. They are the people who come to me. I said "my victims" because in a way they are my friends. They are people who have suffered the indignity of being abused and now they are being told that they have been paid. I think it is just an insult to the victims.

The Hon P. T. PRIMROSE: Do you feel very strongly about the people who come to you?

The Hon. FRANCA ARENA: Do I feel strongly?

The Hon P. T. PRIMROSE: Do you feel very strongly about the people who come to you?

The Hon. FRANCA ARENA: I do.

The Hon P. T. PRIMROSE: Is it important to defend them?

The Hon. FRANCA ARENA: It is important to see that justice is done.

The Hon P. T. PRIMROSE: Against no matter what, it is important?

The Hon. FRANCA ARENA: I was going to say rubbish.

CHAIRMAN: Did you make inquiries about the bona fides of these four "victims"?

The Hon. FRANCA ARENA: A lot of people have come to my office and sat there. A man of 65 was abused 50 years ago in England. He told me all about the trauma he suffered, and a lot of other victims. I have not sent faxes to Interpol to see if it was true. Why would a man of his age, why would some of these victims come to my office and tell me?

CHAIRMAN: I am not referring to those people. I am referring to the four people who made allegations.

The Hon. FRANCA ARENA: Why would "AD", a young married man with a child, come to my office, burst into tears and tell me what happened? I am not a policeman. Why would I inquire about it? I knew he was not lying. I could see he was not lying.

CHAIRMAN: So, you can tell if someone is lying?

The Hon. FRANCA ARENA: I think you should ask "AD" to come here. You have the power to ask him any questions. He is the best person to ask. You should have asked all of these victims to come here and found out yourself.

CHAIRMAN: The question I asked was, can you tell if someone is lying?

The Hon. FRANCA ARENA: I cannot tell 100 per cent. For instance, I could not have said that you were misleading me at the last meeting, but you did. Why did you mislead me like that? Why

did you tell me that [*evidence suppressed*] you sent a member of staff. I saw one member going to the library, coming back, and you never corrected yourself. You gave me the wrong information and, therefore, I did not know you were lying then. I did not know. I took your word for it. But you were lying. I made a mistake then, so I suppose I can make mistakes with other people. I just do not like this line of questioning, which is incredibly unfair.

The bottom line is that it is putting me on trial here. I have stood up for victims, I have asked for an inquiry on paedophilia. [*evidence suppressed*] I never accused anybody of anything, but I said the paedophile inquiry that the community thought was going to take place did not take place. And why? You ask Mr Carr to come here and ask him why he did not want the paedophilia inquiry, then I will listen to you.

The Hon. R. S. L. JONES: In your speech to Parliament you said those people were involved in a cover-up, did you not?

The Hon. FRANCA ARENA: Yes, exactly, because the terms of reference were the biggest cover-up that you could have imagined. The terms of reference were so restrictive that both Mr Carr and Justice Wood knew that no lid on paedophilia would ever be lifted. It was so restrictive.

The Hon. R. S. L. JONES: And was that done for a sinister reason?

The Hon. FRANCA ARENA: I do not know if it was or was not sinister. The reason was that they did not want it. I think I have made that plain in my submission last time and in my submission this morning.

CHAIRMAN: Mrs Arena, I should like to correct a comment you made earlier that I had been told [*evidence suppressed*] during the meeting. I was not told. Mr Kelly was told by the clerk. You did call me a liar, but I accept that you have a right to call me a liar and I will not take any action about that. I am just letting you know that I did not know, that I was not told the date.

The Hon. FRANCA ARENA: Madam Chair, I withdraw the word "liar" and I apologise to you.

CHAIRMAN: That is all right. I do not mind.

The Hon. FRANCA ARENA: Please forgive me. I do not want to be rude and I do not intend to. I have a typical Latin temperament and I like getting carried away. However, in all fairness, Mr Kelly was really amiss in not informing you that you had given me the wrong information. You kept on questioning me about something and if it were in a court of law, as my lawyer said, the jury would have been dismissed. You questioned me on something that was a lie. It was Mr Kelly, it wasn't you. Again I apologise I called you a liar. I should not have done that and I am sorry.

CHAIRMAN: Mrs Arena, I would much prefer to be called a liar than a paedophile. In response to your previous outburst, you asked for a full and thorough investigation by your peers. That is what is happening, so please do not criticise us for asking you questions.

The Hon. FRANCA ARENA: No, I am not.

CHAIRMAN: The reason you are being asked a number of detailed questions about how you go about deciding, when someone comes to you with grave allegations of paedophilia, whether those people are credible or what they have said is true or false, or whatever substantiation you go about, is that those questions are germane to the issue being considered by the Committee, which is your speech on 17 September.

The Hon. FRANCA ARENA: Yes. I apologise.

CHAIRMAN: The Committee will continue to ask why you believe some people and not others. If I say to you, did you ask questions of these people about whether or not they were being paid by “Channel A”, it is not an attack on your victims, as you call them; it is simply asking you what steps you took to find out whether those people were believable. Therefore, the Committee will continue to ask those questions.

The Hon. FRANCA ARENA: Madam Chair, I apologise. Tomorrow it is six months since I made my speech in Parliament and my nervous system is suffering from all the stress I have been under. Please forgive me. I do apologise because sometimes I carry on. I should have better control of myself. I want to say to you that I am not trained in cross-examining victims. I am an MP. I am not a lawyer and when people sit in front of me—

CHAIRMAN: Did you know that “Channel A” had put together a program using some of those victims?

The Hon. FRANCA ARENA: I think the program went to air. I saw it.

CHAIRMAN: Did you know that? Did you not think to ask them, "Are you receiving money from “Channel A”?"

The Hon. FRANCA ARENA: No.

CHAIRMAN: Did you never think to ask that?

The Hon. FRANCA ARENA: No. I never asked them.

Reverend the Hon. F. J. NILE: To clarify an earlier comment, you said, "You all are defending “E”." Certainly, I am not defending him. I have grave concerns about him. I do not know about other Committee members, but you directed your remarks to the whole Committee.

The Hon. FRANCA ARENA: I am sorry, I did not mean even that.

Reverend the Hon. F. J. NILE: You said that “E” was able to protect himself [*evidence suppressed*]

The Hon. FRANCA ARENA:*[evidence suppressed]*

Reverend the Hon. F. J. NILE: Has he acknowledged that statement?

The Hon. FRANCA ARENA: It is attachment 29.

Reverend the Hon. F. J. NILE: I acknowledge that you have quoted it, but has it been shown that “E” has confirmed the truth of that statement; that it is a statement from his lips? It may have been printed in a newspaper somewhere, but has he confirmed it?

The Hon. FRANCA ARENA: If you look at attachment 29 it states:

[evidence suppressed]

Reverend the Hon. F. J. NILE: Is that the quote of a journalist?

The Hon. FRANCA ARENA: It is.

Reverend the Hon. F. J. NILE: Has “E” confirmed that statement?

The Hon. FRANCA ARENA: I have never asked him.

Reverend the Hon. F. J. NILE: He has denied it?

The Hon. FRANCA ARENA: Has he denied it?

The Hon. R. S. L. JONES: He may have done. We do not know.

CHAIRMAN: Can I clarify this. Who is quoted as saying that?

The Hon. FRANCA ARENA:It is an extract from an article *[evidence suppressed]*

CHAIRMAN: Do you know whether he has confirmed that statement?

The Hon. FRANCA ARENA:*[evidence suppressed]* and that is quoted in his article. If he did not say that, he should have written a letter to contradict it.*[evidence suppressed]*

Reverend the Hon. F. J. NILE: Do you believe that “E” would have done that? If the royal commission had proceeded against him, do you believe “E” was malicious enough to do as he threatened *[evidence suppressed]*

The Hon. FRANCA ARENA: I do not know Mr Nile, but if he says so.

Reverend the Hon. F. J. NILE:*[evidence suppressed]*

The Hon. FRANCA ARENA: Possibly.

CHAIRMAN: *[evidence suppressed]*

(Luncheon adjournment)

CHAIRMAN: Referring to paragraph 12 of your statement, did any Labor colleagues produce any evidence that the members of Parliament you mention in your statement would be named at the Wood royal commission or charged?

The Hon. FRANCA ARENA: No. I think that what was discussed was the article in the newspaper, and the discussion was about who did they mean, or who were they. In a way, it is the same as today in the paper there is the fact that members of Parliament are going to the ICAC this week to be interviewed about travel rorts. I have not discussed it with my former Labor colleagues, because they would not discuss it with me now. But it would have been exactly the same situation. People say: who is going down there, who has been caught, or who has allegedly been caught, and that sort of thing.

CHAIRMAN: If no-one is charged arising out of the inquiry into travel rorts, would you see that as a cover-up?

The Hon. FRANCA ARENA: I do not know. I would have to see the documentation, the articles, and everything else. We must remember that—what happens with travel rorts has nothing to do with this. But it was an example that a discussion has taken place when articles like that happen, that people start saying: who is involved, who is the Minister, who are the members of Parliament involved? So the discussion took place along those lines.

CHAIRMAN: So there was no evidence that anyone was going to be charged; it was just a discussion of the newspaper articles?

The Hon. FRANCA ARENA: I think that there were about six or seven articles from a most reputable newspaper that the commission was going to look into allegations, so I think members of Parliament took it seriously—seriously enough for even Dwyer in the *Australian Financial Review* saying Labor Party strategists are very concerned and are going to see what can be done about it.

CHAIRMAN: So you did not actually ask any of the members of Parliament with whom you discussed this matter whether there was any evidence?

The Hon. FRANCA ARENA: I do not think any of us had any evidence, Madam Chair.

CHAIRMAN: You say in your statement that you were informed by Labor colleagues of a meeting between Carr, Della Bosca, Sheahan and some party officials. Did your colleagues produce any evidence that the meeting took place?

The Hon. FRANCA ARENA: Except for, as I think I have said, people saying, "I heard from head office", no, there was no evidence. In short, there was no evidence, no. It was just people having heard from another person or having been informed by another person.

CHAIRMAN: So it was really no more than corridor gossip?

The Hon. FRANCA ARENA: I would not call it that. As I said, you could call it gossip about certain things. When we discuss things in the corridor, or amongst us, or after a caucus meeting, you could not call it gossip. I think that most members of Parliament—and I say this advisedly—are quite responsible people. They would not say, "Do you know about this, or do you know about that?" You do not find many people like this Liberal member in Federal politics saying Mrs Kernot has got the morals of an alley cat. I never heard things like that said by a member. The Labor people I spoke to were people whom I expected to know, who had connections with head office, and were generally responsible people. They would never come out and say to me, "Do you know about one, two, three?" without any base to it.

CHAIRMAN: So you generally believe corridor gossip?

The Hon. FRANCA ARENA: I never said that. I do not believe corridor gossip. I believe people will give to me information when they say they know, that they had it from reliable sources. I am not a gossip, by the way. I am not a person who goes around asking who is sleeping with whom, or what is happening here. I am actually so busy, I am not interested. This sort of discussion that took place at that point in time was very much in the newspaper and it was very much in the mind of people.*[evidence suppressed]*. So it was not gossip at all; it was really great concern.

CHAIRMAN: So they were concerned, but not concerned enough to work out whether there was any evidence of the allegations?

The Hon. FRANCA ARENA: We all expected Justice Wood to have the evidence. We all expected Justice Wood to do the investigation. He was the royal commissioner with powers that none of us would even have or dream of. He was the one who was supposed to do the investigation. He was the one who was quoted in the papers. He was the one who started the commission by saying, "I will have no fear or favour. I will name people." It is all reported in my speech of, I think, 31 October, which is included in the submission, in which I quoted him extensively. It was Justice Wood who gave us the expectation that he would have no fear or favour, that he would name people if they needed to be named. And he did so with the police, but what happened with paedophilia?

CHAIRMAN: So on the basis of newspaper articles, you believed that some sort of meeting must take place?

The Hon. FRANCA ARENA: We discussed it with our colleagues. As I said, there was this fear that our Government was going to *[evidence suppressed]*. People say, "Oh, but they have met, they are discussing it, and they are looking at what can be done." It just seemed such a natural

thing to believe. If there was a crisis in my family, naturally my husband, myself, my sons, and maybe my brother-in-law would come along and we would discuss the family crisis. So it was quite natural that Mr Carr, who is the Premier, Mr Sheahan, who is the president, and Mr Della Bosca, who is the secretary, would meet and discuss the crisis and say, "What are we going to do if we lose government? Can we count on Mrs Clover Moore's support? Will Dr Macdonald support us?" It would have just been so unbelievably negligent of them not to have met and discussed it.

CHAIRMAN: In paragraph 94 of your statement you claim that you were told by a former member of Parliament, who himself was told by a friend, that a meeting between Carr, Sheahan and Della Bosca had taken place. So it was third-hand by the time it got to you?

The Hon. FRANCA ARENA: Yes. It was ALP head office. It was not just a friend; it was an ALP head office friend of his.

CHAIRMAN: But it was third-hand?

The Hon. FRANCA ARENA: Yes.

CHAIRMAN: And you believed it?

The Hon. FRANCA ARENA: I just cannot see why people would come to me and say—as I said, especially on the basis that it was just fair to assume that these people would meet. They were their responsibility.

The Hon. C. J. S. LYNN: What status did that former member of Parliament hold? Was he a former Minister, or just a former member?

The Hon. FRANCA ARENA: A member.

CHAIRMAN: And you still will not name him?

The Hon. FRANCA ARENA: He has asked me not to, and I gave him my word I would not.

CHAIRMAN: What retribution do you think he fears?

The Hon. FRANCA ARENA: I have no idea, but I know how things work in the Labor Party, and you yourself know it only too well. I do not have to explain.

Reverend the Hon. F. J. NILE: I wish to clarify paragraph 94. Knowing that the Premier is a Labor Premier and that there is the Labor president, Mr Sheahan, they would probably have regular meetings anyhow, to discuss government policy?

The Hon. FRANCA ARENA: Absolutely.

Reverend the Hon. F. J. NILE: Their future, the reaction to it and how it would go at the next election. If people say to you, as that former member said, a meeting took place, are all the references to one meeting or perhaps there are regular strategy meetings of the party leadership to discuss the party, perhaps weekly or monthly.

The Hon. FRANCA ARENA: I am sure that that happens. I know, for instance, that the Labor Party—and I am sure the Liberal Party—has private polling all the time to see if the Premier is acceptable and whether his rating has gone up. So they must have regular meetings, for sure. But definitely when I was spoken to about this meeting, it was not a regular meeting, it was a meeting about an impending crisis which was referred to in the articles. Whether he made a mistake, I cannot tell you. But that is exactly what I was told.

The Hon. R. S. L. JONES: I take you back to your speech of 17 September in which, amongst other things, you said:

Following the meeting with Peter Collins and the late meeting at Parliament House, the Premier met with Justice Wood. What happened at the meeting between Justice Wood and Carr I do not know. No information was leaked, but I am bold enough to presume that an agreement was reached to ensure that people in high places would not be named as it would have been too traumatic for the community to realise how many of its so-called upstanding citizens were involved in criminal activities.

In paragraph 129 of your statement you deny that your speech claims that Mr Collins met to plan the suppression of names. By not referring to Mr Carr, do you mean that Mr Carr did meet to plan the suppression of names? What do you say Mr Carr's intention was in meeting with Mr Collins?

The Hon. FRANCA ARENA: There was a letter, which I think is included in the attachment, of Mr Carr inviting Mr Collins to a meeting regarding the royal commission. I think, if I am not mistaken, in the Nader inquiry the article by Alex Mitchell was discussed. Mitchell said they were not going to meet about paedophilia but even Nader said, "Well, they should have." It was quite apparent that they were going to meet about paedophilia. I do not know why they were meeting but if Carr invited Collins—there was a royal commission on the police and on paedophilia as far as connected to the police—I cannot see anything conspiratorial in Mr Carr saying to Mr Collins, "Come and we will discuss. The royal commission is going like this, the paedophilia inquiry is going like that." Why would they not discuss it?

The Hon. R. S. L. JONES: That is all very well to say that now. But your speech makes it clear that you suggest following that meeting, then another meeting and another meeting there was a cover-up. However, in your statement you said that Collins did not plan the suppression of names.

The Hon. FRANCA ARENA: I think that you are implying a meaning to my speech that I did not have.

The Hon. R. S. L. JONES: I think that everyone else has that idea.

The Hon. FRANCA ARENA: When I was asked, "Would you make the same speech again?" I said clearly that if I had to make it I certainly would be more careful in the way I would put my

words, and the way in which I would say, "They were supposed to have a meeting; definitely paedophilia must have been discussed." But then the meeting did not take place. I said maybe it did take place later on, I do not know. I do not think that I have ever made a big point about that. I never made a big point of it. But then, of course, when Mr Collins met with Mr Whelan they must have discussed the inquiry about the thing. There is nothing terrible about it. I thought that the royal commission was supposed to be one of these issues, like paedophilia or others, where there was no political—it was a kind of bipartisan issue, is what I am going to say.

The Hon. R. S. L. JONES: Why do you think Peter Collins took such offence at your comments?

The Hon. FRANCA ARENA: Because Peter Collins said it at many interviews that the next morning—Peter Collins never read my speech that night; he did not read my speech. But the next morning he saw the front page of the *Daily Telegraph* and saw—and he said it in many interviews—his photo put there with "conspiracy", or whatever the *Daily Telegraph* said, and he was shocked. So would I have been shocked. But the *Daily Telegraph* jumped to conclusions which I never had.

The Hon. R. S. L. JONES: Do you understand why the *Daily Telegraph* jumped to these conclusions, bearing in mind the juxtaposition of these names in your speech—Peter Collins, Bob Carr and Justice Wood—and then an agreement being reached not to name upstanding citizens? Can you understand why there was that reaction by the *Daily Telegraph*?

The Hon. FRANCA ARENA: I can understand it but it was not meant to be the way the *Daily Telegraph* jumped to the conclusion. It was not my way. I said it before—if I had to write the same speech I certainly would make it clear that it was not the conclusion. Certainly my conclusion that there was a cover-up that referred to the terms of reference between Carr and Wood is absolutely true.

The Hon. R. S. L. JONES: That is not what you refer to in your speech. You say that it would be too traumatic for the community to realise how many of its upstanding citizens were involved in criminal activities. That is clearly what you said. Do you stand by that statement?

The Hon. FRANCA ARENA: I think I said it very clear. Did you see my statement I made this morning? I think I have made it very clear. I will reread it:

I believed then, and I still believe, that one or both of Justice Wood and Mr Carr were concerned about the trauma to the community of paedophilia investigations into the pillars of our society.

I think that there are a lot of people who believe that by sullyng one member of Parliament they sully the institution of Parliament.

The Hon. R. S. L. JONES: It was more than one member of Parliament.

The Hon. FRANCA ARENA: I mean one or two. We are 142.

The Hon. R. S. L. JONES: You talk about "members of Parliament" in your speech. It is obviously more than one.

The Hon. FRANCA ARENA: I think the articles were saying about three, were they not?

The Hon. R. S. L. JONES: You do not think that the meeting between Carr and Collins was improper or corrupt?

The Hon. FRANCA ARENA: Absolutely not, no.

The Hon. R. S. L. JONES: You did not regard it as having an illegal purpose?

The Hon. FRANCA ARENA: No, I never said that. I must state clearly, even the meeting between Mr Carr and Mr Wood was not illegal. I never said that they met illegally or in a conspiracy. I said also clearly that things are not done in a nasty way, like to say "You have got your orders. Don't inquire into high profile paedophiles." You could never imagine Justice Wood would have stood for that or Mr Carr would be so crass as to say that.

CHAIRMAN: You have put in annexures *[evidence suppressed]*

The Hon. FRANCA ARENA: What?

CHAIRMAN:*[evidence suppressed]*

The Hon. FRANCA ARENA: Excuse me, I have not made that allegation and I want to state it clearly.

CHAIRMAN: I did not say that. I said that you have put in an annexure that claims *[evidence suppressed]*

The Hon. FRANCA ARENA: I am a member of Parliament. People have given me statutory declarations or statements. You asked me for a full statement, Madam Chair. You asked me in your letter for a full statement. If I had not put it in and *[evidence suppressed]* you would have said, "Why, Mrs Arena, did you hide that from us? Were you conspiring?"

CHAIRMAN: I am trying to pin you down to the fact that you are now saying that you never claimed *[evidence suppressed]*

The Hon. FRANCA ARENA: Excuse me, maybe my English is not correct.

CHAIRMAN: You said that the meeting between the Premier and Justice Wood was not in any way improper?

The Hon. FRANCA ARENA: No, it was not improper. Why should not the Premier and the commissioner meet? They had a lot of meetings. It was not illegal. It might have been politically wrong but it was not illegal. We do not even know how many meetings they had.

CHAIRMAN: Was the agreement improper?

The Hon. FRANCA ARENA: The agreement about the terms of reference was improper. It was politically bad. The community out there thought there was going to be an inquiry on all aspects of paedophilia and he gives him terms of reference which are so restrictive that Justice Wood can keep on saying, "I am not going to look into that because it is not within my terms of reference." It is just not right. Justice Wood was aware of the problem of paedophilia. He should have said, "I cannot do it but get another judge." Why did he not do it?

Reverend the Hon. F. J. NILE: It seems that the *Daily Telegraph* on a couple of occasions has misrepresented what you have said in the Parliament, such as when you asked questions about why Justice Yeldham and "AE" were getting interviewed in a certain way in regard to allegations of paedophilia. The next morning the *Daily Telegraph* gave the impression that you did. Do you say that it has done the same thing to you after that speech?

The Hon. FRANCA ARENA: Exactly the same thing.

Reverend the Hon. F. J. NILE: Mainly to sell *Daily Telegraph* newspapers by sensationalising what you were saying?

The Hon. FRANCA ARENA: I am sure I have got the tape of Mr Collins saying, "The first I learned about it was the next morning at the breakfast table with my children." He said, "I was at the breakfast table with my children and I saw my picture there as a protector of paedophiles. I was absolutely outraged." I would agree with him. So would I be outraged.

The Hon. R. S. L. JONES: You do not think that the *Daily Telegraph* had any reason to come to that conclusion from your speech?

The Hon. FRANCA ARENA: I do not think so at all.

The Hon P. T. PRIMROSE: Do you think generally that you get a fair deal from the media?

The Hon. FRANCA ARENA: I do generally, yes.

The Hon P. T. PRIMROSE: You do not feel that some members of the media may be part of any cover-ups?

The Hon. FRANCA ARENA: I cannot see any reason. As you say, I generally get a fair deal from the media. I think they generally are fair, but there have been times—only two weeks ago there was a little article in the *Sydney Morning Herald*, which certainly you can generally see is more accurate than the *Daily Telegraph*, which said that Mrs Arena was accused by Mr Collins

and Mr Carr of protecting paedophiles. It was completely reversed. People make mistakes in the media, they misreport. We are all human beings. You look at the *Sydney Morning Herald*, every day it has got corrections when it puts the name with the wrong photo, that sort of thing. You know, it is sensationalism. It must have sold a lot of *Daily Telegraphs* that morning, I am sure of it.

CHAIRMAN: Do you think that a member of Parliament standing up and asking in Parliament whether someone is a paedophile is equivalent in any way to naming that person as a paedophile?

The Hon. FRANCA ARENA: I never named anybody as a paedophile, never said anybody was a paedophile.

CHAIRMAN: No, I am not saying that. You have alleged that the press has misrepresented you on a number of occasions.

The Hon. FRANCA ARENA: On a few occasions.

CHAIRMAN: First of all, relating to Mr Yeldham and Mr Arkell and later to Mr Collins, Mr Carr, Mr Wood, et cetera. I am trying to find out whether you believe that a question posed about someone and related as "MP asks is Joe Bloggs a paedophile" would be seen in the public mind as an allegation of paedophilia?

The Hon. FRANCA ARENA: It is a complete misrepresentation. I went into Parliament and I said, "Was Justice Yeldham interviewed outside the royal commission? Was he given preferential treatment? Was it because he was a member of the national protection council against the abuse of children?" About "AE" I asked, "Was he asked to go?" People from *[evidence suppressed]* rang me. Please allow me to put this on the record, Madam Chair. People from the *[evidence suppressed]* rang me and said, "'AE" was summoned to go to the royal commission. "AE" presented a document to the royal commission saying that he was very ill, too ill to attend, and he did not know when he could go."

The same day the *[evidence suppressed]* interviewed "AE" and he said, "I only have a light flu. I am okay. I am going to *[evidence suppressed]*." The editor of the *[evidence suppressed]* rang me and said, "What are you going to do as a member of Parliament about this sort of travesty of justice?" I feel a responsibility to ask questions in Parliament about whether "AE" was subpoenaed, whether he said he was too ill and whether he gave a statement to the *[evidence suppressed]* that he was not very ill, that he had a light flu. That is all I said—I never accused him of being a paedophile.

CHAIRMAN: Could you answer the question?

The Hon. FRANCA ARENA: What is the question?

CHAIRMAN: The question was: do you see why, if a member of Parliament stands up in Parliament and asks a question about whether someone is a paedophile, that that might be seen as an allegation of paedophilia in the media?

The Hon. FRANCA ARENA: It can be, but I never did it. A Liberal member recently said that Mrs Kernot has the morals of an alley cat. Do you think that the community at large thinks Mrs Kernot has the morals of an alley cat? No. People will take it with a grain of salt. It is plain political antics.

CHAIRMAN: Do you think that if a member of Parliament got up in Parliament and asked whether a judge had had special treatment, preferential treatment, that the media and the public might see that as an allegation about that judge?

The Hon. FRANCA ARENA: What is one citizen or one member of Parliament to do? For instance, I refer to **Judge D.***[evidence suppressed]*. This is going to be brought up in the Parliament. They cannot get away with it. Nobody is above the law: not me—I am being interrogated here like a criminal—and not **Judge D.** Nobody is above the law in this country, thank God, not as yet.

The Hon. R. S. L. JONES: The allegations made about **Judge D** go back about 12 years to hearsay by “AK” and “AL”, who were interviewed and said that there was no substance to the allegations about **Judge D.**

The Hon. FRANCA ARENA: I have never said whether the allegations about **Judge D** are true or false. I do not know.

The Hon. R. S. L. JONES: Why did you mention it in your case?

The Hon. FRANCA ARENA:*[evidence suppressed]*, which I can bring to you.

The Hon. R. S. L. JONES: *[evidence suppressed]*

The Hon. FRANCA ARENA: *[evidence suppressed]*

The Hon. R. S. L. JONES: Do you think that **Judge D** is a paedophile?

The Hon. FRANCA ARENA: I have no idea.

The Hon. R. S. L. JONES: Do you think he might be a paedophile?

The Hon. FRANCA ARENA: I have no idea.

The Hon. R. S. L. JONES: Have you read “AM”'s submission?

The Hon. FRANCA ARENA: I have no idea whether **Judge D** is a paedophile. I do not know, I do not want to know. I will leave it to the police to determine.

The Hon. R. S. L. JONES: Have you read “**AM**”’s 77-page submission, which you gave to us?

The Hon. FRANCA ARENA: Yes, I have.

The Hon. R. S. L. JONES: In which she makes allegations that he is a paedophile?

The Hon. FRANCA ARENA: Yes, I have, Mr Jones. Have you spoken—

The Hon. R. S. L. JONES: Do you have suspicions that he may be?

The Hon. FRANCA ARENA: I am only saying to you that *[evidence suppressed]*

The Hon. R. S. L. JONES: *[evidence suppressed]*

The Hon. FRANCA ARENA:*[evidence suppressed]*

The Hon. R. S. L. JONES: But he was only interviewed, perhaps through a false allegation?

The Hon. FRANCA ARENA: *[evidence suppressed]*

The Hon. R. S. L. JONES: *[evidence suppressed]*

The Hon. A. B. KELLY: Who is going to name him in Parliament?

The Hon. FRANCA ARENA: I think a member of the lower House is going to raise the whole matter.

The Hon. J. R. JOHNSON: They had better read the standing orders.

Reverend the Hon. F. J. NILE: Earlier when you mentioned Judge Yeldham, you did—

The Hon. FRANCA ARENA: I think *[evidence suppressed]*. Something is wrong there. They cannot have it both ways. I am sorry, I do not want to cast aspersions on anyone; I want justice—do you understand?—for myself and for the people who have come to see me.

CHAIRMAN: Please do not make speeches.

Reverend the Hon. F. J. NILE: You mentioned Judge Yeldham earlier. Was it correct that in your speech you gave the impression that he may have had information about paedophile networks because he was on the child protection body?

The Hon. FRANCA ARENA: Exactly.

Reverend the Hon. F. J. NILE: I think you said something like that—that he may be giving information to the commission.

The Hon. FRANCA ARENA: Exactly. Was he interviewed, because maybe he had information that was of value to the royal commission? I just asked questions. As members of Parliament, when the community comes to us, we are entitled to ask questions. I did not infer that he was a paedophile, I never said anything about it. The cover-up about the judge is just unbelievable.

CHAIRMAN: *[evidence suppressed]*

The Hon. FRANCA ARENA: *[evidence suppressed]*

CHAIRMAN: What are the pros and cons in your mind of naming **Judge D** in Parliament?

The Hon. FRANCA ARENA: I am not naming him. All the papers about **Judge D** have been given to a lower House member.

The Hon. R. S. L. JONES: By whom?

The Hon. FRANCA ARENA: By someone who is concerned enough about the people who have written statutory declarations, I think, to you well before they gave them to you. The member is concerned enough to say, "Look, this has to be brought up in Parliament. Why did *[evidence suppressed]* Maybe it is very innocent.

The Hon. R. S. L. JONES: He still deserves naming though?

The Hon. FRANCA ARENA: If it was so innocent why did he not disclose it? I do not know how this member is going to do it.

The Hon. R. S. L. JONES: Why disclose it if he is innocent?

The Hon. FRANCA ARENA: I do not know whether the member is going to disclose his name or how he is going to do it. I have just been informed that a lower House member will do it. I don't know how, because I have not been in contact with this member. It is not my deal; it is somebody else's decision. You can see that I am not the only person. You must have seen the documentation that was sent to Senator Bill Heffernan of the Federal Parliament. A lot of people know about these things—about the injustice of this matter. Everything might have been completely innocent, but why did *[evidence suppressed]* Can you understand that?

The Hon. R. S. L. JONES: Even if he is totally innocent?

The Hon. FRANCA ARENA: *[evidence suppressed]*

CHAIRMAN: Do you approve of **Judge D** being named in Parliament? If so, why?

The Hon. FRANCA ARENA: I have no idea if he is going to be named in the Parliament by this lower House member or whether the issue is going to be raised in general terms. I think that is what is going to happen: the issue in general terms will be raised *[evidence suppressed]*

CHAIRMAN: Can you answer the question?

The Hon. FRANCA ARENA: I am not going to name him.

CHAIRMAN: No, that was not the question. The question was: do you approve of **Judge D** being named in Parliament? If so, why?

The Hon. FRANCA ARENA: I think the issue of *[evidence suppressed]*

The Hon. R. S. L. JONES: *[evidence suppressed]*

The Hon. FRANCA ARENA: *[evidence suppressed]*

CHAIRMAN: If the lower House member does not name **Judge D**, you will?

The Hon. FRANCA ARENA: *[evidence suppressed]*

The Hon. A. B. KELLY: You are glad that someone else is doing it? Therefore, you agree with them doing it?

The Hon. FRANCA ARENA: I have been informed that a lower House member is going to raise it. I have informed "AN" of this and I have asked for a meeting with him. I would be happier to discuss it with *[evidence suppressed]*. "AN" has not replied to my letter and has not met with me. I do not like just forgetting about these things. Mr Kelly, remember this: if some of these people can treat us who are members of Parliament in this way, imagine how they treat the poor beggars in the community.

The Hon. A. B. KELLY: Who is the lower House member?

The Hon. FRANCA ARENA: I have no idea.

The Hon. R. S. L. JONES: *[evidence suppressed]*

The Hon. FRANCA ARENA: I have absolutely no idea. I was informed that a lower House member is going to raise it. I was concerned enough to write to "AN" and say to him, "'AN" I believe this is going to be raised, would you like to meet so that we can discuss it?" The point is not **Judge D's** innocence.

The Hon. A. B. KELLY: You said a moment ago that you had been informed that a lower House member was going to do it. Who informed you? How have you made it known that you want to meet with this person?

The Hon. FRANCA ARENA: I have been informed, and I will leave it at that. I am not going to reveal all my sources. I want to state the allegation concerning the royal commission on paedophiles and *[evidence suppressed]* If I saw him in the street I would not even know him.*[evidence suppressed]*

The Hon. R. S. L. JONES: *[evidence suppressed]*

The Hon. FRANCA ARENA: *[evidence suppressed]*

The Hon. R. S. L. JONES: *[evidence suppressed]*

The Hon. FRANCA ARENA: *[evidence suppressed]*

The Hon. R. S. L. JONES: *[evidence suppressed]*

The Hon. FRANCA ARENA: *[evidence suppressed]*

The Hon. R. S. L. JONES: *[evidence suppressed]*

The Hon. FRANCA ARENA: *[evidence suppressed]*

The Hon. R. S. L. JONES: *[evidence suppressed]*

The Hon. FRANCA ARENA: *[evidence suppressed]*

The Hon. R. S. L. JONES: *[evidence suppressed]*

The Hon. FRANCA ARENA: *[evidence suppressed]*

Reverend the Hon. F. J. NILE: You are not trying to have this matter raised in the lower House, are you?

The Hon. FRANCA ARENA: Absolutely not.

Reverend the Hon. F. J. NILE: You are not encouraging this person to raise it in the lower House?

The Hon. FRANCA ARENA: Absolutely not. I was informed.

CHAIRMAN: Do you believe you are entitled to statements from these people *[evidence suppressed]*

The Hon. FRANCA ARENA: That I am entitled to the statements of these people?

CHAIRMAN: The statutory declarations you just referred to. Do you believe you are entitled to those pieces of paper?

The Hon. FRANCA ARENA: *[evidence suppressed]* If somebody wants to bring it up, unless I have a statutory declaration I am not going to put any pressure on this person either to bring it up or not to bring it up. It is up to the person. And as I said, have a look how many people know about it. How many people know about it *[evidence suppressed]*

The Hon. A. B. MANSON: If both *[evidence suppressed]* provided you with statutory declarations, would you expect them to sign those statutory declarations?

The Hon. FRANCA ARENA: Why are you asking me? What are they? Can't they sign their own names? What do you mean?

The Hon. A. B. MANSON: You understand what a statutory declaration is?

The Hon. FRANCA ARENA: I understand what a statutory declaration is.

The Hon. A. B. MANSON: And you would expect them to sign them, saying they are true and correct statements they are giving you?

The Hon. FRANCA ARENA: Absolutely. *[evidence suppressed]* are no better or worse than any other member of the community.

CHAIRMAN: So on the whole you would not accept an unsigned declaration?

The Hon. A. B. KELLY: What about the statement of "A"?

The Hon. FRANCA ARENA: When it is contradictory to statements made by *[evidence suppressed]*

CHAIRMAN: Will you answer the question?

The Hon. FRANCA ARENA: Yes, I am answering the question. When these statutory declarations are contradictory to statements *[evidence suppressed]*, I would only accept a signed statutory declaration to put all my influence on a member of the lower House not to raise it in Parliament.

CHAIRMAN: But in other circumstances you would accept an unsigned statutory declaration?

The Hon. FRANCA ARENA: I have not accepted any unsigned statutory declarations; I have only taken them and given them to the police. If you are trying to link "A" and so and so, I have not gone and read these statutory declarations in Parliament. I gave them to the police to investigate them, that is what I did. I do not intend to go into Parliament and name **Judge D** or

Justice whatever his name is. A member of Parliament came to see me and said, "I think this stinks, and I think it should be raised in Parliament." I said, "I am writing to the Attorney to tell him that I want to discuss the matter."

CHAIRMAN: You just said a member of Parliament came to see you and said it stinks.

The Hon. FRANCA ARENA: Yes.

CHAIRMAN: But you said you did not know who the member of Parliament was.

The Hon. FRANCA ARENA: I am sorry. I did not want to disclose the person.

CHAIRMAN: So your previous statements when you did not know who the member of Parliament was, were not correct?

The Hon. FRANCA ARENA: No, it was not correct. I am sorry, Madam Chair, I did not want to mislead you, but I am just getting really tired of this, I really am.

The Hon. R. S. L. JONES: The unsigned statement of "A" dated 5 July 1997 was amongst the documents which you tabled in the House. Are you also aware of a statement of "A" dated 17 April 1997?

The Hon. FRANCA ARENA: I think it is more or less the same stuff.

The Hon. R. S. L. JONES: Are you aware that the earlier document makes no mention of **Judge B** at all?

The Hon. FRANCA ARENA: I think that is the one that was given to the royal commission [*evidence suppressed*]

The Hon. R. S. L. JONES: Are you aware that the earlier statement was made round about the same time? The memories she referred to in the first document related to about the same time as those she referred to in the second document—in other words, when she was about three to nine years of age. She referred in the first document to recollections about being anally raped, and a few things like that, but there was no mention in the second document to murders, penises being cut off, bloodbaths, and so on. Why did you include only the second document in your submission to this Committee but not the first document, which contained no reference to **Judge B** ?

The Hon. FRANCA ARENA: Because the first document—I do not actually know if she gave me the first document or if I saw it.

The Hon. R. S. L. JONES: I think you will find it is in your documents.

The Hon. FRANCA ARENA: Okay, I take your word for it. I hope it is not like the Chairperson, who tries to mislead me. I take your word for it.

The Hon. R. S. L. JONES: You should be aware of the documents you tabled.

CHAIRMAN: Mrs Arena—

The Hon. FRANCA ARENA: You did try to mislead me, Madam Chair, last time.

CHAIRMAN: You have just admitted to this Committee that you lied earlier today, so please be a bit careful about your allegations.

The Hon. FRANCA ARENA: Madam Chair, I resent it entirely that you said I lied. I must have made a mistake, and I corrected myself when the mistake was recognised. I want to say clearly that I do not lie. I am well aware I swore on the *Bible*, and I do not lie.

The Hon. A. B. KELLY: Therefore, you know who the member is who is going to raise that matter in the lower House?

The Hon. FRANCA ARENA: I know who the member is.

CHAIRMAN: You said on several occasions you did not know.

The Hon. FRANCA ARENA: I just told you, it is given by my desire to protect the identity of this member. Under no circumstances will I reveal that identity.

The Hon. A. B. KELLY: If that member raises it in Parliament it will be known to everybody.

The Hon. FRANCA ARENA: Exactly, and you will know soon enough, so why are you grilling me about it?*[evidence suppressed]* Believe me, I just do not want any more controversy. I have just one year to serve, and I want to serve it serving the people of New South Wales, doing my duty. I have got piles of submissions from people about the Children's Commission, about poker machines, and I cannot deal with them because, first of all, I am bogged down with all this material and, second, because I have not been given an extra member of staff like all the crossbenchers.

CHAIRMAN: Please do not make speeches; please just answer the questions. If you do not want any more controversy why have you told the press that you were going to name names?

The Hon. FRANCA ARENA: When did I say that?

CHAIRMAN: You said in a radio interview that you were going to name names.

The Hon. FRANCA ARENA: When did I say that? I think we discussed this last time. It was said much earlier in the piece and I think I dealt with it in my statement. Let me read it again, because I think it is worth re-reading:

I was asked about whether I would name names in Parliament and if I would not, why did I say that I would. I believe Parliament is a proper avenue to encourage an appropriate investigation so that the truth can be revealed. My claim that I would name names in times past is to encourage the proper investigation and also because if I had sufficient evidence, say three or four statutory declarations of victims, and evidence that the police had not properly investigated the matter, then in those circumstances I may be prepared to name names. I would not do so irresponsibly. I have not done so in the past. But one important purpose of Parliament is to ensure that official corruption is exposed one way or another.

I think all of us have duties and responsibilities. Let us take **Judge B**. There were allegations, as mad as they might appear, from "**A**". There was an anonymous letter from these lawyers from the north shore, or whoever they were. I never even considered that **Judge B** could be a paedophile that I would name, and I would have to have at least four credible witnesses with statutory declarations giving names and places, then the police doing absolutely nothing—

CHAIRMAN: Please do not make speeches. I want to ask two questions and I would like you to give reasonably brief answers. When you were asked and answered questions earlier about the lower House member of Parliament, did you know which member of Parliament the questions referred to?

The Hon. FRANCA ARENA: I did know which member of Parliament it was, but I was afraid that by your questioning you would make me reveal his or her name, and I am not going to reveal his or her name to you because I was asked not to.

CHAIRMAN: Why did you not say, in answer to those questions about which member of Parliament it was, "I will not reveal his name?" Why did you say you did not know who it was?

The Hon. FRANCA ARENA: I do not know. I am sorry, I made a mistake. I apologise for my mistake. I did not lie. I did not want to deceive you. I made an honest mistake and I apologise.

CHAIRMAN: You did repeat it several times. Were you trying to protect your position?

The Hon. FRANCA ARENA: I told you, I apologise for it. I am not going to say any more. Ask Justice Urquhart why he went to the Nader inquiry and said that all his evidence was heard in public, and he had to go back and say that he was sorry, the evidence of the judge was taken in private. Did anybody think he was misleading, a liar, he tried to protect himself?

CHAIRMAN: Please do not make speeches.

The Hon. FRANCA ARENA: I am making speeches. This is my integrity and my life, my political life to deal with. I am not going to listen to Mr Bernie Gross, who passes all his little notes trying to trap me. I am an honest person, as people who have been here all these years know.

CHAIRMAN: Mrs Arena, please calm down. Is telling lies to this Committee conduct worthy of a member of the Legislative Council?

The Hon. FRANCA ARENA: That is an improper, disgusting question. I have not lied to this Committee. I told you I have not lied. I have given you the wrong information. You have given me so much wrong information in the last hearing that it is not funny. You lied to me, and I apologised to you. My lawyers are telling me to keep quiet but I am sick of it, sick of your questioning like I was a criminal. Why do you not interview the criminals?

CHAIRMAN: Calm down. One of the most important issues that this Committee has to look at is what is conduct worthy of a member of Parliament. I am asking you whether you believe telling lies to this Committee is conduct worthy of a member of Parliament?

The Hon. FRANCA ARENA: You should ask that question of yourself because you lied to me about the *[evidence suppressed]* by-election, you lied to me about “G”, you lied to me. So tell me, was that worthy of you last time? I admitted that I have made an honest mistake and I stand by my admission. I apologise to you members, I apologise to you sincerely. With all my heart I did say I did not know the member, and it is true that I did know him, I did know the name of the member—

The Hon. R. S. L. JONES: Him?

CHAIRMAN: You said it three times.

The Hon. FRANCA ARENA: I said "it", not "him".

CHAIRMAN: You repeated it.

Reverend the Hon. F. J. NILE: By saying that you were not sure who it was, were you trying to prevent what you thought was going to happen and that is cross-examination of you to try to force you to tell the name?

The Hon. FRANCA ARENA: Exactly Mr Nile.

The Hon. A. B. KELLY: So you purposefully did it?

The Hon. FRANCA ARENA: No, I just said "it" and he says I said "him". I know my nerves are leaving me but I find it very difficult.

CHAIRMAN: Was it a considered statement you made that you did not know the name of the MP?

The Hon. FRANCA ARENA: No, it just came out from me. Okay?

CHAIRMAN: Three times?

The Hon. FRANCA ARENA: I have apologised for it and I am sick of your questioning. I told you I apologise. What do you want me to do, throw myself on the floor? Stop putting on the

record that I lied because you lied more than I did and you know it. You have not apologised to me, you have not said anything to me.

CHAIRMAN: I have not accepted that anything I said was inaccurate.

The Hon. FRANCA ARENA: They were proper, utter lies.

CHAIRMAN: The final report will go into those issues.

The Hon. FRANCA ARENA: I will speak to your report in Parliament, remember that.

CHAIRMAN: Is that a threat?

The Hon. FRANCA ARENA: I will have my say as well.

CHAIRMAN: I repeat Reverend the Hon. F. J. Nile's question, did you give the Committee that misleading answer in order to protect yourself from what you felt was going to be the following questions?

The Hon. FRANCA ARENA: I gave the misleading answer because it just came out like that and I thought in my mind, "Now they are going to grill me about this member." I keep on saying I can't reveal the name of the security officer, I can't reveal the name of the member of Parliament, they are going to say, "You make all these stories up and you can't reveal the name." That is why I thought maybe the best thing for me to say is I do not know. But you see, I am not a liar. The truth came out because I cannot think about my lies. I said I will protect myself. I did not think about it and then the next moment the truth came out because I am not a liar. If I was such a liar I would have kept on with the same story.

The Hon. A. B. KELLY: But you did?

The Hon. FRANCA ARENA: What do you mean I did?

The Hon. A. B. KELLY: You kept on with the same story when I then asked you who was it who told you the information. I asked about three questions three different ways and you continued on with that answer.

The Hon. FRANCA ARENA: Because I told you I was trying—

The Hon. A. B. KELLY: Trying to put us off onto to a different tack?

The Hon. FRANCA ARENA: I did not think about it, I told you. If I was so clever and such a liar I would have kept on with my lies. I am not a liar. I do not ever intend to lie to you and if I do by mistake I apologise for it and ask for your understanding. I am under an enormous amount of pressure and it is easy for you to sit there. Here I am, 10 lawyers, nine members of Parliament. This is an inquisition on a member of Parliament who stood up. No, I am not going to spend a

penny at Peter. I am not going to spend a penny. I am going to tell them that this is an inquisition about a member of Parliament who stood up in Parliament to raise a concern of my constituents. You are not going to nail me. You are not going to silence me or treat me like a piece of dirt because I will stand up to you all the time whether I am inside or outside Parliament. I am not going to take this, not at all, because I know my conscience is clear. I am not going to spend a penny Peter.

CHAIRMAN: Did you deliberately choose to say that you did not know the name of the lower House MP?

The Hon. FRANCA ARENA: I have answered that question four times and I am not going to answer it any more.

CHAIRMAN: I am asking about whether you deliberately chose—

The Hon. FRANCA ARENA: I have answered that and I am not going to answer it any more. Have some respect for me as well. I am one of your peers. I want to be questioned by my peers. I am not a criminal. I have apologised. What more do you want me to do?

CHAIRMAN: You asked for a thorough investigation into what is happening.

The Hon. FRANCA ARENA: Yes, not an inquisition with 10 lawyers present taking notes trying to nail me. Aren't you ashamed of yourself? Taxpayers' money. Do you know how much this costs each session?

The Hon. R. S. L. JONES: You wanted this.

The Hon. FRANCA ARENA: I did not want 10 lawyers. *[evidence suppressed]*

The Hon. R. S. L. JONES: *[evidence suppressed]*

CHAIRMAN: *[evidence suppressed]*

The Hon. FRANCA ARENA: *[evidence suppressed]*

The Hon. R. S. L. JONES: *[evidence suppressed]*

The Hon. A. B. KELLY: *[evidence suppressed]*

The Hon. FRANCA ARENA: *[evidence suppressed]*

CHAIRMAN: *[evidence suppressed]*

The Hon. FRANCA ARENA: *[evidence suppressed]*

CHAIRMAN: That is a very serious allegation to make, not against me but against our legal adviser, Mr Bernie Gross, who was with me at all times. That is a very serious allegation.

The Hon. FRANCA ARENA: Madam Chair, will you answer it?

CHAIRMAN: Absolutely at no time have I met with lawyers from any party except with my legal adviser, Mr Bernie Gross with me.

The Hon. FRANCA ARENA: *[evidence suppressed]*

CHAIRMAN: Are you now accusing us of being part of the cover-up?

The Hon. FRANCA ARENA: I am not accusing you of anything. I have asked you a question, answer the question.

CHAIRMAN: This Committee asks you questions but I am very happy to answer the question.*[evidence suppressed]*

The Hon. FRANCA ARENA: *[evidence suppressed]*

CHAIRMAN: You accused them of a corrupt conspiracy. Mr Collins asked for representation too. *[evidence suppressed]*

The Hon. FRANCA ARENA:*[evidence suppressed]*

CHAIRMAN: Because Mr Collins' lawyers were accepted and paid for by this Committee they were then subject to a lot of the documentation.

The Hon. FRANCA ARENA: So the lawyers of Mr Carr and Mr Wood got the documents before or after you gave them legal representation?

CHAIRMAN: They did not get anything until they were given legal representation.

The Hon. FRANCA ARENA: Why did they get legal representation?

CHAIRMAN: Because you had accused them of a corrupt conspiracy, in Parliament, and that is a serious allegation. By unanimous resolution of the Committee Mr Collins, Mr Carr and Mr Wood got legal advice. I must say it was because you had already been granted it.

The Hon. FRANCA ARENA: I was granted it because you had it, and I asked for it because you had it.

CHAIRMAN: The Committee had legal advice.

The Hon. FRANCA ARENA: We could have had this meeting amongst ourselves without all this rigmarole.

(Short adjournment)

CHAIRMAN: Mrs Arena, I gather you have a request of the Committee?

The Hon. FRANCA ARENA: Yes. I am not feeling the best. I have not brought my blood pressure pills. They are at home. I just feel that my blood pressure is very high, and I would like you to resume next week.

CHAIRMAN: To resume next week?

The Hon. FRANCA ARENA: Whenever it is, yes. Sorry, I cannot even speak.

CHAIRMAN: Will next Tuesday be all right?

The Hon. FRANCA ARENA: Yes.

(The Committee adjourned at 3.25 p.m.)

24 March 1998

THE HON. FRANCA ARENA, MLC

PRESENT

The Hon. Dr Meredith Burgmann, MLC (Chair)

The Hon. Jennifer Gardiner, MLC
The Hon. John Johnson, MLC
The Hon. Richard Jones, MLC
The Hon. Anthony Kelly, MLC
The Hon. Charles Lynn, MLC
The Hon. Andrew Manson, MLC
The Revd the Hon. Fred Nile, MLC
The Hon. Peter Primrose, MLC

In this transcript code names have been used for certain persons mentioned during the evidence and small sections of the evidence have been suppressed. This is in line with the resolution of the Committee on 24 November 1997:

That all evidence in relation to the Committee's inquiry into the conduct of the Honourable Franca Arena, MLC be taken in camera, and that the Committee only authorise those sections of the evidence to be made public which it is satisfied will not cause unnecessary damage to the reputations of any individuals, compromise ongoing police investigations or prejudice any matters currently before the courts.

FRANCA ARENA, on former oath:

CHAIRMAN: You will remember that you are on oath as you were previously.

The Hon. FRANCA ARENA: Yes, I remember. I want to make a statement.

CHAIRMAN: Yes?

The Hon. FRANCA ARENA: Members of the Committee, Madam Chair, my husband had a minor operation yesterday and remains in hospital. Notwithstanding the great personal stress to me at this time, I have met with the Committee request to attend. However, I cannot ensure that I will be able to attend again this week. Members of the Committee, you have shown by your conduct in this Committee that the majority of you has a bias against me. This is a most serious matter. It taints all later findings you might seek to make. I want to set out the reasons why you have been shown to be biased. These reasons not only conclusively show the bias, but also point out to you the only path, as I see, that is available to you to remedy the bias.

First, the transcript has been selectively and unfairly edited to show me in the worst possible light. My previous objections to the editing has been rejected, even when they convincingly show that the editing has no purpose other than to show a Committee member in a favourable light or me in an unfavourable light. I provided to the Committee this morning a written list of objections to the transcript. I want to refer to those objections. I think they have been circulated. I object to the release of any further transcript including the proposed release of my second day's evidence until you release my statements. It is blindingly obvious that to continue to release a cross-examination of me without releasing my statements is grossly unfair.

My story has not been heard by the public, not one sentence of it, and until it is released with codenames, no transcript should be made public. Once my statements are released, a properly edited transcript can also be released. The proposed editing of the second transcript is defective as follows. Page 3, the first sentence of the proposed deletion does not fit the criteria of the Committee resolution of 24/11/97. There is no basis whatsoever for its exclusion. To delete it would remove an important justification for my speech. Can I read: *[evidence suppressed]*

CHAIRMAN: Excuse me. Mrs Arena, this would appear to me to be the lawyer's submission to us and we will discuss that in deliberative session. It is really not part of—

The Hon. FRANCA ARENA: I am sorry Madam Chair, but I want to put it on the record because it is important for me to tell the members how I feel about this very important matter, and I want to continue with my statement.

CHAIRMAN: You are reading from the lawyer's submission to us.

The Hon. FRANCA ARENA: No, it is not my lawyer's submission. It is my submission to you, which I gave to you this morning at 10 to 10. I want to read it because I feel that this editing is very unfair. It shows me, as I said, in unfavourable light. It shows the bias of the Committee.

CHAIRMAN: Mrs Arena, can I just interrupt?

The Hon. FRANCA ARENA: Yes Madam Chair.

CHAIRMAN: I realise that you have been airing this view very publicly in the media, why do you say that the release and editing of the transcript is biased against you when you wrote to us, the Committee, on 17 March that, and I quote your exact words:

Generally speaking I agree with the manner in which the transcript has been dealt with. Apart from the few matters listed above, I agree with the codenames and deletions.

It would appear to me that on 17 March you were generally happy with the way in which we have dealt with the transcript—

The Hon. FRANCA ARENA: You are mis—

CHAIRMAN: —and because of the way in which things have transpired you are now changing your position.

The Hon. FRANCA ARENA: I am sorry Madam Chair, but as usual you show your bias. I am sorry Madam Chair but I said I generally agree except for, I think it was 12 or 14 points, and of those you accepted only one. And you and Mr Richard Jones, who obviously has got it against me because I voted against the marijuana legislation—

The Hon. R. S. L. JONES: That is nonsense and I ask you to withdraw that statement.

The Hon. FRANCA ARENA: —and he is even more biased than you are and I suppose all this will be taken out of the transcript again.

The Hon. R. S. L. JONES: Excuse me, Mrs Arena, I ask you to withdraw that statement, which is absolutely untrue.

The Hon. FRANCA ARENA: Well, if I can proceed I will show you—

The Hon. R. S. L. JONES: I ask you to withdraw that statement, which is entirely untrue.

The Hon. FRANCA ARENA: So you are not against me because I voted against the marijuana?

The Hon. R. S. L. JONES: Totally ridiculous. There is no connection whatsoever with it. I am trying to get to the truth and I am deeply shocked by the quality of your evidence here because I thought you had real evidence to provide and it shows because of the nonsense of the stuff you

have provided you have no real evidence for your allegations whatsoever. That is why I am so angry about what you have done.

CHAIRMAN: Mrs Arena, I really do not think—

The Hon. FRANCA ARENA: Madam Chair, I will continue with my statement.

CHAIRMAN: Mrs Arena—

The Hon. FRANCA ARENA: I said on page 3—

CHAIRMAN: Mrs Arena? Mrs Arena, please.

The Hon. FRANCA ARENA: Yes Madam.

CHAIRMAN: You must take direction from the Chair.

The Hon. FRANCA ARENA: Yes.

CHAIRMAN: I have said that reading from your letter to us, which we are going to discuss in deliberative session later on today, is not an appropriate thing to be doing at this time when we are trying to question you about your submission. So, please, if you have a statement to make about your submission, please do so.

The Hon. FRANCA ARENA: Madam Chair, I think that this is an explanation of the bias that I believe that you personally and the majority of this Committee has got against me. You have not released my submissions. You are only releasing what it suits you and it is my intention today to put it on the record so that when, at least if you do not release my submission, there will be transcript and hopefully—hopefully also this does not get taken out of the transcript like all that suits you—people will be able to read it and I am here to read the part, unless you gag me. I mean, if you want to gag me, you go ahead and gag me, but I want to set out my reasons on the record and I want to continue with paragraph, page 4.

CHAIRMAN: Mrs Arena, I am asking you to give this to us as a written submission and we will decide what parts of it—

The Hon. FRANCA ARENA: Madam Chair, no, I want to read it—

CHAIRMAN: —in a deliberative session.

The Hon. FRANCA ARENA: I want to read it on the transcript.

CHAIRMAN: Mrs Arena we have not—

The Hon. FRANCA ARENA: There has been no public release of any of my submission. No public release. You have not informed me when this is going to be. You have attacked my one paragraph out of 229. You have attacked me in the most unfair and biased way and I am here to defend myself and you are not going to silence me.

CHAIRMAN: Mrs Arena, attacking the credentials of the members of the Committee—

The Hon. FRANCA ARENA: The majority of the credentials.

CHAIRMAN: Well, the majority of the Committee.

The Hon. FRANCA ARENA: Yes.

CHAIRMAN: And attacking—

The Hon. FRANCA ARENA: And not the credentials but the bias.

CHAIRMAN: —the credibility of this Committee—

The Hon. R. S. L. JONES: Well, the entire Committee is biased, according to you, because we all agreed with those deletions.

CHAIRMAN: Attacking us as a tribunal when you asked to be judged by your peers is not going to get you very far. So, please desist.

The Hon. FRANCA ARENA: I am sorry Madam Chair, it is not a question of getting me far or close. I want to read on the transcript my explanations and I will continue to do so. On page 4 the second deletion, commenced at page 77, is a naked attempt to hide the misleading and deceptive interrogation attempted by you, Madam Chair, undertaken by you on 5 March 1998. There is no possible justification of a fair committee to delete the material. And I said as you claimed at page 77 of the transcript:

[evidence suppressed]

I would like you to say on what basis are you deleting this material? On what basis? I think that if that does not show bias, I do not know what it does. Page 7, Madam Chair—

The Hon. R. S. L. JONES: Do you want an answer to that question?

The Hon. FRANCA ARENA: —as far as the first deletion, see comments regarding page 5, above Madam Chair. You have misled me, and you wish to hide that, and I think it is grossly unfair. It is a cover-up. It is a cover-up. As to the second deletion, let me read it, you want to delete:

[evidence suppressed]

All that is deleted. "What are you going to do if so and so—

The Hon. R. S. L. JONES: Do you want an answer to this?

The Hon. FRANCA ARENA: "What are you going to do if so and so is going to be named as a paedophile?"

The Hon. R. S. L. JONES: Mrs Arena, do you want an answer?

The Hon. FRANCA ARENA: I think this has been deleted. So—

The Hon. R. S. L. JONES: Do you want an answer to this?

The Hon. FRANCA ARENA: —as to the second deletion, there is no plausible reason not to release this material. Nobody is named, nobody is identified, but it is very relevant to my speech of 17 September, 1997. Now on page 8, the first deletion is again a cover-up by your misleading questions about *[evidence suppressed]*. It is patently unfair to delete it. The second deletion, pages 8.9 to 9.1, is a matter of public record. This proposed deletion is a shameful cover-up by the Committee to hide the obvious fact that the Labor Party was *[evidence suppressed]*. It should be published. May I read what you have taken out:

[evidence suppressed]

I just cannot see why that should be taken out. And on the same page you have taken out:

[evidence suppressed]

Why? Why would all this material have been deleted? Who did I identify? Who did I identify? What was a terrible thing? Page 11. The question at 11.1 by the Hon. Jennifer Gardiner reveals nothing that is not public knowledge by virtue of Mr Michael Dwyer's article. Only the answer needs to be deleted or coded. And let me read it:

[evidence suppressed]

The second deletion is in the same—page 15—the second deletion at page 15.7 is in the same category. It reveals nothing not already public but it is very important so that the justification for my claims in Parliament can be understood. And let me read this by the Hon. Charlie Lynn. It says:

[evidence suppressed]

Why was that deleted? What was the point? I replied:

[evidence suppressed]

Why did they delete that? Why did they delete it? Page 19. The second deletion could be retained with the use of codenames, which would adequately protect the person involved. The same is true for the deletion on page 22. Page 19:

[evidence suppressed]

Why was not that codenamed and left into the transcript? The same can be said of page 22.

[evidence suppressed]

Why was that taken out? It could have been codenamed again.

[evidence suppressed]

Page 24. The first deletion—page 24.3—can be retained but by the use of code AA . The second is:

The Hon. FRANCA ARENA: *[evidence suppressed]*

The Hon. R. S. L. JONES: *[evidence suppressed]*

The Hon. FRANCA ARENA: *[evidence suppressed]*

[evidence suppressed]

The Hon. R. S. L. JONES: *[evidence suppressed]*

The Hon. FRANCA ARENA: *[evidence suppressed]*

[evidence suppressed] Who is going to be left with egg on their faces, Madam Chair? Not me.

The second deletion—page 24.7—should be retained, with a code to protect the identity. It is a significant matter and it is patently unfair to leave in claims that one side paid witnesses, but delete the claim—indeed, supported by facts found in the royal commission—that the other side also paid witnesses. Let me read: "There is no evidence that he paid—". I am sorry, I correct myself:

[evidence suppressed]

Why was that taken out? Page 25. The first deletion—page 25.7—is again part of the Committee's cover-up of the Chairman's deception. It must not be deleted if the Committee is to retain its credibility. I appeal especially to the non-Labor Party members. Let me read it:

[evidence suppressed]

Why was that deleted, Madam Chair? Tell me, why was that deleted? The second deletion—page 25.9—should be left in but with codenames. It is an important part of my claim to have acted responsibly. It says:

[evidence suppressed]

That should have been left in with a codename. Page 26. This deletion—page 26.4—is another example of the improper cover-up of the Committee, by the Committee, of the deception practised by the Chairperson. It says: deletion *[evidence suppressed]*. It is all connected with protecting your reputation, Madam Chair, but you did not care about my reputation, did you? Page 28. The second deletion—page 28.8—which says:

[evidence suppressed]

Where does that identify anybody? It should have been retained as nothing identifying is revealed. Both the question of Reverend the Hon. F. J. Nile and the comment of the chairperson identify no-one. I am sorry, I should have read page 28. I will correct myself for Hansard. Page 28 Reverend the Hon. F. J. Nile said:

[evidence suppressed]

The Chairman takes out this other bit: "from all sides of politics". I do not know why. We want that in. Page 30. Both the deletions—page 30.3 and 30.7—again instance the unjustifiable cover-up by the Committee to protect the Chairperson's faulty interrogations. These matters must be published if the Committee is to be fair. What we want to put in:

[evidence suppressed]

We want that piece in. The same page further down, *[evidence suppressed]*. We want that back in.

Reverend the Hon. F. J. NILE: Madam Chair, could I make a point for Mrs Arena's benefit. Mrs Arena, you may be under the impression that the Committee has agreed on these deletions. These are recommendations from the Chairman and the legal advice.

CHAIRMAN: This is exactly the point, Mr Nile, that I was trying to make to Mrs Arena.

Reverend the Hon. F. J. NILE: We still have to consider these—

CHAIRMAN: I did say over and over again that we would take it as a written submission and we will discuss it in deliberative session. However—

Reverend the Hon. F. J. NILE: It is helpful to have your—I am not trying to stop you giving it to us; I am just pointing out that the Committee has not made a decision.

The Hon. FRANCA ARENA: I understand that entirely, Reverend the Hon. F. J. Nile. You must understand that after the first transcript being heavily edited, all in favour of the Chairperson, and all unfavourable to me—before that happens again I am going to bring all these points to you so that you, when you make a decision, at least if the majority of the Labor people want to have it in, you can have a chance to know how I feel about it and make some objection. It goes on the record, too. They cannot continuously take off the transcript the stuff which is favourable to the Chairperson and unfavourable to me. I will not stand for that—absolutely.

Page 37. This is a commencement of the rewriting of the evidence regarding “**Judge D**”. If the Committee does not want the material released then it can all be deleted, but it is a gross abuse to selectively edit the transcript to change the meaning of the evidence. The Committee, properly advised, has no power to release a word here and there so as to effectively change the evidence. The release of a word here and there so—the question and half answer at the foot of page 37 is an example. Let me read it:

The Hon. R. S. L. JONES: *[evidence suppressed]*

Now this next is taken out:

The Hon. FRANCA ARENA: *[evidence suppressed]*

You left in, "It does not matter", but took out:

[evidence suppressed]

And so on and so on. This creates a misleading impression of the evidence. The one question on page 41 is another example, as is my second answer on page 40. You have taken a word here and there, it is quite clear. For instance:

. . . it involves me . . . It would not look good for me to raise it . . . I am involved in the whole issue.

I mean, a word here out of a phrase, a word there. This is really, it is really unacceptable. This is not deleting evidence, it is misrepresenting my answers by deleting words here and there. If this material cannot be released—

CHAIRMAN: Mrs Arena, this has now been going on for half an hour.

The Hon. FRANCA ARENA: I have got all day, Madam Chair.

CHAIRMAN: Please do not interrupt when I am speaking. Now, this has been going on for half an hour. One of the complaints you have made about this Committee is that we have not got to what you call your big evidence. One of the problems might be that you keep making speeches instead of answering the questions. Now you have just taken half an hour on material which is a written submission for us to discuss in deliberative session. You have insisted on reading it out and taking the time of the Committee. Quite seriously, if you insist on reading your submission

out we will have to agree to all the other lawyers reading their submissions out to the Committee and we will be here for days and days and days. So please shorten what you are saying so that we can get to questioning you because that is what you said you wanted, which was to be judged by your peers. Stop taking up the time of the Committee. This is a filibuster.

The Hon. FRANCA ARENA: I will continue with my evidence to show how biased you are and I want to put it on the record. And if it takes weeks and weeks, I am prepared to give it weeks and weeks. The other lawyers have no right, no right to ask me questions. I am here to defend my good name and my integrity. I am here to ask you to release my statements, which you have not done and which is most unfair.

CHAIRMAN: Would you please as briefly as possible finish your submission. This has gone for half an hour.

The Hon. FRANCA ARENA: I just would like to ask you, Madam Chair, what standing orders gave you the right to release my statement to Mr Carr and Mr Wood? If this material cannot be released—I continue with my speech—then it cannot be released at all and page 37 to 49 should all be deleted. It is improper for the Committee to pick and choose, deleting only matters favourable to me. For example—deleting only matters unfavourable—deleting matters favourable to me, example page 46.6 where the word [*evidence suppressed*] has been taken out—another instance of the cover-up of the chairperson's misleading interrogation. Then, notwithstanding this misleading material, the chairperson leaves in her comment:

I have not accepted that anything I said was inaccurate.

Nothing inaccurate appears because it is all deleted. This is a grave abuse of the Committee's rights under Standing Order 252, and one day its unfairness will be revealed in Parliament, if not anywhere else. Page 49, again the whole content of the interrogation from 49.3 has been altered by the editing, in particular my questions on page 49.3 and 49.6—49.6 and 49.8 about whether my statement was given to Mr Carr or Justice Wood. May I ask you all please to correct 49.8? It is 49.6 and 49.8, about whether my statement was given to Mr Carr or Justice Wood has been repeatedly evaded. I just ask you that question, you have not answered it even now. The editing of the transcript bears no relationship with fairness and I entirely reject it as a proper record of the proceedings.

This goes as well for the transcript of 5 March. Exactly the same reason. I gave you 14 points which I want to bring to the attention of the Committee. 1. There is no reason for using a codename for “**Dr C**”. She has not sought anonymity. She has confirmed this morning—and that was on 5 March—that she would prefer her name to be used. The evidence concerning her is not harmful to her reputation, and using her name does not identify the victim “**A**”. On the other hand, a respected opinion of [*evidence suppressed*] were considered by me, and it is unfair to me that she is relegated to a person of no particular qualifications. The particular changes required are set out in appendix 1. If contrary to these submissions “**Dr C**” is to be codenamed, then she should have been codenamed Dr C and there remains no reason to delete her qualifications and specialty, as recorded on page 97.9. To delete these matters creates a misleading impression about

the significance of her opinions. This is especially so given that the details and qualifications of others are not deleted in similar circumstances.

CHAIRMAN: Mrs Arena.

The Hon. FRANCA ARENA: For example, page 29.9 and page 30.1.

CHAIRMAN: Mrs Arena, this is really going too far. It is now almost 40 minutes. You are now going over material which the Committee has decided upon and made a resolution. You cannot go into that material again. If you want to make a written submission to this Committee we will do so. But I am afraid that all that is in the minds of the Committee at the moment is that you were prepared to bring yourself here for questioning so that you could be judged by your peers and you are making it very, very hard for us to actually question you. So please put the rest of your submission about the previous transcript in writing and we will now go to questioning.

The Hon. FRANCA ARENA: I have already, Madam Chair, and it does not appear anywhere. You released transcript at your discretion with everything which favours you and does disfavour me. When you release my submissions I will be happy to be quiet and answer your questions—until I put everything on the record which can be released to the public so that people know my story, not only your side of the story, Madam Chair.

CHAIRMAN: Mrs Arena, we have allowed you to have your say because we believe in procedural fairness. However, you must know that the editing of the previous transcript was decided on by a consensus decision of the Committee. The parts we deleted went to identification of individuals. I will cite you the resolution, which I am sure you have seen before, which says:

... that the Committee only authorise those sections of the evidence to be made public which it is satisfied will not cause unnecessary damage to the reputations of any individuals, compromise ongoing police investigations or prejudice any matters currently before the courts.

The Committee, when we looked at that first transcript, used that resolution as our guiding light and that is why the deletions were made. Now please can you make yourself ready to be questioned by the Committee instead of taking up the time. You have taken up almost half the morning session. Now please let us question you.

The Hon. FRANCA ARENA: Madam Chair, I do not accept that. I want to show you that it is not so. You have had bias, you and the Committee, and I am not going to be here—I am not a criminal. I am a member of Parliament, I am the voice of my constituents. I just told you this morning that *[evidence suppressed]* and I want to ask you: why has my submission not been released to the public with codenames? one; second, when are you going to ask the witness who will substantiate my submission? And will you stop being so biased in the release of your transcript? And I am sure that a lot of this stuff will not appear in the next transcript because you are biased, Madam Chair. You want to condemn me without me—and I want to read this stuff on the transcript and I will read it and there is nothing under standing orders which will prevent me from reading it. So I will keep on going.

CHAIRMAN: Is it any different from the document that you gave us?

The Hon. FRANCA ARENA: No, it is no different from the document that you have not accepted except for one point and I want to make it very clear—

CHAIRMAN: Mrs Arena, the Committee looked at your document and deliberated on your document. It is no good for us for you to now take up the precious time of the Committee by simply reading it out to us.

The Hon. FRANCA ARENA: Well, if you had released it, Madam Chair, if you had released it, I would not take the time of the Committee. But seeing that the only way that I can get something on the record is by reading in this Committee I will continue to read it. Now I am getting down to point 3. 2. Many of the references to “AA” are needlessly deleted. Those which are not confidential and which should remain in the transcript are set out in appendix 2. In these instances, his name is no more confidential than Commissioner Ryan's which rightly has remained. If, contrary to these submissions, a codename is to be used, then he should be *[evidence suppressed]* so that the references to him are not misleading. These you never took into consideration.

3. The evidence at page 9.9 is public knowledge, both from the Wood report and the Nader inquiry. The only matter which should be edited is the name of *[evidence suppressed]*, which should be coded. And may I say, you took out *[evidence suppressed]*, but otherwise he always had private; he always had private. So all you needed there to take the codename. 4. There is no basis whatsoever for deleting " . . . and in your speech in Parliament you talked about a cover-up" in the question by Reverend the Hon. F. J. Nile on page 14.4 since it is already a matter of public record and the question is significant. The question was: " . . . and in your speech—"

5. The answer by me at page 20.5 should not be deleted:

[evidence suppressed].

It is very long, I will not read it all. But as I said, it starts from *[evidence suppressed]*. You deleted all that. It reveals nothing that is not already public. The same is so of my answer on page 20.9 which—20.5 goes from *[evidence suppressed]*, exactly as I said. It is no reason to delete the material merely because I criticised the Premier for not having a general paedophilia inquiry. That I have already done so trenchantly is a matter of public record. 6. The material at point 21.9 to 22.1:

[evidence suppressed]

Why did you take it? It has no confidentiality. Why did you suppress it? It is already a matter of public record. It should not be deleted but you did it. Do I have to believe that all the members had a consensus about it? Well, I think that if members are shaking their heads they should make—I think that members should make their voices heard. 7. The first two sentences of the material deleted at page 26.7:

[evidence suppressed]

Why did you take that? The whole thing was deleted.

[evidence suppressed]

I mean, why did you not allow that in? Should, for the same reason as 5 and 6, not be deleted.

8. The evidence at page 27.4:

[evidence suppressed]

That is not confidential and should not have been deleted.

9. Only the questions of the Hon. R. S. L. Jones should be deleted from page 57.5 to .9, which is:

[evidence suppressed]

All that has been deleted. There is no basis for deleting my answers, which plainly do not satisfy the criteria for deletion previously identified by the Committee.

10. The material at page 64.1 to 64.3 states:

The Hon. FRANCA ARENA: *[evidence suppressed]*

CHAIR: *[evidence suppressed]*

The Hon. FRANCA ARENA: *[evidence suppressed]*

CHAIR: *[evidence suppressed].*

The Hon. FRANCA ARENA: *[evidence suppressed]*

CHAIR: *[evidence suppressed]*

Could I say that when *Hansard*—I have not read "The Honourable Franca Arena", or "Chairman", to the answer and question, so I would be grateful for *Hansard* to include the person who asked the question and the person who gave the answer, which I am sorry I have not done. This needs not to be deleted except for the final question by the Chairman. The remainder of the evidence does not satisfy the Committee's criteria for deletion and is about my speech.

11. My conversation with "AC" is disclosed in my speech in Parliament; there is no basis for deleting it on page 70.2, nor the four references at pages 74.6 and 74.8, where the name "'AC'" has been deleted all the time. What is the point of it, I cannot see.

12. here is no reason for deleting much of the material at page 77-78, and this deletion can only have been done to hide the misleading nature of the Chairman's questions. The material at page 77.2 to 77.5:

CHAIR: *[evidence suppressed]*

The Hon. FRANCA ARENA: *[evidence suppressed]*

CHAIR: *[evidence suppressed]*

The Hon. FRANCA ARENA: *[evidence suppressed]*

The Hon. R. S. L. JONES: *[evidence suppressed]*

The Hon. FRANCA ARENA: *[evidence suppressed]*

The Hon. J. R. JOHNSON: *[evidence suppressed]*

And that was then deleted. It should not be deleted. Similarly, the material at page 77.8 and 78.8:

CHAIR: *[evidence suppressed]*

The Hon. FRANCA ARENA: *[evidence suppressed]*

CHAIR: *[evidence suppressed]*

The Hon. FRANCA ARENA: *[evidence suppressed]*

CHAIR: *[evidence suppressed]*

The Hon. FRANCA ARENA: *[evidence suppressed]*

CHAIR: *[evidence suppressed]*

The Hon. C. J. S. LYNN: *[evidence suppressed]*

CHAIR: *[evidence suppressed]*

The Hon. FRANCA ARENA: *[evidence suppressed]*

The Hon P. T. PRIMROSE: *[evidence suppressed]*

CHAIR: *[evidence suppressed]*

The Hon. R. S. L. JONES: *[evidence suppressed].*

The Hon. C. J. S. LYNN: *[evidence suppressed]*

The Hon. R. S. L. JONES: *[evidence suppressed]*

The Hon. FRANCA ARENA: *[evidence suppressed]*.

Reverend the Hon. F. J. NILE: *[evidence suppressed]*

CHAIR: *[evidence suppressed]*

The Hon. FRANCA ARENA: *[evidence suppressed]*

Reverend the Hon. F. J. NILE: *[evidence suppressed]*

The Hon. FRANCA ARENA: *[evidence suppressed]*

This should not have been deleted. It is quite unfair to me that the transcript be edited to show certain members in a more favourable light. Transcript, sorry, it has not been edited to show me in a favourable light. To delete this material would reflect adversely upon the fairness of the Committee. Generally speaking I agree with the manner in which the transcript has been dealt with. Apart from the few matters listed above I agree with the codenames and deletions. I respectfully suggest that the same approach be adopted in relation to my statements with codenames and deletions, including in some cases deletions of entire attachments, so that the statements can be publicly released, and the whole of the Committee's inquiry can be better understood. I await your decision on this matter.

Secondly on bias, the Committee has persistently failed to release my statements even in an edited form. My statements can be codenamed to protect identities. It is most unfair, as I have said, that the public heard the criticism of my story in an edited version without hearing the story itself. Thirdly, the Committee has sought to focus on allegations that I have never made in order to discredit me. I was merely the recipient. I was merely the recipient. There is no reference to satanic abuse in 228 of the 229 paragraphs of my statements. Yet there are many references to serious allegations relevant to the Committee's inquiry which have been ignored.

The satanic abuse put on the record continuously by the Hon. Richard Jones was not made by me. The “S” claim was made by him not by me. The “G” claim was made by him and not by me. But the claims I have made which were made in my speech in Parliament are dealt with in detail in my speech, which have been largely ignored in your questioning of me.

I want to read now my statement; I want to put it on the record unless I am given an assurance here right now that this statement is going to be released to the public.

1. I was born in Genoa. I had a difficult father. At the age of 21 I made an application to migrate to Australia and my application was accepted quickly.

2. One of the reasons I left Italy, apart from my unhappy family situation, was the anger I had against injustices of Italian society where corruption was becoming endemic. Fighting against injustice and corruption has always been a strong motivation in my life, and I say this very seriously.

3. I arrived in Australia on my own in 1959 aged 21.
4. In those days immigrants were often treated like factory fodder and I became involved in the struggle for immigrants' rights. I was one of the founders of the most important structure set up to assist immigrants such as the Ethnic Communities Council, the Immigrant Women's Speakout, 2EA Ethnic Radio, now SBS, Ethnic Affairs Commission, et cetera. I enclose my CV which will give a background of my activities during my life. I expect my attachment 1 to be included because there are no codenames to be deleted there.
5. In Parliament since 1991 I have continued to try to be a voice for immigrants' rights, women's rights, Aborigines' rights and disadvantaged groups in general. The areas of education and health have been priorities for me.
6. I was honoured by the Australian Government with an Order of Australia in 1980 for services to the ethnic communities and by the Italian Government in 1990 with the title of Commendatore Dell'Ordine Al Merito Della Repubblica Italiana, and I will say it in English, Commander of the Order of Merit of the Italian Republic for services to the Italian community. And I am very proud of the honours I have received.
7. The issue of paedophilia was not one I had either great knowledge of or one which has been brought to my attention in great detail. Over the years I was always interested in the welfare of children and worked on issues relating to children when they were presented to me.
8. When my colleague Deirdre Grusovin named John Marsden and "AE" as pederasts in Parliament on 1 December 1994 I was shocked. I had known "AE" as a colleague and as *[evidence suppressed]*. He has always been friendly to me. I knew nothing of his personal life. With Marsden it was the same. I met him occasionally and I was supportive of his work as a civil libertarian. At the time I wrote Marsden a note telling him I was sorry for what had happened in Parliament. I was to regret my action as I became more informed.
9. Since then I have privately and publicly apologised to Deirdre Grusovin for not offering her the support she deserved. I had been concerned about the "Bubbles" case, which Grusovin had championed, a case of alleged abuse of children in the northern beaches where I live. It became apparent to me after speaking to some of the parents of children in the area, that justice had not been done and that the case involved either grave incompetence or much worse.
10. In February-March 1996 various articles, including the one by Alex Mitchell, started to appear in the media regarding exposure of prominent paedophiles who were going to be named in the Wood royal commission. I have collected some of those articles, attachment 2. Shall I read the attachment 2? Yes, I think I would like to put them on the record, because I think it is very important. I will read just the title so that people can find them. The *Sun-Herald* "Links in child sex inquiry. MPs named", date 17 March 1996. *Sun-Herald* again, by Alex Mitchell, "Paedophile bombshell. Prominent people to be named." *Sydney Morning Herald*, March 6, 1996, "Paedophiles will be named." Magazines: The *Bulletin*, New South Wales, 12 March 1996, "Not a safety house in sight. In New South Wales the royal commission is about to uncork a horrible

genie which is said to implicate many well-known men in paedophilia rackets", by Brad Martin. He was never interviewed by Mr Nader, was he?

The *Daily Telegraph*, 19 March 1996, "Carr won't discuss evidence". [evidence suppressed]

[evidence suppressed]

[evidence suppressed]

[evidence suppressed]

The *Newcastle Herald*, 29 March 1996, "Coalition warned after rumours" by Eric Aubert, political reporter in Sydney. Exclusive by Susan Owens on the *Sun-Herald* of 7 July 1996, "Wood raid on the rich; commission hits high society child sex ring". That concludes attachment 2. I still read on No. 10. As the work of the Wood Royal Commission became better known, constituents started ringing me and coming to see me about cases of abuse, some which allegedly happened 20, 30 or even 40 years earlier.

11. In many cases there was nothing that could be done and people were aware of it, but they wanted their members of Parliament to be aware that abuse had been going on for a long time and that it was very difficult for justice to be done. I started to get a first-hand knowledge of how extensive the problem of paedophilia was.

12. Following publication of the articles, there was a lot of talk in Parliament House amongst members about the identity of the MPs who it was suggested might be named in the WRC. [evidence suppressed]. These discussions occurred in an atmosphere of real concern, shared by me, about the Government's prospects of survival. [evidence suppressed] There was also concern about how the public would react to these possible revelations if proven.

13. These matters were discussed with my Labor colleagues many times. I was also informed by my Labor colleagues that a meeting had taken place between Carr, Della Bosca, Terry Sheahan and some party officials to see what could be done to avert the impending crisis as a resignation by a Labor member could destroy Labor's entitlement to remain in government.

14. The meeting, I was told, had taken place in Parliament House late on the Sunday night after Alex Mitchell's article was published. A few days later I spoke to a member of security services. I am very friendly with all the staff at Parliament House as many of them come to see me about personal problems, asking for my assistance on various matters. I asked this person if she or he knew about the allegation that a meeting had taken place at Parliament House between the Premier and other people.

15. I spoke to this person, as far as I can remember, in early April 1996. He/she confirmed to me that he/she had seen two cars coming in on a Sunday night and had recognised the Premier in one of them.

16. However, when I reminded the same security guard of our conversation prior to making my speech on 17 September (I had a conversation late August/first 10 days of September) this person pretended he/she did not remember the conversation and then said to me, "I did not actually see the two cars coming in on a Sunday night. It was a colleague who saw them and told me." This person was very frightened to become involved, to lose his or her job.

CHAIRMAN: Mrs Arena, are you aware that you have now been speaking for an hour and five minutes? Do you intend to continue to read out this statement although I have asked you not to?

The Hon. FRANCA ARENA: I will continue to do it, Madam Chair, because I can only properly explain my past answer to your question or answer any future further questions by first reading out my statements.

CHAIRMAN: Are you going to continue to read the statement although I have asked you not to?

The Hon. FRANCA ARENA: Are you gagging me, Madam Chair?

CHAIRMAN: I am asking you to give the Committee the consideration of not continuing to read your statement.

The Hon. FRANCA ARENA: What consideration have you given to publishing my statements, Madam Chair? I will continue to read it. And begged me to leave him/her out of the whole affair. "I do not want to become involved." I gave my word that I would not reveal her/his name.

17. My discussions with my Labor colleagues were also held in confidence. I will keep my word that I will not reveal my sources.

CHAIRMAN: I now call an adjournment for morning tea.

(Short adjournment)

CHAIRMAN: The Committee wants the transcript to show that it is now an hour and 40 minutes after we started trying to question Mrs Arena.

Mrs Arena, your submission, your supplementary submission and all annexures will be made public as soon as it is possible for the clerks to do so. We were always going to make the submission and all annexures public. There was never any question as to that. However, it may be a long procedure and that has always been our problem. I repeat that the only editing that will take place is that which—we will only authorise those sections of the evidence to be made public which the Committee is satisfied will not cause unnecessary damage to the reputations of any individuals, compromise ongoing police investigations or prejudice any matters currently before the courts. I warn you once again that any discussion of this decision by you in the media will be—is not appropriate because this is a decision made by the Committee in deliberation and which we have informed you, but it is still not a public decision.

The Hon. FRANCA ARENA: Madam Chair, it is not acceptable to me that you should withhold my statement until it is ready. You knew—I gave you the statement weeks ago. If it was always your idea to release it, you should have started working on that. I asked you to—on 29 January we gave our submission, 29 January. Now, if you want to wait for the submissions to be released then wait for the transcript, after the last transcript with all your biased editing I was asked to resign from the *Sydney Morning Herald*. I was attacked in the most unfair way because they only heard one side of the story. I am not going to accept that my submissions are going to be released in three or four weeks time while the transcripts, edited in your favour and at your will, are going to be released tomorrow, the next day. It is not acceptable to me, Madam Chair.

CHAIRMAN: Mrs Arena, the Committee has deliberated and decided that the submission will be released to the public as soon as is possible, and that is up to the clerks. There will be no—it is not helping you, Mrs Arena, to attack any tribunal that is set up to look into your allegations. It is not helping you to now allege conspiracy against this tribunal. We were asked to judge you. You asked your peers to judge you. We are attempting to do so and to be attacked as a conspiracy does not help.

The Hon. FRANCA ARENA: Madam Chair, if I may respond, this morning I spent half of the morning in telling you how biased your editing of the transcript has been, incredibly biased against me, and I am asking you if you want to release my submission, to hold on to the transcript until it can be released with the submission. I will accept that and there will be no problem. But you cannot release your attacks on me and not my side of the story. I think it would be rejected as a fair method by a court: your own lawyer will tell you that. My story must be told before you release further edited interrogation.

CHAIRMAN: Are you ready to proceed to questions?

The Hon. FRANCA ARENA: No, Madam Chair. I am, I think, on number 17. My discussions with my Labor colleagues were also held in confidence. I will keep my word that I would not reveal my sources. However, I have asked a few—

The Hon. A. B. MANSON: Madam Chair, is Mrs Arena refusing to answer questions? Could you clarify that?

CHAIRMAN: Mrs Arena, Mr Manson has asked me: are you refusing to answer questions?

The Hon. FRANCA ARENA: Not at all, Madam Chair. I can only properly explain my past answers to your question or answer to further questions by first reading my statement.

CHAIRMAN: Mrs Arena, will you answer questions?

The Hon. FRANCA ARENA: Yes, Madam Chair. I will answer questions, but first I have got to read you my statement.

CHAIRMAN: The first question is: given the letter from Mr Ryan saying that “G” has withdrawn his allegation, do you believe Commissioner Ryan? I will repeat that for you, Mrs Arena. Given the letter from Mr Ryan saying that “G” has withdrawn his allegation, do you believe Commissioner Ryan?

Reverend the Hon. F. J. NILE: Madam Chair, could I just clarify something that Mrs Arena just said a moment ago?

CHAIRMAN: Certainly, Mr Nile.

Reverend the Hon. F. J. NILE: Mrs Arena, would you be happy if the Committee said it would incorporate the submission and the annexures in *Hansard* as the transcript will not be released unless it does include your submission.

The Hon. FRANCA ARENA: Yes, that would be acceptable to me. If the transcript—

Reverend the Hon. F. J. NILE: And you would not have to read it now.

The Hon. FRANCA ARENA: I would not have to read it now, and if the transcript is held off until my statements are released, that is acceptable to me. Otherwise it is very unjust. There is only one side of the story being heard. It is grossly unfair. It would not be acceptable in a court of law or anywhere else.

Reverend the Hon. F. J. NILE: Can we give her that assurance?

CHAIRMAN: No, the matters—we cannot because we have not deliberated on it but we can assure her that the matter raised by Mr Nile will be discussed in a deliberative session.

The Hon. FRANCA ARENA: Not acceptable to me, Madam Chair.

CHAIRMAN: Mrs Arena, are you refusing to answer questions?

The Hon. FRANCA ARENA: No, Madam Chair. I can only properly answer questions if I first read my statement. I am not refusing to answer questions.

CHAIRMAN: Mrs Arena, your statement is going to be released to the media and the people who will be deciding on how long that submission takes to prepare will be the clerks. If what you are saying is that the clerks are part of the conspiracy too, tell us now.

The Hon. FRANCA ARENA: I have never alleged that, Madam Chair. I am only asking you to support what the Honourable Fred Nile has said, and that is that you will hold on to release the transcript until my statements have released. You can't have the release of one transcript—

CHAIRMAN: Mrs Arena, do you understand our procedural processes? We will discuss that in a deliberative meeting and we will let you know. We cannot, in the middle of our questions to

you, make a decision on the run without a deliberative session; and there are procedures about which we go when we are having a deliberative session. Please understand some of the procedures.

The Hon. FRANCA ARENA: I understand them perfectly, Madam Chair. I think we can break now for lunch; you have a meeting, deliberate whether the suggestion—

CHAIRMAN: No. Mrs Arena, it is quite clear to me that you are trying to dodge questions.

The Hon. FRANCA ARENA: No, I am not trying—

CHAIRMAN: We are not breaking for lunch because—

The Hon. FRANCA ARENA: You are trying to gag me. You are trying to gag me and don't you try to gag me. I am a member of Parliament and the voice of my constituents.

CHAIRMAN: I am asking you questions. Given the letter from Mr Ryan saying that “G” has withdrawn his allegation, do you believe Commissioner Ryan?

The Hon. FRANCA ARENA: I can only properly explain my past answer to your question or answer to further questions by first reading my statement.

CHAIRMAN: Answer this question.

The Hon. FRANCA ARENA: I am answering your question. I have just answered it, Madam Chair. However, I have asked a few of them if they could provide me with a statutory declaration regarding these discussions.

CHAIRMAN: Mrs Arena, is this a filibuster?

The Hon. FRANCA ARENA: It is not a filibuster at all, Madam Chair. You should know about them. I am not.

CHAIRMAN: Why are you refusing to answer questions.

The Hon. FRANCA ARENA: I am not. Please don't you verbal me, Madam Chair. I am not refusing to answer questions. I said I can properly explain my past answers to your question or answer any further questions by first reading my statement.

CHAIRMAN: Mrs Arena, the Committee—

The Hon. FRANCA ARENA: Madam Chair, could I please finish my answer? Could I please finish my answer? Would you mind? I would very much appreciate if you could finish my answer. Now, tell me. Why can't you hold the transcript, why can't you hold the transcript of the second hearing until my side of the story goes out with it, until the statements are released?

The Hon. JENNIFER GARDINER: Madam Chair, can I suggest that we do have another adjournment to deliberate upon this specific question because otherwise we are just going to go round and round in circles?

CHAIRMAN: I am very loath to have another adjournment. It is now 20 past 12. We started trying to ask Mrs Arena questions at half past 10. She has already told us she will not give evidence on Thursday. Last week we gave her a medical adjournment because she needed to take her heart pills which were at home, and she immediately contacted the press gallery instead of going home to take her pills. She refused to give evidence on Tuesday because of her medical condition and yet she did press conferences and went on a delegation to see Mr Egan. Now, I have a very definite view that Mrs Arena is refusing to answer questions.

The Hon. FRANCA ARENA: Madam Chair, I think not only you have shown your bias in your editing; you are showing your bias here. I have just told you I have been to the doctor three times in the last week. My husband is in hospital right as we speak. He went in hospital on Sunday night. My lawyer asked me to ask for an adjournment; I didn't. I have some responsibility. I have no family here, no family at all. I have not been able to go and see my husband until late last night. He was operated on yesterday morning and I just ask you. I am a human being. I have been working flat out in preparing a statement that you are not prepared to publish. You explain to me why.

CHAIRMAN: Mrs Arena, the Committee has decided to publish your statement. On the suggestion of Miss Gardiner, we will have a five-minute adjournment, and then will you please answer questions?

The Hon. FRANCA ARENA: I have answered questions all the time, Madam Chair. You are trying to gag me and you are trying not to publish my statement.

CHAIRMAN: Mrs Arena, no-one is trying to gag you. We are trying to ask you questions. We will have a five-minute deliberative meeting.

(Short adjournment)

CHAIRMAN: Mrs Arena, the Committee has resolved that your statement, your supplementary statement and all annexures will be included in the Hansard of today's proceedings. Are you ready to go to questions?

The Hon. FRANCA ARENA: Madam Chair, it is not acceptable to me, it is not acceptable to me. You keep on releasing one side of the story. Last week the first transcript—

The Hon. J. R. JOHNSON: Would you point out to Mrs Arena that we have already determined that they would be released together.

The Hon. FRANCA ARENA: I cannot hear, Madam Chair. Is a question addressed to you, to me, or to—? I cannot hear Mr Johnson. It would be kind if I could—

CHAIRMAN: Are you ready to go to questions?

The Hon. FRANCA ARENA: I am—I just told you that if you are intending to release last week's transcript, when are you intending to release last week's transcript, Madam Chair?

CHAIRMAN: Last week's transcript?

The Hon. FRANCA ARENA: Yes.

CHAIRMAN: That decision will be made at the deliberative meeting this afternoon.

The Hon. FRANCA ARENA: Is that before today's transcript?

CHAIRMAN: That decision will be made this afternoon.

The Hon. FRANCA ARENA: Well, I am sorry, Madam Chair, but until I know, I will have to answer your question by reading my statement. Because I do not think it is fair for you to give out one side of the story. It is just not fair, Madam Chair. It would not be allowed in a court of law; it would not be allowed anywhere.

CHAIRMAN: Mrs Arena, Mr Primrose has a question for you.

The Hon P. T. PRIMROSE: Mrs Arena, can I just ask if you are familiar with the cross-examination by “BH” in the “AE” case on *[evidence suppressed]*? Are you aware of the exchange—a question from “BH” to “G”:

Q. Are you a paedophile?

A. No, I'm not.

Q. You have had sexual intercourse with children?

A. Yes.

I was just wondering if you are familiar with that?

The Hon. FRANCA ARENA: Mr Peter Primrose, my honourable colleague, I can only properly answer your question and any further question you have for me by first reading my statements. I think it is most important that you let me read my statement, or otherwise give me an undertaking that no transcript will be issued until my statements are issued with it. I think it is a fundamental question of fairness.

The Hon P. T. PRIMROSE: Can I further ask then, are you aware of the other comments under cross-examination to “G”:

Q. Then were you involved in a number of armed robberies?

A. Nineteen demand money with menaces.

Q. Yes, how many armed robberies were you involved in?

A. Nineteen.

The Hon. FRANCA ARENA: However, I have asked a few of them if they could provide me with a statutory declaration—

The Hon. A. B. KELLY: Mrs Arena, given that you lied to the Committee on your oath and that you have admitted to lying to the Committee on pages 51 and 52, how can Committee members believe anything that you say? Did you hear the question? Do you want me to repeat it?

The Hon. FRANCA ARENA: I heard you, Mr Kelly, and I want to say that I never ever lied to this Committee, nor have I admitted to lying to this Committee—

The Hon. A. B. KELLY: You did, in answer to me last week.

The Hon. FRANCA ARENA: —and you are asking me improper questions and you are not allowing me to put my side of the story. And until my side of the story is published and until my side of the story is put forward I will continue to answer with reading my statements, Mr Kelly.

The Hon. A. B. KELLY: But you did, in answer to my question last week, and then you admitted to it.

The Hon. FRANCA ARENA: I have never lied to this Committee and I will never lie to this Committee.

The Hon. A. B. KELLY: It is on pages 51 and 52. You said on pages 8 and 9 of the transcript of the last hearing that you did not know if the alleged meeting between the Premier, Mr Sheahan and Mr Della Bosca took place in Parliament House or some place else or on Sunday, March 24 or on any other Sunday. Are you now questioning the information that you relied upon in making your speech on September 17?

The Hon. FRANCA ARENA: I have spoken this morning of the bias of this Committee and you are just proving your bias. I am asking you to let me read my statement, my explanation of bias. Actually, instead of going into my statement, for the time being I should read the bias of this Committee, which I have started and I have not concluded. It will only take me five minutes, Madam Chair.

CHAIRMAN: Mrs Arena, the last time we questioned you, you said that you would contact the anonymous crossbench member and the anonymous Cabinet Minister to see if they would allow their names to be given to this Committee. Did you contact those people as you promised the Committee?

The Hon. FRANCA ARENA: I have, Madam Chair, but before I come to that I have the explanation, the letters and everything.

CHAIRMAN: With what result?

The Hon. FRANCA ARENA: I want to read my statement first. So, if you allow me to read the statement, I come to that. I have got the letters here. I have got a statement to make to you. However, I have asked a few of them to provide me a statement—

CHAIRMAN: Mrs Arena, will you answer the question?

The Hon. FRANCA ARENA: Are you gagging me, Madam Chair? Are you not allowing me to read my statement on the record?

CHAIRMAN: Mrs Arena, we are asking you to answer questions.

The Hon. FRANCA ARENA: I am answering your question, Madam Chair. I am answering your question. You cannot tell me how to answer your question the way you want me to do. I told you I have got the answer to the question given to me, but first I must read my statement.

The Hon. A. B. KELLY: You are gagging yourself.

The Hon. FRANCA ARENA: However, I have asked a few of them if they would provide me a statutory declaration regarding these discussions. None of them have been prepared to do so. My parliamentary colleagues will understand how difficult it would be now for any Labor person to back me up.

CHAIRMAN: Mrs Arena?

The Hon. FRANCA ARENA: Yes?

CHAIRMAN: How long do you intend this answer to take?

The Hon. FRANCA ARENA: Sorry?

CHAIRMAN: How long do you intend this answer to take?

The Hon. FRANCA ARENA: Well, you know, if you do not interrupt me, with all due respect Madam Chair, most probably I will get through this statement in about an hour, an hour and a half. I will read as fast as I can.

The Hon. R. S. L. JONES: An hour and a half?

The Hon. FRANCA ARENA: I will read as fast as I can.

The Hon. R. S. L. JONES: That is an hour and a half you said?

The Hon. FRANCA ARENA: Well, I have not timed it.

The Hon. R. S. L. JONES: Maybe two hours or three hours?

The Hon. A. B. KELLY: You just said it would take five minutes. You are making fools of us, a mockery of this.

Reverend the Hon. F. J. NILE: Five minutes referred to the other statement. She has another statement to make.

CHAIRMAN: Mrs Arena, you do understand that you are before the Committee to answer questions so that we can properly deliberate on the terms of reference that were given us?

The Hon. FRANCA ARENA: Lawful questions to which I am entitled to answer. You have been biased and unfair in your editing of the transcript. You have behaved not as an impartial chairperson and I am asking you to release my statements.

CHAIRMAN: Do you want the question read again?

The Hon. FRANCA ARENA: No, I do not. Do you want to allow me to read my statement, Madam Chair? I want to finish my bias application.

CHAIRMAN: Will you answer the question asked by Mr Kelly? Do you know what the question was that was asked you?

The Hon. FRANCA ARENA: I remember the question very well and I am trying to answer it. As I told you, I can only answer the question he has asked me by reading my statement and then coming to the question he has asked me. I have got it all here, Madam Chair, but I am not going to answer in a way you want me to answer. I want to finish my bias application and when I finish that I will answer in detail what you have asked me. If you are going to release your transcript, edited the way you want—

CHAIRMAN: May I have that clarified? Is this a bias allegation or is it an answer to Mr Kelly's question?

The Hon. FRANCA ARENA: Both, Madam Chair.

CHAIRMAN: What was Mr Kelly's question then?

The Hon. FRANCA ARENA: I will continue with my statement.

CHAIRMAN: Mrs Arena, are you treating this Committee with contempt?

The Hon. FRANCA ARENA: Absolutely not, Madam Chair. I have the greatest respect for the Committee. I just feel that you have been biased, personally biased, in editing the transcript. You

have edited all in your favour, have taken out everything which is favourable to me. You have made a mockery of me in front of the media and I am not going to stand for it any more. I am a member of Parliament. I am a voice of my constituents and I want to be treated fairly.

The Hon. A. B. KELLY: It was not the Chairman's personal editing that did that. It was the Committee who edited it after receiving comments from your lawyers and yourself.

The Hon. FRANCA ARENA: We made 12 points and you accepted one.

CHAIRMAN: Mrs Arena, I have not answered any of your allegations because I really do not think that this Committee should resolve into a slanging match. I have not answered your allegations. However, you keep personalising this by talking about my editing the transcript. The transcript, as I have just been reminded by Reverend the Hon. F. J. Nile, was edited upon the advice of the legal counsel to the Committee.

Reverend the Hon. F. J. NILE: You were reminded by Mr Kelly. I did not say anything.

CHAIRMAN: No, no, but as you said earlier in conversation, in the deliberation.

Reverend the Hon. F. J. NILE: I just made a comment.

CHAIRMAN: It was done on the advice of our lawyer and with the consent of the Committee.

The Hon. R. S. L. JONES: The whole Committee.

CHAIRMAN: It was not done by me. I am finding your allegations of bias in the editing of the report, of the transcript, very difficult.

The Hon. R. S. L. JONES: The whole Committee agreed to this—not just three members or four members or five members, the entire Committee.

CHAIRMAN: Can you answer Mr Kelly's question?

The Hon. R. S. L. JONES: And we are not biased.

The Hon. A. B. KELLY: Which was, that you said on pages 9 and 10 of the transcript—

The Hon. R. S. L. JONES: You may make what allegations you like, but we are not.

The Hon. A. B. KELLY: —that you did not know if the alleged meeting between the Premier, Mr Sheahan and Mr Della Bosca took place in Parliament House or in some place else, or on Sunday, 24 March or on any other Sunday. Are you questioning the information that you relied upon in making your speech on 17 September? Yes or no?

The Hon. FRANCA ARENA: I will explain my answer and answer your question by referring to my statement, Mr Kelly. And I continue to read it. It says it would mean the end of their political career by supporting a persona non grata—such as I am now—and would mean retaliation by the Labor Party. No. 18, I understand it would make my case easier if I named sources, but it has always been a rule in my life that I would respect confidentiality at any cost.

CHAIRMAN: Mrs Arena, I am going to ask you a question. You have published to this Committee, as part of your statements, allegations about “**D**” appearing in the video filmed at “**Hotel A**”, [*evidence suppressed*], which you say are [*evidence suppressed*]. You here claim that those allegations justified, in part, your speech in Parliament, yet on page 26 of the 5 March transcript you say, “**Hotel A**” and the video was given to me after I made my speech.” How can you claim those allegations as justification when you did not have them at the time of your speech?

The Hon. FRANCA ARENA: Madam Chair, I will explain my answer and answer your question by referring to my statement, and I will continue to read it.

The Hon. R. S. L. JONES: Mrs Arena, I have a question for you, if I may.

The Hon. FRANCA ARENA: Excuse me—

CHAIRMAN: Mrs Arena, Mr Jones is speaking.

The Hon. FRANCA ARENA: Could I please finish my answer? I am being hit by nine people asking me questions. I cannot even answer. It is all one way. Where is the fairness of this? In a court of law a judge would adjudicate; here there is no adjudication by anybody.

CHAIRMAN: Mrs Arena, in a court of law you would answer questions asked you, so please answer the questions asked you.

The Hon. R. S. L. JONES: I have an allegation by a senior member of the media that you have been assisting a member of the media in putting names to the letters in the transcript. I would like to ask you have you done anything in any way to assist a member of the media or a fellow member of Parliament in identifying the names in the transcript?

The Hon. FRANCA ARENA: In a court of law, if I can refer to what Madam Chairman said, in a court of law my statements would have been published already. I will answer your question, Mr Jones, by referring to my statement.

The Hon. R. S. L. JONES: Did you hear my question? Did you understand my question?

The Hon. FRANCA ARENA: I am not deaf, Mr Jones. I might not be terribly well. And I also must want to put it on record that comments by Madam Chair about my health has been the lowest of the lowest of this Committee. It is just enough to look at me to know that I am not well

and for you to imply that I am making excuses, I think it is the lowest of the lowest, and you should be ashamed of yourself.

CHAIRMAN: Mrs Arena, did you include the “G”-”S” allegations about “D” in your submission because you wanted to [*evidence suppressed*]?

The Hon. FRANCA ARENA: Please forgive me for my laughter, but I will answer with my standard question. I will explain my answer, I will answer your question, by referring to my statement. If you want to keep on going with this I am quite happy to keep on going all afternoon, Madam Chair.

The Hon. A. B. KELLY: Why are you doing this? Is there something in last week's transcript that you do not want the media to know about? Is it because you lied?

The Hon. FRANCA ARENA: First of all, I never lied—never lied. And don't you dare to say that to me.

The Hon. A. B. KELLY: You said it yourself.

The Hon. FRANCA ARENA: I will explain my answer and answer your questions when you publish my statements. You cannot have it all your way; you cannot accuse me like you did last week. It was because there are two members of the crossbenches here. I want to say to them that the satanic allegation was one paragraph out of 229, but they made a lot of it. They briefed the media, they briefed the media, the media told me they briefed the media in order to make me look ridiculous, to lose my credibility, so that I lose the support in the community and they can throw me out of Parliament.

CHAIRMAN: Mrs Arena—

The Hon. FRANCA ARENA: I will resist you in every way I can. Because this is the most unfair star chamber; this is a star chamber.

CHAIRMAN: Mrs Arena, why have you refused to perform committee work since the last election?

The Hon. FRANCA ARENA: Have the crossbenchers, Madam Chair, received my statements? Have you received my statements? You have not read it. These people are going to be judging and voting on whether I have got to be expelled from Parliament or not. They have not received my statements. You want to have it all your way, and I am sorry Madam Chair but in Australia, one thing I have learned in 40 years nearly in this country, there is an Australian ethos of fair go. You are not giving me a fair go in this Committee.

CHAIRMAN: Mrs Arena, have you listened to nothing we told you this morning? The Committee has resolved to release your statement, with all annexures, with the transcript of today's hearing. Please understand that.

The Hon. FRANCA ARENA: Madam Chair, you want to release another transcript so that you can attack me and my statement will be released one week, two weeks, when all the damage to my reputation—like last week—was done. And people—I am gagged, I cannot speak to the media, I cannot defend myself. So that you can go there and tell people that I am going around giving credibility to people who are chopping up judges. One paragraph out of 229.

The Hon. A. B. KELLY: Mrs Arena, a meeting alleged in your speech of 17 September 1997 between Wood and Carr is one which you contend occurred after meetings between Carr, Collins, and Carr and Della Bosca and Sheahan. The article by Alex Mitchell in the *Sun-Herald* on 17 March 1996 stated that the Premier had invited Mr Collins to a private meeting in his office on Thursday, 21 March 1996 to discuss the royal commission. You said in your speech of 17 September 1997 that on the next day—after Alex Mitchell's article of 17 March—Bob Carr's office denied that such meeting was ever going to take place, but you said, "It is fair to assume that a meeting did indeed take place when the furore had died down." That was a quote, your quote: "It is fair to assume that a meeting did indeed take place when the furore had died down." That was yours.

You go on to say that there was also another meeting which took place late the following Sunday between Carr, Della Bosca and Sheahan. You then say that following a meeting with Peter Collins and the late meeting at Parliament House, the Premier met with Justice Wood. You then said, "What happened at the meeting between Justice Wood and Carr I do not know. No information was leaked. But I am bold enough to presume that an agreement was reached to ensure that people in high places would not be named."

The relevant agreement being described or presumed would be in a time frame around March 1996. However, the agreement between Wood and Carr concerning acceptance by Wood of the amended but limited terms of reference did not occur until October 1996. There is a difference between the meeting between Justice Wood and Carr in March 1996 and the agreement you refer to as occurring around October 1996 when Justice Wood agreed to the amended terms of reference proposed by Carr, is there not?

The Hon. FRANCA ARENA: I understand that it would make my case easier if I named my sources.

CHAIRMAN: No, excuse me. Could you wait until he finishes his question?

The Hon. FRANCA ARENA: I am sorry, did you finish? I am sorry, I thought he had. I apologise.

The Hon. A. B. KELLY: Why have you justified your allegation of a meeting and an agreement reached in March 1996 by saying that you were only referring to an agreement which occurred in October 1996—some seven months later—whereby Wood accepted the amended terms of reference proposed by Carr? Do you agree that your explanations based on the agreement as to the terms of reference in October 1996 can have nothing to do with an explanation for a meeting

of an agreement of a particular type which you alleged in your speech of 17 September 1997 had occurred around March 1996, some seven months later?

CHAIRMAN: Earlier.

The Hon. A. B. KELLY: Earlier, sorry.

The Hon. FRANCA ARENA: Have you finished?

The Hon. A. B. KELLY: Yes.

The Hon. FRANCA ARENA: I understand it would make my case easier if I named my sources, but it has always been a rule in my life that I would respect confidentiality at any cost. I would be surprised if none of the members of the privileges committee had not been aware of the discussion which took place—

CHAIRMAN: Mrs Arena—

The Hon. FRANCA ARENA: Excuse me, Madam Chair, you asked me a question; I am going to answer it. —in those weeks of March-April 1996 the articles in attachment 2 indicate it was a matter of real concern. For example, Alex Mitchell of the *Sun-Herald* of 13 March wrote:

The allegations are so grave they will send shock waves through State Parliament . . . [they] have propelled Mr Carr into a pro-active damage control mode.

Mr Dwyer of the *Australian Financial Review* on 19 March 1996, appendix 5:

The NSW Labor Government risks losing its parliamentary majority as a result—

The Hon. R. S. L. JONES: I have a question for you.

The Hon. FRANCA ARENA: Excuse me, Mr Jones. I have been asked a question and I am going to answer it.

The Hon. R. S. L. JONES: It has no relevance.

The Hon. FRANCA ARENA: It has absolutely relevance.

CHAIRMAN: Mrs Arena—

The Hon. FRANCA ARENA: I have not come to the relevant part. Will you please let me finish it?

The Hon. R. S. L. JONES: It has nothing at all to do with the question.

CHAIRMAN: Mrs Arena—

The Hon. FRANCA ARENA: Mr Jones, you want to have it all your own way.

CHAIRMAN: Mrs Arena—

The Hon. FRANCA ARENA: It is my right to answer.

The Hon. R. S. L. JONES: I am trying to ask you a question.

CHAIRMAN: Mrs Arena, do you agree that you are refusing to answer the questions and are continuing to read your statement?

The Hon. FRANCA ARENA: I do not agree at all. This part of the statement is deals, deals, exactly what you told me, what you asked me, and my answer is not even half as long as the question was. So I am entitled to give my answer. You want to have it all your way, Madam Chair. This is a star chamber; this is not a privileges committee. You have been given an order by Mr Carr to do me in, but I am not going to be doing it.

The Hon. P. T. PRIMROSE: We have? The committee has?

The Hon. FRANCA ARENA: Well, I don't know. I am sorry. I apologise for that. I should not have said it.

The Hon. A. B. KELLY: Do you wish to withdraw any allegation that there was a meeting between Wood and Carr in about March 1996? If not, what is your evidence for contending that such a meeting took place?

The Hon. FRANCA ARENA: So:

[evidence suppressed]

CHAIRMAN: Mrs Arena, do you agree that you are refusing to answer questions by continuing to read your statement?

The Hon. FRANCA ARENA: I do not agree at all, Madam Chair. I told you over and over again that I am answering your question by referring to my statement. You are continuously asking questions. I can only properly explain my answer to the question or answer any further question by first reading my statement. I want to finish my bias application.

CHAIRMAN: And it will take an hour and half, you said?

The Hon. FRANCA ARENA: Well, I will do my very best, Madam Chair. It is a statement—it is a statement. This is the first statement. As you know. I had 57 pages with all the annexures. The second statement has about 12 pages with annexures. I intend to put it—

Reverend the Hon. F. J. NILE: Five pages.

The Hon. FRANCA ARENA: Five pages? Thank you.

The Hon. R. S. L. JONES: Are you aware that the evidence that “G” gave before the Magistrate BI in *[evidence suppressed]* was reported thus in the *[evidence suppressed]* on Friday, *[evidence suppressed]* in an article written by “AW”:

WITNESS 3

This man, in jail for sex crimes against children, claimed “AE” sexually assaulted him in a *[evidence suppressed]* public toilet about August 1973 when he was a 14-year-old schoolboy . . . Three charges of indecent assault laid in relation to this man were dropped.

The defence:

He rates as one of the most unimpressive witnesses to ever grace a witness box in this State. His performance was one of the most disgusting and disgraceful performances in a witness box that a court would ever imagine. He was unreliable, disreputable and his criminal record included convictions for dishonesty and perversion. This man lives in his own reality—he is completely out of touch with the real world . . . he loves every minute of it, befriending journalists and politicians . . . If he wasn't doing this he would be rotting in a hell hole where other people who do what he does rot.

The prosecution:

In relation to this man I make no submissions.

The magistrate:

. . . the defence submission in relation to this man carried "a considerable deal of persuasion".

What do you think that the defence counsel thought of the credibility of “G” to justify making those submissions? What do you think the crown prosecutor thought of the credibility of “G” such that he made no submissions against those of the defence? What do you think that the magistrate thought of the credibility of “G” such that he effectively endorsed those submissions of the defence and dismissed even at the prima facie level of a committal hearing those charges against “AE” based on the evidence of “G”?

The Hon. FRANCA ARENA: I will continue to read from my statement. As I said before, after my statement I have a submission which will explain my answer and will answer your question, Mr Jones.

CHAIRMAN: Can you please give Mr Jones his answer?

The Hon. FRANCA ARENA: Yes.

The resignation of the New South Wales Labor politician is expected to result from a decision of the royal commissioner, Mr James Wood, to hear all the evidence in the paedophilia inquiry in public.

CHAIRMAN: Mrs Arena, are you continuing to refuse to answer questions and read your statement?

The Hon. FRANCA ARENA: Madam Chair, will you please stop verballing me. I am not refusing. I am answering your questions. I will explain my answer and answer your questions by referring to my statement. I have two statements I have given to this—

CHAIRMAN: Are you continuing to read your statement to the Committee regardless of what questions you are asked?

The Hon. FRANCA ARENA: Will you let me finish my bias application, Madam Chair?

CHAIRMAN: Mrs Arena, we have dealt with that. We are trying to ask you questions. Can you please answer Mr Jones' question?

The Hon. FRANCA ARENA: I have not finished my bias application. Will you let me finish it, Madam Chair?

The Hon. A. B. MANSON: Franca, at 12.40 you said your statement was going to take about another five minutes. Will you tell us how long your statement is going to take from here?

The Hon. FRANCA ARENA: I told you my statement is 57 pages. Mr—Andy, there is a very easy answer to all of this, to all of this—is for the Committee to give an assurance that the transcript will be released together with my statements. I do not think it is such an unreasonable, an unreasonable request that if one side of the story is put out the other side is put out as well. I have waited now since 29 January.

The Hon. A. B. KELLY: Why do you want to delay the transcript? Why do you want to delay the transcript?

The Hon. FRANCA ARENA: Could I please answer Mr Manson? Will you please stop interrupting me? He has asked me a question and I am giving him an answer. Could I please be allowed that courtesy?

CHAIRMAN: Mrs Arena, I am the person who decides what questions are asked and what answers—

The Hon. FRANCA ARENA: Mr Manson asked me a question.

CHAIRMAN: Can you answer Mr Jones' question, then answer Mr Kelly's, please?

The Hon. FRANCA ARENA: No, I was answering Mr Manson's question.

CHAIRMAN: Mr Manson's question.

The Hon. FRANCA ARENA: So there is only one way of doing it and that is you have had my statement since 29 January. You have had all the time to edit, codename them and release it.

The Hon. A. B. KELLY: You are purposely trying to delay this transcript.

The Hon. FRANCA ARENA: It has not been released. The first one has been released. Now I am asking you, before you release the next one, release my statement so that people out there can have an idea about my claims, about how I came to certain reasoning and so on. Now I do not think it is such an absurd question to ask—request to make, sorry—such an absurd request to make.

The Hon. A. B. KELLY: Are you trying to delay the release of this transcript because you lied in it?

The Hon. FRANCA ARENA: Absolutely not. I am not trying to delay anything. I am only trying, Mr Kelly, I am only trying some fairness in the proceedings and that is you cannot edit the transcripts as you want them, release them when you want them. And my statement, my side of the story, the public has not heard it yet. You even took out of the transcript the fact that [*evidence suppressed*]. That was taken out of my statement.

The Hon. R. S. L. JONES: He has not said that.

The Hon. FRANCA ARENA: He said that. Why do you not ask him to come? Why do you not ask him to come?

The Hon. R. S. L. JONES: How can he say [*evidence suppressed*]? It is impossible for him to say that.

CHAIRMAN: Mrs Arena, are you aware that it is at the request of “AA” that he has not been mentioned in the transcript?

The Hon. FRANCA ARENA: No, I am not aware of it. No.

CHAIRMAN: Mrs Arena, please answer Mr Kelly's question which was: are you not wanting the transcript of last week released because you lied in it?

The Hon. FRANCA ARENA: Madam Chair, I cannot tell you what I think about it all because it would be unprintable in Hansard. But I want to say that you can release my statement tomorrow with the transcript, I am quite happy. Let us release the transcript tomorrow. I have no fear of the transcript. You release it tomorrow with my statement. I am quite happy about that. I would welcome it.

The Hon. A. B. KELLY: You know that they cannot physically do that.

The Hon. FRANCA ARENA: I welcome it, but you do not want to do it because you want to hit me again and again without my side of the story being told.

The Hon. A. B. KELLY: You know that the staff cannot physically go through 552 pages by tomorrow.

The Hon. FRANCA ARENA: You have had two months to release my statement, two months. I am not going to be crushed by you, by anybody else. I am the voice of my constituents.

The Hon. A. B. KELLY: You know that the staff cannot go through 552 pages of documents and edit them properly in 24 hours. You know it is going to take some time. That is why you are purposely trying to get this delayed for a matter of weeks. There must be some reason—because you lied in it. This will show that you lied.

The Hon. FRANCA ARENA: We gave you this statement, all this material on 29 January. Why have they not done the editing? Why have they put the codenames? Why? Why do they want only to use the transcript? Why? Just because they want to damage me continuously.

CHAIRMAN: Mrs Arena, we will go to lunch break. Can you please return here at two o'clock?

(Luncheon adjournment)

CHAIRMAN: Mrs Arena, I am reminding you that your submission, your supplementary submission and all annexures will be released with the Hansard of the transcript of this evidence. That will be, the timing of that will be, up to the clerks, as they will be the people doing the job. I have been informed we can probably finish by Friday of this week, so perhaps that material will be available early next week. Because so much of today's proceedings have been taken up by other than questions, are you able to give evidence to this Committee on Thursday?

The Hon. FRANCA ARENA: I am going to the hospital to see my husband this afternoon. I will talk to the doctor and see how he is feeling. He has had a complication of infection and I do not know when he is coming home. I spoke to him at lunchtime; they still did not know. I will be able to let you know most probably tomorrow morning or late tonight when I go to the hospital.

CHAIRMAN: If you cannot give evidence on Thursday would you be available to give evidence on 30 March or 6 April?

The Hon. FRANCA ARENA: Could we take that on notice? My lawyers have not got their diaries either and we will let you know. Certainly we will agree on a date, one of those dates for sure.

CHAIRMAN: I also want to remind you of proceedings regarding contempt of this Committee, especially regarding your statements to the media and your press statement this morning.

The Hon. FRANCA ARENA: Yes.

CHAIRMAN: We have given you plenty of time to complete your statement. Are you now prepared to answer questions?

The Hon. FRANCA ARENA: Madam Chair, I have considered accepting your ruling on the incorporation of my statement and annexure into today's Hansard. There are a couple of procedural questions I have before deciding whether I will answer your questions, I mean other than reading my full statement. My first question is: Why does this Committee want to release any further transcript before releasing my statement? Could I please have a procedural response to that question?

CHAIRMAN: You are asking me?

The Hon. FRANCA ARENA: I am asking a procedural response to that question.

CHAIRMAN: The Committee deliberated and decided that the previous decision we had made was the correct one and that the decision to put out last week's transcript tomorrow should stand. No, that the decision to put out tomorrow's—last week's transcript is the decision of the Committee.

The Hon. FRANCA ARENA: You gave me a fact but did not give me the reason. You did not give me the reason why you cannot wait.

CHAIRMAN: Mrs Arena, the deliberations of this Committee are not public. Are you prepared to answer questions?

The Hon. FRANCA ARENA: If you want to, Madam Chair, you can release your resolution. There is nothing terribly secretive about it. What is the reason why you want to release the transcript but do not want to release at the same time my statements?

CHAIRMAN: Mrs Arena, we have agreed to release your submission as soon as it is possible. The clerks will be doing that. It is a difficult job; we will get it done as soon as possible. It will probably happen early next week.

The Hon. FRANCA ARENA: Well, you have not answered my question, Madam Chair.

CHAIRMAN: Mrs Arena, we are actually here to ask you questions.

The Hon. FRANCA ARENA: Well, this is still a democracy. Thanks God, this country is still a democracy. I have another question if you don't mind. You told me three weeks ago that a statement was coming from “G” withdrawing his allegation. Have you got a copy of the document, Madam Chair?

CHAIRMAN: Mrs Arena, we have a letter from the Commissioner of Police saying that “G” has withdrawn his allegations. I believe the Commissioner of Police. You can choose not to if you want to, but that is, I think, a problem.

The Hon. FRANCA ARENA: Is that the extent of your proof? I mean, the commissioner said the officer told him. The commissioner does not say, "spoken to "G" and "G" has withdrawn his documentation". We brought you a statutory declaration. I think it was another, you know, false lead that you gave me. But I leave it at that.

CHAIRMAN: Mrs Arena, the problem with "G" and the problem why the media did not accept "G"'s statements was that he has been described as an inveterate liar; he has changed his statements in the past; and the fact that Mr Ryan's letter says that "G" has withdrawn his allegations; and the fact that some weeks later he repeats his allegations to you, does not surprise me in the slightest. But, I am sorry, I believe a letter from the Commissioner of Police.

The Hon P. T. PRIMROSE: I would like to ask some questions if I can.

The Hon. FRANCA ARENA: I said that I had some procedural questions to ask.

The Hon P. T. PRIMROSE: I wish to be guided by the Chair in this matter.

CHAIRMAN: What are your other procedural questions?

The Hon. FRANCA ARENA: I asked on a number of occasions under what standing order did you provide a copy of my statements to Mr Carr and Justice Wood, and did you provide to them before they were granted legal assistance?

CHAIRMAN: Mrs Arena, the Committee decided, they deliberated and decided, to give the lawyers of Mr Carr, Mr Wood, Mr Collins and Mrs Arena all the documents. So we gave them your submission.

The Hon. FRANCA ARENA: And who else has seen the originals and/or copies?

CHAIRMAN: And we gave them the annexures which were pertinent to their clients.

The Hon. FRANCA ARENA: Has my statement been published by giving it to them? Would it be considered published?

CHAIRMAN: We passed a specific resolution and we did it under the parliamentary papers Act, which is a limited publication situation.

The Hon. FRANCA ARENA: Were codenames being used?

CHAIRMAN: What we gave them was your submission and annexures pertinent to their own client.

The Hon. FRANCA ARENA: Please, one last thing; could you tell me when did you give them to them?

CHAIRMAN: The clerk will get you the date as this was all done through the Clerk's office.

The Hon. FRANCA ARENA: Okay. Madam Chair, there is only about five minutes that I want to read, only five minutes. It is not the statement, just in relation to the bias. I had reached 3.

CHAIRMAN: Mrs Arena, I will give you five minutes.

The Hon. FRANCA ARENA: It will only take me five minutes literally. Fourthly—I had made three points—the Committee has not called any of the witnesses I have recommended be called. Indeed, the Committee has not indicated whether any of these witnesses will be called. It makes the decision against calling witnesses by postponing the decision indefinitely. It failed to recall either Commissioner Ryan or “AA” in order that I may ask questions of them. You say there is no basis for my allegations but you do not find out what the police who are investigating them think of them.

Fifthly, the Committee has failed to exercise any control over the lengthy interrogation of me. I am subject to cross-examination by nine persons at once who are free to ask abusive or irrelevant questions and to interrupt my answers at will. In the Committee I should at least be entitled to the same protection that is given to an accused in a criminal trial. However, it is not so. I have no protection as a witness entitling me to finish my answer before Richard Jones or someone else objects. You, Madam Chair, or the Committee majority have not excluded any questions. They can be abusive. They can be entirely irrelevant or vexatious. They can interrupt my answer. They can ask me to disclose privileged material or incriminate myself. And yet all these questions are allowed.

My lawyers are not allowed to speak, as you say. I am not represented by them and I have no capacity properly to object to the myriad unfairness which arises. I am left with this biased Committee to rule against me, to delete anything favourable they say and there is no requirement on the media to fairly report the proceedings as there is in a criminal trial. They can give John Laws comments at will with impunity. A jury who is instructed not to read or pay attention to media reporting would be disqualified by this matter. How much more you are tainted by them, you who have not been so warned who pay particular attention to the media view.

Sixthly, the Committee has sought to discredit witnesses favourable to me without even calling those witnesses, by reading unfavourable reports made 15 years ago by unqualified persons who have ignored reports made in the past 12 months by clinical psychologists. No judge would ever consider rejecting a witness before hearing from the witness. It is quite improper. In dealing with witnesses, material has been misleading and improper. “A”, she wrote to me today telling me that she feels her life is in danger and very upset, very upset that the material has been published because she thinks that the people who have abused her will recognise the material.

“S” and “G” are human beings. They have been deeply affected by the abusive criticisms made of them by the Committee and publicly released without giving them a fair opportunity to be heard. Seventh, and most obviously, the ALP has put forward a motion to expel me from Parliament. Every single ALP person, including the five members of this Committee, voted to

expel me or at least voted against the counter motion to refer this matter to the privileges committee. At least five of you have already voted against me. The bias is obvious. The only way this bias can be cured is for all of these matters to be remedied. It will begin with the release of my statement before any further transcript. I have an explanation about the letter that you asked me. Shall I read it now?

On the last occasion I gave answers to which confusion as to my knowledge of someone in the lower House who may move a motion. This confusion arose in large part because I am subject to cross-examination by any of the nine persons at once without any proper control being exercised by Madam Chair to prevent abusive or irrelevant questions or questions which interrupt my answer. It was also a result of a long day of interrogation and stress for me and because, even though I have lived in this country for many, many years, English is not my mother tongue. Sometimes I misunderstand questions. I have also developed high blood pressure because of the stress I am under. The correct position is that I was told by a member of Parliament—not this Parliament—that "I think this stinks and I think it should be raised in Parliament". This is not obviously the person who was going to raise the matter in the lower House. I do not know the person who is going to raise the matter in the lower House.

Some of my constituents, who know about this matter, asked me to raise the matter in Parliament. I refused to do so. They told me that they would get a person in the lower House to raise the matter. We discussed some names; a particular person seemed to be preferred by these people. I am unable to say what progress they have achieved with the particular person or any other person they mentioned. I do not propose to answer any further questions about this matter. It is not relevant to my speech or to the Committee's terms of reference. In particular, I will not reveal even the member of the other Parliament or what Parliament it was or the various members of the lower House who were discussed.

As for your request to write to the member of Parliament, I have done so. As I have not received even the benefit of a reply, I want to read on the record both my letters of 19 January and 17 March. As far as the issue relating to *[evidence suppressed]*, I have not contacted anybody as I felt it would be futile, given that I am not any longer a member of the Australian Labor Party. I also believe that the Cabinet, despite the fact that they *[evidence suppressed]*, has not gone there yet. The first letter I sent to this member of Parliament is dated 19 January 1998. It is only three paragraphs. "You might remember"—19 January 1998, it says "Dear", it doesn't say who it is:

You might remember that a while ago you told me that you had been informed by a person who you did not want to identify that "the meeting did take place". I, as you know, am facing the privileges committee at the end of the month and it would help me greatly if you could write a statutory declaration stating that the person whose name you cannot disclose but a person of credibility told you and then repeat the words that this person told you that the meeting did take place.

Oh, my God, I just put his name there:

I know I am asking a lot of you but believe me, my integrity is at stake.

The name again:

I give you my word of honour that I have always acted with honesty and integrity. I never did anything with malice. I acted on information that people gave me. A lot of these people are now scared to come forward. I am left either with exposing them, which I would never do under any circumstances, or having no witness at all. Your statement, without naming your sources, would at least show that there are other members who received information and cannot divulge their sources.

Please think about it and help me if you can. I will never forget it. I am asking this not in the name of friendship but in the name of justice and in the name of the children. I look forward to hearing from you.

After the last meeting, on 17 March I wrote to this person again and I said:

I have informed the privileges committee of our conversation as per my letter dated 19 January. As agreed with you, I have kept your confidentiality and not revealed your name.

I was asked yesterday to get in touch with my "colleague" and ask permission to release to the committee the letter I sent to you on 19 January. In compliance with their request, I am writing to you to ask you for:

- (1) Permission to release my letter to you dated 19 January as per enclosure; or
- (2) Permission to release the letter taking away your identity and fax number.

Please let me know your response before next Tuesday morning.

Yours sincerely

As I said, he did not even have the courtesy to reply to me, so the letters I have incorporated.

The Hon. R. S. L. JONES: That was to a crossbench member, was it not?

The Hon. FRANCA ARENA: Sorry?

The Hon. R. S. L. JONES: That was to the crossbench member you mentioned last time?

The Hon. FRANCA ARENA: That is right.

CHAIRMAN: Mrs Arena, in answer to your previous question, on 19 February the Committee resolved, on the motion of Mr Johnson, that, pursuant to the provisions of section 4 of the Parliamentary Papers (Supplementary Provisions) Act 1975 and under authority of Standing Order 252, the Committee authorises the clerk of the Committee to provide Mrs Arena's supplementary submission together with relevant attachments to legal advisers for Mr Carr, Mr Collins and Mr Wood. When we wrote—

The Hon. FRANCA ARENA: That was only the supplementary submission. When did the submission go?

CHAIRMAN: I will quote to you the letter, which is obviously the—11 February was the first one but it was a similar resolution. In the letter that we sent with both the submission and the supplementary submission we included the words "Please note that the document is privileged and may not be republished to any other party without the express consent of the Committee." So that is the qualified publication situation that I referred to earlier.

The Hon P. T. PRIMROSE: Mrs Arena, if I could ask you a question relating to your witness, "G", the convicted paedophile and armed robber. I refer again to the cross-examination by "BH" in the "AE" case on [*evidence suppressed*]. There is a question relating to—I will read it out, it is a question from "BH":

Q. What was it that you told him?—

"him" referring to "E"—

about the evidence you had given at the royal commission?

A. That it was my intention to recant.

Q. And did "E" ask you to put something in writing to him and that he would then come and see you?

A. Yes and I subsequently received a letter from him.

And then over the page:

Q. You rang Mrs Arena on her direct line again at about 10.40 a.m. and had about an 8-minute and 15-second conversation. Would that be about right?

A. That would be about right and there may have been a phone call very late that afternoon.

Q. Did Mrs Arena attempt to dissuade you from recanting on what you had said to "E"?

A. She did.

Could you please advise the Committee why you chose to seek to stop him recanting his evidence?

The Hon. FRANCA ARENA: I want to state categorically that I never advised anybody to do anything else but tell the truth, tell the truth all the time. And so I want to say that I do not know that material. I have not seen the transcript. If you would be so kind enough to let me have it I will certainly look at it and provide you with a full statement at the next meeting. I would like to say this about "G". Human beings are not pieces of garbage only because they have made mistakes. I think I told you last time "G" was abused by his uncle from age six to age 16—13. He is not a piece of human garbage, Mr Peter Primrose, he is a human being who is trying to rehabilitate himself and I think that you must bear that in mind as well.

The Hon P. T. PRIMROSE: May I ask you: is "G" telling the truth there or is he lying?

The Hon. FRANCA ARENA: I think that it is—I am not trying to avoid your question, Mr Primrose, but I think that it is important that I read just this, because there are members of the Legislative Council in this room and I think it is important that they know that in early 1977—1997—I started receiving correspondence from “G” who was an inmate then at Berrima Correctional Centre, who had been to the Wood royal commission. Now, they had attached—there was attached a letter saying that Justice Urquhart interviewed him nine times. Was it nine or 11? I am not quite sure. Interviewed him nine times. If he was such an incredible witness—

So “G” wrote to me that he had information for me and he wanted to see me. After consulting with my husband we decided to visit him at Berrima. We also met there a journalist from the [evidence suppressed], “AW”, with whom I had been in touch regarding “AE”. She said that “G” had been abused by “AE” and had told her that the Wood commission had done nothing about it. As I said, “G” had been abused by his uncle at the age of six. He has been subsequently abused by [evidence suppressed] “K”, who used to bring boys to Costello's.

“G” told me that “D”'s name was in “K”'s book and that “K” only kept names of clients in it. “G” alleged that “D” was a client, that his code name was "pseudonym D" and “G” had been present when “K” made arrangements on the phone between “D” and “K”. He gave a folder with names of other people he knew who were involved in paedophilia. He eventually put some of this information in a statutory declaration and he is prepared to give evidence to the Committee. I think that it would be important for people to meet “G” and form an opinion. I was shocked by what “G” told me, I must tell you. I was shocked, I was absolutely shocked. He told me he had given the above information and a lot more to the royal commission. Justice Wood said “G” would be called back, but he never was.

CHAIRMAN: Mrs Arena, this is part of your written submission. We have accepted—

The Hon. FRANCA ARENA: But it is about “G” and I think it is important for other members of the—

The Hon P. T. PRIMROSE: Could I ask you to clarify: did “G” ring you or did you ring him?

The Hon. FRANCA ARENA: I will provide a full statement about that but, you know, I am quite sure that he rang me.

The Hon P. T. PRIMROSE: Well, yes. Okay, so he rang you. If I can just read from another section of this transcript questions from Mr King:

Q. Let me just suggest to you that at 9.50 a.m. you rang the number 9230-2598.

The answer from “G” was:

A. Which I think is Mrs Arena's.

Q. Direct line at Parliament House?

A. Yes.

So, he rang you, you understand. That certainly was his evidence. Can you tell us what was actually said in those telephone conversations, the one at 9.50 a.m. and the one that lasted eight minutes and 15 seconds at 10.40 a.m.?

The Hon. FRANCA ARENA: I mean—you know, I really first have to explain to you why “G” has been in touch with me. I mean, you know, you are questioning his credibility.

CHAIRMAN: Mrs Arena, I draw your—

The Hon. FRANCA ARENA: He is questioning his credibility, but the reality is that “G” was interviewed nine times by the Wood royal commission.

CHAIRMAN: Mrs Arena, I draw your attention to Standing Order 85 which refers to continued irrelevance or tedious repetition. Can you please answer Mr Primrose's question to do with the telephone calls? Please do not read from your prepared statement which has already been submitted to the Committee.

The Hon. FRANCA ARENA: I was not reading from my statement, I was just telling you that the Wood royal commission interviewed “G” nine or 11 times. I mean, if he was such a despicable, unreliable character, why would he interview him so many times?

The Hon P. T. PRIMROSE: Mrs Arena, what I am seeking to ask is: your witness, the person who spoke to you, you have confirmed as I understand it that he did ring you. And he said, this person you have attested to as being a reliable witness, he said under oath in court on 11/2, according to the transcript:

Q. Did Mrs Arena attempt to dissuade you from recanting on what you had said to “E”?

A. She did.

I am just trying to find out the reasons behind that. Is it true?

The Hon. FRANCA ARENA: Mr Primrose, first of all I would like to be given a copy of that transcript I never seen before. This Committee has already given me wrong information, has asked me—we know that the chairperson told me about the by-election. She said, "It took place in March" and it was May, and confused me.

The Hon P. T. PRIMROSE: Would you find it incredible if he said that? Would you find it incredible if he said that?

Reverend the Hon. F. J. NILE: Mrs Arena, just to make it quite clear. I have not been given a copy of that transcript. I do not know where it came from. It is new to me as a Committee member. It has never been discussed in the Committee.

The Hon. R. S. L. JONES: It is a publicly available document.

The Hon P. T. PRIMROSE: It is a public document.

Reverend the Hon. F. J. NILE: It has never been submitted to the Committee, though, as part of the material.

The Hon. P. T. PRIMROSE: I have got other cases here. I have done my homework.

CHAIRMAN: Mr Nile, I think all of us have asked questions arising out of our own knowledge.

The Hon. FRANCA ARENA: No, I will not answer questions until I am given a copy of the transcript and I look at it. I want to repeat to you: what has it got relevance with the terms of reference of this Committee?

CHAIRMAN: Mrs Arena, you are placing a lot of emphasis on the allegations of “G”. You are shaking your head. You are placing no evidence on the allegations of “G”?

The Hon. FRANCA ARENA: Excuse me, I am not saying I am placing a lot of evidence, little evidence or evidence. I am just telling you. I am presenting evidence. I know *[evidence suppressed]*. I am not a policeman. People come and tell me that “D”’s name was in “K”’s book, that he was a paedophile, that he had regular thing. What am I to believe?

The Hon P. T. PRIMROSE: Would you find it incredible if he made these allegations? Would you find it incredible if he suggested that?

The Hon. R. S. L. JONES: Allegations about you, this is.

The Hon P. T. PRIMROSE: Is he worthy of belief if he says that about you?

The Hon. FRANCA ARENA: You know, my lawyers are telling me that Mr Gross, who is sitting there and advising the Committee, should know that you cannot just jump on people. You would not be allowed in a court of law. This is a hotchpotch. He has got all the worst of the court of the law, all the worst of the committee hearing. We do not know what is happening here. You are asking me questions about a transcript that I have never seen and I am not going to answer anything that I do not know. You are trying to trap me again like you did last time and you continuously do.

The Hon P. T. PRIMROSE: Would you find it incredible if he had said that?

The Hon. FRANCA ARENA: I find it incredible that you would use reports on “G” dated 1983 when there were reports dated 1997 available, and why did you do that?

The Hon P. T. PRIMROSE: This is a public transcript, a public transcript, dated 11/2/98.

The Hon. FRANCA ARENA: When I see the public transcript I will answer. You make it available and we will answer.

CHAIRMAN: Mrs Arena, you can understand—has your lawyer finished?

The Hon. FRANCA ARENA: Mr Gross, are my lawyers allowed to see the transcript?

CHAIRMAN: It is not appropriate for you to ask outside advice.

The Hon. FRANCA ARENA: I am sorry, Madam Chair. I am asking Mr Gross through you.

CHAIRMAN: We will make this public transcript available to your lawyers.

The Hon. FRANCA ARENA: And I would be very happy to consider it and give you a considered reply. You must understand that I just cannot—I do not trust you, Madam Chair. Last time you deliberately deceived me and it is on the public record. You deliberately deceived me about the by-election. I will not trust any more members of the Committee.

The Hon P. T. PRIMROSE: Madam Chair I am delighted to give the reference. It is a public transcript of the hearing. I am stunned that the lawyers have not got it.

CHAIRMAN: Mrs Arena, we will supply your lawyers—

The Hon. FRANCA ARENA: Thank you. I appreciate that, Madam.

CHAIRMAN: No, please. I am speaking. We will supply your lawyers with the public transcript of the case which your witness that you place an enormous amount of emphasis on is involved in. I am surprised that they did not apprise themselves of this transcript and of the rather strange things that went on in that case, and the rather bizzare things said by “G”.

The Hon. FRANCA ARENA: Can I say that I never said "enormous". That is your word. Stop verballing me, with all due respect Madam Chair. I never said "enormous".

CHAIRMAN: Mrs Arena, you have not asked for us to call this witness because he is so important to your case?

The Hon. FRANCA ARENA: I did not say that. I think that all witnesses are important to this evidence. I have repeated over and over again that I am not a policeman and if somebody comes to me and gives me information which I am not—I did not have “K”'s book. I do not know if “D”'s name was on it. I did not go around [*evidence suppressed*]. I never said a word to anybody but you asked me and I gave it. Tell me if you are going to call these witnesses before you reject them as unbelievable. I think the Honourable Fred Nile, the Honourable Charlie Lynn and the Honourable Jenny Gardiner, who maybe are the most unbiased people here, I am sure that they would be interested in seeing “G” and see if he is this monster that you make him out to be. Let

the people judge him and see if he is such a liar that you say he is. I think it is important. How many witnesses are you going to call?

CHAIRMAN: Mrs Arena, are you aware that the Police Integrity Commissioner, Mr Urquhart, and the Commissioner for Police, Mr Ryan, have both said that the name "'D'" or "Pseudonym D" is not in "K"'s book, thank you. Now will you answer questions? When you last gave evidence you said at page 3:

Do not rely on a letter from somebody whose word, not sworn to, has not been tested in any way.

Given this, why have you provided the Committee with so much unsworn material, and how can you believe "G" and "S"?

The Hon. FRANCA ARENA: Well, it is your duty to investigate these matters. I was given information by my constituents—serious information. You asked me for a full statement with all the material. I gave it to you. I do not know how many times I have got to repeat it. I am not a policeman. When it came to the hotel, you said to me, *[evidence suppressed]*. I mean, it is just absurd.

CHAIRMAN: Mrs Arena, do you not accept now the letter from the manager of the hotel, *[evidence suppressed]*?

The Hon. FRANCA ARENA: Madam Chair, *[evidence suppressed]*. But I would like to see this man come in here and swear on the Bible, like I am obliged to do, that it is that. But, I mean, it is not for me to investigate. Let "AA" come here and accept or reject. It is up to you. I do not know. I told you over and over again I do not believe "D" is a paedophile. I do not know.

CHAIRMAN: Mrs Arena, can I just ask you to give shorter replies. You took up the whole morning. This is about the third or fourth question you have actually answered today. Please give shorter replies.

The Hon. FRANCA ARENA: It took you all morning to accept my—

The Hon. R. S. L. JONES: Mrs Arena, you would be aware of allegations made to you that there existed a video, and these were apparently made by "S". "S"—

The Hon. FRANCA ARENA: Excuse me, but your question is already wrong. It never said it is made by "S".

The Hon. R. S. L. JONES: The video was not made. The allegation that the video existed was made by "S"—to "Dr C", if you remember.

The Hon. FRANCA ARENA: "Dr C", yes.

The Hon. R. S. L. JONES: And it came from “S”, whom you actually had conversations with on the telephone. Apparently he phoned my office today and made some abusive comments, and also apparently he phoned the office of the Committee staff. In one of those conversations he said that he had made no allegations to you or “Dr C” that a video existed at all. So do you think a video exists or does not exist?

The Hon. FRANCA ARENA: Mr Jones, I tell you that what you tell me is something I would always take with a grain of salt from now on, so your question to me is absolutely irrelevant. I would like to speak to “S”, have him here, because what you ask me I do not believe you. I am sorry, Mr Jones.

The Hon. R. S. L. JONES: Have you been in touch with “S” in the last week and a half?

The Hon. FRANCA ARENA: I do not—look, it is not relevant at all, not relevant at all whether I have been in touch with him or not.

The Hon. R. S. L. JONES: Did you give him a copy of the transcript?

The Hon. FRANCA ARENA: The publicly released transcript is available to people.

The Hon. R. S. L. JONES: Did you give one copy to “S”?

The Hon. FRANCA ARENA: I give you my word of honour, I did not give him, no, on the Bible. I do not have to give him. No, I did not give a copy to “S”. I know I do not have to answer, but it is true. I never gave him a copy. He did not ask me. If he had asked me, most probably I would have said, "Look."

Reverend the Hon. F. J. NILE: Mrs Arena, I would like to ask this question. Do you believe that the selected extreme bloody extracts from the “A” attachment that were deliberately read onto the transcript by Mr Jones, in spite of my objections, have been predictably exploited by the media, radio, TV and press to discredit your evidence and to damage your credibility? If so, how was your credibility damaged?

The Hon. FRANCA ARENA: Thank you, Mr Nile, for asking the question. Obviously, that was done purposely, deliberately. It was one paragraph—one paragraph out of 229. He focused on me particularly, as he is still sore about the marijuana bill—focused on me particularly so that he would destroy my credibility. He knows—and the other members of the Committee know—the support I have in the community. Because people know that I am a sincere person. I might at times be right or wrong, but I am sincere. I care about the kids. I care more than I care for my life. I want to tell you that. I care more for the kids than my life. I will never have grandchildren, and to me it is the greatest sorrow of my life. I am sorry.

CHAIRMAN: Mrs Arena, do you still place reliance on the testimony of “A”?

The Hon. FRANCA ARENA: It is not for me to rely or give “A”. I can only tell you, and I would be happy to bring to the Committee the letter that this girl faxed me yesterday telling me that she is in fear of her life. She feels that they abuse us. We recognise who she is. She feels that I have in a way let her down, and she is very frightened. Who is going to protect me? And, to me, it is something which has really given me an enormous amount of pain to think of the responsibility of this young woman who has gone away from the abuse, is trying to build a life, wants to see some of the perpetrators, but this young girl is not given legal assistance, is there on her own, and all I care about is her safety—like the safety of a lot of my witnesses who have been, some of them, threatened or are scared because this Committee has made fun of them, has ridiculed them, has ridiculed them in the media. As they tried to destroy me, they have ridiculed and destroyed these people.

CHAIRMAN: Mrs Arena, you are aware that any statements about allegations to this Committee were in fact coded and that it was you who wanted these Committee proceedings to be in public?

The Hon. FRANCA ARENA: That is a lie, Madam Chair. I mean, I can always— With a straight face, can you look at me and tell me that? I always said yes, we want it public, but always with codenames—always with codenames. And that would have been one paragraph out of 229. But, gee, this individual—I won't even call him a member—this individual here, who hates me because I voted against the marijuana legislation—

The Hon. R. S. L. JONES: I ask you to withdraw that comment, which is entirely incorrect.

CHAIRMAN: Please withdraw the personal abuse.

The Hon. FRANCA ARENA: Maybe you don't hate me; you just dislike me.

The Hon. R. S. L. JONES: I don't dislike you at all.

The Hon. FRANCA ARENA: This girl would not have been ridiculed if my full statement had been released and the media would have seen that it was only a minuscule part of my statement, that it was only one paragraph. You asked me. There was a letter saying "Give a full statement". If I didn't give it, you would have said, "You are hiding evidence."

CHAIRMAN: Mrs Arena, you do still want us to call “A” as a witness, do you not?

The Hon. FRANCA ARENA: I do not know. It is up to you. It is up to you entirely.

CHAIRMAN: Do you want her entire annexure—I think it is annexure 11—made public?

The Hon. FRANCA ARENA: I have not thought about that. I have to take advice from my legal—from my lawyers and friends here. I just have to ask their advice.

CHAIRMAN: Mrs Arena, your statements this morning made it very clear that you wanted your submission made public.

The Hon. FRANCA ARENA: Well, you see, I do not want “A” to be discredited without having an opportunity to answer it. I think, as I said, I would be happy to bring—and I should have brought it today—her fax of yesterday where she said, “I feel my life is in danger.” So I would even have to ask my lawyers and her, “Do you feel that by releasing all your evidence, even with your name coded, it might put you in danger?” I mean, we have to consider that. We have to consider. This is a young woman who has suffered enormously in her life. And we have just got to consider these things. These are human beings—not pieces of human garbage, like Mr Peter Primrose, who thinks that “G” is a piece of human garbage. I do not respect people because of their position in the world, or their money, or driving a Rolls Royce.

CHAIRMAN: Mrs Arena, can you please stick to the answer?

The Hon. FRANCA ARENA: Yes. But I am Italian by birth—you know that.

CHAIRMAN: Mrs Arena, I do not believe in racial stereotypes.

The Hon. FRANCA ARENA: No. But you—

CHAIRMAN: So I will ask you to remain calm.

The Hon. FRANCA ARENA: I have taken a few pills for calming down.

CHAIRMAN: I just want to ask you, did you this morning demand to the Committee that your statement be made public?

The Hon. FRANCA ARENA: Yes, Madam Chair.

CHAIRMAN: And that includes the allegations of “A”?

The Hon. FRANCA ARENA: With appropriate codenames. I think I made it perfectly clear: with appropriate codenames.

CHAIRMAN: Why do you think that making her entire set of allegations made public—some of which are just as bizarre as those that have already been made public—why did you demand that that be made public, and yet still object to the bits that have already been made public?

The Hon. FRANCA ARENA: Madam Chair, that was one—the media focused on one. If the whole statement had been released, the media could have focused on a lot of other interesting allegations, and “A” would have been one of many—most probably they wouldn't have looked at it. But you made it sure, together with Mr Richard Jones—a de facto Labor member from now on—that the “A” allegations were focused on, that the girl would be ridiculed. I am glad, Johnno, you are enjoying it.

CHAIRMAN: Mrs Arena, please take this inquiry seriously.

The Hon. FRANCA ARENA: I do, I do.

CHAIRMAN: We are taking it very seriously. We have set aside many days. It seems that you are not taking it seriously.

Reverend the Hon. F. J. NILE: Madam Chair, just to clarify that question that you asked then. On the statement you sent to us, dated 17/3, you said at the end of that statement, "I respectfully suggest that the same approach be adopted in relation to my statements with codenames and deletions, including in some cases deletions of entire attachments."

The Hon. FRANCA ARENA: Exactly.

Reverend the Hon. F. J. NILE: As far as I can see, you have never said that you wanted everything released, every word, with no codes, and also necessarily every attachment would be released.

The Hon. FRANCA ARENA: Thank you, Fred. I think that you will give us the transcript with the statement, you will make a deletion, we will reply to you and say, and I am sure we can come to some agreement, unless it is like with the first transcript, at 12 points, and you only accepted one.

CHAIRMAN: Mrs Arena, why do you want some annexures deleted?

The Hon. FRANCA ARENA: I didn't say that. For the protection of some people, it might be necessary. I think Fred Nile said it very clearly.

The Hon. R. S. L. JONES: Well, there was a motion moved by this Committee earlier on, unanimously, to publish those entire documents with names deleted, and there was no mention at that time by any member of the Committee that we should delete any annexures.

Reverend the Hon. F. J. NILE: Yes, but we did make it open that we may do that, that the documents would be edited.

The Hon. R. S. L. JONES: Yes, but not removed entirely, but names removed where it might damage people.

Reverend the Hon. F. J. NILE: Edited, that an attachment may be deleted.

The Hon. R. S. L. JONES: But there was no suggestion by any member of the Committee to delete whole annexures.

Reverend the Hon. F. J. NILE: Certainly in my mind there was. I kept saying that.

The Hon. R. S. L. JONES: It was not in the motion, which you supported.

CHAIRMAN: I really think that if Mrs Arena wants her submission made public, she means all the submission.

The Hon. FRANCA ARENA: Can I say that you have not given either “A”, “S”, “G”, the choice to answer your questions before belittling and discrediting them. I think that is where you show your bias. You are so biased. And “Dr C”—[*evidence suppressed*] and an eminent woman. She gave documents. From her script they take off "C", which she wanted in, they took it off, and they took off also "Dr", so it would appear that this woman was giving credibility to this girl. I think that is— But you left in the judge in the “A” case so that people could ridicule the girl. I don't know how you can sleep at night, I really don't. I really don't know if anybody had done that to you—

CHAIRMAN: Mrs Arena, the editing was done on the advice of our legal counsel, and the Committee was unanimous in the decisions it made. So please stop personalising your abuse.

The Hon. R. S. L. JONES: The Committee was unanimous.

The Hon. FRANCA ARENA: Really, I wonder how unanimous it was.

CHAIRMAN: Mrs Arena, I will now ask you a question. Please answer it. Agreements alleged in your speech of 17 September 1997 between Wood and Carr is one which you contend occurred after meetings between Carr and Collins, and Carr, Della Bosca and Sheahan. The article by Mr Alex Mitchell in the *Sun-Herald* on 17 March 1996 stated that the Premier had invited Mr Collins to a private meeting in his office on Thursday, 21 March 1996 to discuss the royal commission. You said in your speech of 17 September 1997 that on the next day, after Alex Mitchell's article on 17 March 1996, Bob Carr's office denied that such a meeting was ever going to take place. You said, ". . . but it is fair to assume that a meeting did indeed take place when the furore had died down." You go on to say there was also another meeting which took place late the following Sunday between Carr, Della Bosca, and Sheahan. You then say:

Following the meeting with Peter Collins and the late meeting at Parliament House, the Premier met with Justice Wood.

You then said:

What happened at the meeting between Justice Wood and Carr I do not know. No information was leaked, but I am bold enough to presume that an agreement was reached to ensure that people in high places would not be named.

The relevant agreement being described or presumed would be in the time frame around March 1996. However, the agreement between Wood and Carr concerning the acceptance by Wood of the amended but limited terms of reference did not occur until October 1996. There is a difference between "the meeting between Justice Wood and Carr" in about March 1996 and "the agreement" you refer to as occurring around October 1996 when Justice Wood agreed to the amended terms of reference proposed by Carr.

Why have you justified an allegation of a meeting and agreement reached in March 1996 by saying that you were only referring to an agreement which occurred in October 1996, some seven months later, being the agreement whereby Wood accepted the amended terms of reference proposed by Carr? Do you agree that your explanations based upon an agreement as to terms of reference in October 1996 can have nothing to do with an explanation for a meeting of agreement of a particular type which you alleged in your speech of 17 September and which had occurred around March 1996, some seven months earlier?

The Hon. FRANCA ARENA: Madam Chair, you have asked a number of questions which, you know, to tell you the truth, I cannot even get the first to the last one. You made above all a lot of assumptions in your questions, which are completely wrong. I think I dealt with this very clearly and very competently, if I may say so, in my statement. So, may I refer to page 25, paragraph 90 when I said I have always spoken in good faith, feeling the responsibility these issues should be raised in a public forum. And the only forum at my disposal was the Parliament. The Parliament! I am a parliamentarian.

However, being aware that some of my informants might be scared to come forward with information, I was careful in my speech of 17 September to you all to use words such as "It is fair to assume", "I do not know", "but I am bold enough to presume that". I realise that some of my material would not be admissible in a court of law, but as a parliamentarian I had a duty to raise issues of concern in Parliament under privilege. The media and others have in many regards misconstrued the content of my speech made on 17 September.

The following is a list of the adverse allegations made in my speech, the proper meaning of the words used and the evidence and material in support of my belief in them. I quote, "Bob Carr's office denied that such a meeting was ever going to take place." This denial by Bob Carr was not disputed at the Nader inquiry and is plainly the fact. See the *Daily Telegraph* report of 19 March 1996, and there is an attachment numbered appendix 4. Now, another assumption—

CHAIRMAN: Just a moment for clarification, Mrs Arena. The allegation of a cover-up that you have been making is a cover-up occurring as an agreement—

The Hon. FRANCA ARENA: As an agreement between—

CHAIRMAN: —around about March 1996?

The Hon. FRANCA ARENA: No, no, no. I did not ever say that. Never said that. You assumed that.

CHAIRMAN: So the article in the paper about a crisis for the Government, which occurred in March 1996, and your view that a meeting had taken place to organise some sort of reaction to this, you are not alleging that any more?

The Hon. FRANCA ARENA: Madam Chair, you asked me a question two minutes ago. I was giving you an answer.

CHAIRMAN: I am clarifying it.

The Hon. FRANCA ARENA: I am reading you the transcript. I am not reading the whole transcript, but three or four paragraphs, which explain very clearly what you ask. Now I cannot give an answer because you continually interrupt me with another question trying to trick me. I realise if I were a criminal. A criminal—the paedophiles are out there and here I am. It is fair to assume that a meeting did take place when the furore died down. A meeting was indeed held between Whelan, Collins, Tink and another on the appointed day, Nader said himself in his report on pages 18 to 19. Carr, to the upset of Collins, decided not to attend.

The draft agenda of the meeting included an item on the paedophilia reference—Nader transcript page 63 line 10. In addition, given the media interest, see attachment 2, and the concern of politicians mentioned earlier in my statement, my assumption was properly based. In addition, given the superannuation debacle, who can doubt the fact that when it suits them the Leader of the Opposition and the Premier will engage in collusion, if not in person, through their representatives—see the transcript of the interview between Reverend the Hon. F. J. Nile and Peter Macdonald in the *Today Show*. As Dr Macdonald said, "It is a shameful performance on the part of both the Leader of the Opposition and Mr Carr in colluding to bring this about."

CHAIRMAN: Mrs Arena, this is part of a written submission that is going to be made public. Please do not—

The Hon. FRANCA ARENA: Yes, but I am answering your question.

CHAIRMAN: No it is not.

The Hon. FRANCA ARENA: Of course I am.

CHAIRMAN: My question is about time frames. I am saying that the meeting that you allege occurred round about March 1996 that you continually—

The Hon. FRANCA ARENA: But the meeting never took place between Carr and Collins. It never took place.

CHAIRMAN: What about the meeting you continually allege took place between high up, what were the words you used, strategy makers in the Labor Party because of the "impending crisis"? Are you only alleging that one meeting took place?

The Hon. FRANCA ARENA: I am sorry Madam Chair, would you mind repeating the question. I am sorry, I lost the plot.

CHAIRMAN: Do you agree that your explanations as to the changing of the terms of reference which occurred, as you say, in a meeting between Carr and Wood in October 1996—is that the only meeting that you are now alleging took place?

The Hon. FRANCA ARENA: Between whom? Carr and Wood?

CHAIRMAN: Yes.

The Hon. FRANCA ARENA: I have no idea. The diary was shredded by a temporary secretary. The deputy chief of the Cabinet Office went to the Nader inquiry and said, "I cannot remember. I do not know. A temporary secretary shredded my diary." She did not know; how would I know?

CHAIRMAN: Mrs Arena, you have alleged over and over again that the only allegation or cover-up you are now making was the changed terms of reference and that meeting was in October 1996, is that right?

The Hon. FRANCA ARENA: I want to say that I said clearly:

But I am bold enough to presume that an agreement was reached to ensure that people in high places would not be named as it would have been too traumatic for the community to realise how many of its so-called upstanding citizens were involved in criminal activities.

This is what I said in Parliament.

CHAIRMAN: When do you allege that that—

The Hon. FRANCA ARENA: An agreement was reached between the Premier and Justice Wood. On 22 October 1996 the Premier's media release said:

The Premier of NSW, Mr Bob Carr, announced an extension of the terms of reference of the Royal Commission into the NSW Police Service. This followed discussion today with the Royal Commissioner, Mr Justice James Wood, who agreed to the new [paedophilia] terms of reference.

It follows that an agreement was reached that the two new terms of reference, as I made it plain in my speech and as made plain by Mr Collins on 23 October in Parliament, the new terms of reference add very little, to quote Mr Collins. The Premier has not opened the door to investigate—

CHAIRMAN: Mrs Arena, are you reading from your statement?

The Hon. FRANCA ARENA: —or to complete the investigation of these horrendous allegations of paedophilia. Mr Collins was just as concerned.

CHAIRMAN: Mrs Arena, please do not read from your statement. We already have that. Do you concede there is no evidence that a meeting did take place between Wood and Carr, as you have alleged, in about March 1996?

The Hon. FRANCA ARENA: You asked me a question, this is my answer. This horrendous case study will not be investigated, nor will it lead to criminal charges. I cannot write something in a statement and then give you a different answer. I mean, it is the same answer. I cannot invent

an answer to please you. The Premier—that is the content of the agreement between the Premier and Justice Wood. The Premier at least knew that the caucus vote envisaged wider terms, but the agreement avoided a wide inquiry. As Justice Wood said, "This is no report" on page 571. The royal commission did not itself seek an extension of its powers in a way which would have converted into a standing body tasked with criminal investigations or unlawful paedophile or pederast activities.

CHAIRMAN: Mrs Arena, do you agree that the change of reference, and I just want one word, do you agree that the change of reference for the Wood royal commission occurred in October 1996?

The Hon. FRANCA ARENA: Madam Chair, I am still continuing to answer my question.

CHAIRMAN: No, Mrs Arena. I refer you to Standing Order 85. Please answer the question yes or no.

The Hon. FRANCA ARENA: I am not answering one word. You cannot make me answer the way you want me to. I am answering the way I want to. You cannot put words in my mouth, Madam Chair. With all due respect, what is this, a kangaroo court? Wood says, "I did not seek to investigate unlawful paedophile or pederast activities, but rather investigate the policing of paedophile and pederast activities." Wood claimed to be satisfied that he had sufficient authority to undertake the necessary inquiry into the protection of children from unlawful sexual abuse—page 571. Yet it was these same terms of reference that were claimed to justify Wood in saying, "This is not a forum to investigate Mr Marsden unless there is something he has done in connection with the police or police corruption."

CHAIRMAN: Mrs Arena, can you please answer the question?

The Hon. FRANCA ARENA: I am answering. You asked me and I am answering. I cannot give another answer to please you.

CHAIRMAN: The question I was asking was: do you agree that the changed terms of reference to the royal commission occurred in October 1996? The next question I am asking you is: do you wish, therefore, to withdraw any allegation that there was a meeting between Wood and Carr in about March 1996? If not, what is your evidence for contending that such a meeting took place? Quite frankly, you are confusing the two meetings and have all the way through your submission to this Committee.

The Hon. FRANCA ARENA: My claims in the speech are there. I do not intend to withdraw them. I have given a full explanation in my statement. There it is for you all to read, and if you want me to read, as I am going to read them to you, and I am very happy to do it, it is my answer, Madam Chair. It is my answer. This is why I wrote a statement. I think that the President or Chairman of the Committee under Standing Order 85 "Provided that the Member so directed shall have the right to require the President to put the Question that he be further heard, and such

Question shall be put without debate." I can answer—I am entitled to further answer the question the way I see fit. I think I should finish it.

The Hon. R. S. L. JONES: Mrs Arena, do you recall a meeting you had with “AI” on Wednesday, 19 March 1997, and do you recall saying to him, that is, “AI”, that you had a theory that the Wood royal commission and the State Attorney General's Department are full of homosexuals and these homosexual staff are exercising inappropriate pressure on the conduct of the royal commission and the State Attorney General's office? Do you still subscribe to that theory?

The Hon. FRANCA ARENA: I do not know where you got that material, Mr Jones.

The Hon. R. S. L. JONES: I got it from a file note of a meeting between “BK”, “AI”, “BL” and “BM” dated 21 March 1997, two days after the meeting that you had with “AI”.

The Hon. FRANCA ARENA: Where is that from, sorry? Say it again?

The Hon. R. S. L. JONES: Do you remember meeting with “AI”?

The Hon. FRANCA ARENA: Of course I met with “AI”, but I do not know the date. I would have to check the date. As I said, I do not—

The Hon. R. S. L. JONES: I shall refresh your memory, if I may. It was on Wednesday, 19 March 1997. And according to the file note, you made allegations that the Wood royal commission and the State Attorney General's Department are full of homosexuals—

The Hon. FRANCA ARENA: A file note written by whom?

The Hon. R. S. L. JONES: —who are exercising inappropriate pressure. These are allegations made by you to “AI”.

The Hon. FRANCA ARENA: Who was the note written by?

The Hon. R. S. L. JONES: The file note? I will read you the headline: File Note; Date, 21 March 1997; Operation—no operation.

The Hon. FRANCA ARENA: Would you please provide me with a copy of such material?

The Hon. R. S. L. JONES: Subject, [*evidence suppressed*] file note—meeting with “BK”, “AI”, “BL” and “BM”.

The Hon. FRANCA ARENA: I do not know where the file comes from.

The Hon. R. S. L. JONES: Are you also aware—

Reverend the Hon. F. J. NILE: *[evidence suppressed]*

The Hon. FRANCA ARENA: Exactly.

The Hon. R. S. L. JONES: You have a copy.

CHAIRMAN: You have a copy, Mr Nile.

Reverend the Hon. F. J. NILE: I am just asking a question about whether it is a *[evidence suppressed]*—

The Hon. FRANCA ARENA: Well, do you not think that I should have a copy as well?

Reverend the Hon. F. J. NILE: Mrs Arena does not know where you are getting it from. I am just saying is it from *[evidence suppressed]*?

The Hon. R. S. L. JONES: I do not know who provided it to me.

The Hon. FRANCA ARENA: Where is this material—I am not given it? Everybody has got it. Who is the author of this note? Who has written it?

CHAIRMAN: Mrs—

The Hon. FRANCA ARENA: Who has written the note? Excuse me, Madam Chair. Because you always ask me who are my informants? I would like to know who his informants are.

The Hon. R. S. L. JONES: You were at the meeting, presumably, with “AI”?

The Hon. FRANCA ARENA: Sorry?

The Hon. R. S. L. JONES: You were at the meeting with “AI”?

The Hon. FRANCA ARENA: I went to see “AI” and I got some material. But give me a copy of that thing and I will reply to you.

The Hon. R. S. L. JONES: Do you remember what was said at that meeting?

The Hon. FRANCA ARENA: I will not go into it. I want to see the copy. You are making allegations, you are verballing me, on a written document. I do not know the providence of it, I do not know who has written it. What kind of status has your file note got, Mr Jones?

CHAIRMAN: Mrs Arena, it was material provided to this Committee.

The Hon. FRANCA ARENA: The author is not known.

Reverend the Hon. F. J. NILE: It means that he has put it on the transcript as well, that is what he is doing.

The Hon. FRANCA ARENA: The author is not known. It is an anonymous thing but you give it so much credibility. But my anonymous stuff is worth nothing.

The Hon. C. J. S. LYNN: It is an unsigned file note.

CHAIRMAN: Mrs Arena, in your speech on—

The Hon. FRANCA ARENA: Is this stuff going to go on the transcript?

CHAIRMAN: Mrs Arena—

Reverend the Hon. F. J. NILE: By him reading it, he has put it in the transcript.

The Hon. FRANCA ARENA: By reading it it has been put in the transcript, you smart arse, aren't you? I am sorry.

CHAIRMAN: Mrs Arena, please restrain yourself.

The Hon. FRANCA ARENA: I am very sorry. I withdraw that.

CHAIRMAN: Mrs Arena, in your speech in September 1997, when you presumed that a meeting took place between Wood and Carr, when did you presume that such a meeting took place? Was it March 1996 or October 1996?

The Hon. FRANCA ARENA: I have never said in my speech what was the time. All I can refer you—I am here on trial for my speech in Parliament. In Parliament I never mentioned any date and so I refer to paragraph 100 on page 29, which said:

Wood J did not seek to investigate unlawful paedophile and pederast activity. (page 571, see also page 581, paragraph 1.62.) Wood J claimed to be satisfied that he had sufficient authority to undertake the necessary inquiry into "the protection of children from unlawful sexual abuse". (page 571) Yet it was the same terms of reference that were claimed to justify Wood in saying:

This is not a forum to investigate Marsden.

I think I have read that before.

Likewise Wood J claimed before Nader QC that exposure of paedophiles was not a task undertaken by the royal commission (page 196, line 5) nor was child sexual abuse (page 228, line 20).

Similarly, the Nader inquiry found, page 9 and 10:

The Royal commission had no power to investigate allegations of paedophile activity except incidentally. It had no authority to investigate allegations of paedophilia at all except as an incident to the investigation of the

conduct of the Police Service and other public authorities and public officials. Mere evidence of paedophilia no matter how urgent or how serious or how important did not permit investigation by the Royal Commission except when there existed [that] connection. I repeat for emphasis that the terms of reference of the Royal Commission did not include a duty to inquire into paedophile activity as such, whether perpetrated by people in high places or otherwise.

The agreement, can I just say, the agreement as to the content of the new terms of reference in a very real sense had the effect that no high-profile paedophiles were revealed. This would not have happened had Justice Wood been commissioned to investigate paedophilia generally, as was envisaged by the original caucus motion.

The Hon. A. B. KELLY: Mrs Arena, do you recant from any statements you made in Parliament on 17 September?

The Hon. FRANCA ARENA: I already said that I stand by the claims that I have made in Parliament, but had given a chance I would have worded my words differently. I said that last time and I say it this time. I told you I was 21 when I arrived in this country. I did my elementary schooling, my secondary schooling all in the Italian language. My mother tongue is Italian. And the subtleties of the English language, where an inference can be made about this and that, sometimes evade me. It is very difficult for you to understand.

The Hon. A. B. KELLY: In which way would you have changed it then?

The Hon. FRANCA ARENA: I am sorry?

The Hon. A. B. KELLY: In which way would you have changed it? What subtleties would you have used? What changes would have you made?

The Hon. FRANCA ARENA: I have not given consideration to rewriting my own speech. I think that this speech has been put under the microscope, dissected, a word taken here, and word taken there. It is six months on 17 March since I made the speech and I have been tormented, tortured, put under the screws every day since then by you, your Committee and your Premier. I must tell you that I certainly would have been more circumspect in using the words, more cautious. I did not answer—finish my last answer—which is sad. I want to say this for emphasis because this is shown by the repeated reliance by the Wood royal commission upon the terms of reference to justify inaction investigating paedophiles.

CHAIRMAN: Mrs Arena, please do not read from your submission.

The Hon. FRANCA ARENA: I was entitled to presume that the terms of reference were agreed to by Justice Wood in the knowledge that they would enable him to limit his paedophile inquiries. I think I said it all very clearly, Madam Chair.

CHAIRMAN: Mrs Arena, you have not actually answered my question, which was: when you talked about presuming that the meeting took place, which time frame were you talking about? The change—

The Hon. FRANCA ARENA: I have never mentioned—

CHAIRMAN: Mrs Arena, wait until I finish the question.

The Hon. FRANCA ARENA: I am sorry, Madam Chair.

CHAIRMAN: Were you referring to the change of the terms of reference in October 1997 or were you referring to a time frame in March—I am sorry, 1996—or were you referring to a time frame around March 1996?

The Hon. FRANCA ARENA: You are making the assumption that there are only two possibilities. There is no time referred to in my speech and I think that I want to read paragraph 149 where Nader said I allege:

When credible evidence of paedophile activity on the part of prominent members of the community was given to the Royal Commission it was either not investigated at all or not fully investigated.

Because, for members of the crossbench who are sitting here, I think it is important that the bottom line is the paedophilia inquiry never took place—\$70 million, 235 people, a whole building set up.

CHAIRMAN: Mrs Arena, we have heard this before. Mrs Arena, please. Can you give us a single sentence or word you would now wish to change in your speech?

The Hon. FRANCA ARENA: If you want me to go away, rewrite my speech for when I come back next time I will try to do that. I am not going to be pressured here to change my speech for you.

CHAIRMAN: Does any single word or sentence come to mind that you would change?

The Hon. FRANCA ARENA: I have told you my answer. I have already answered that. Madam Chair, you say about a repetitious question and Standing Order 85. You keep on going with the same question—repetition, let us try to catch her, she is the criminal, she is this terrible criminal. It just disgusts me.

CHAIRMAN: Mrs Arena, I am just wanting to get an answer.

Reverend the Hon. F. J. NILE: Madam Chair, can I just get a question sorted out? The Committee has been given questions that would be raised in due course on behalf of Justice Wood and Mr Carr by their lawyers. I gather from Mr Jones' question that he was actually asking questions that had come from Mr Justice Wood's set of questions and that file note is part of his documents.

The Hon. FRANCA ARENA: Figures, Mr Jones, does it not?

Reverend the Hon. F. J. NILE: I think we did agree that Mrs Arena and her lawyers would be advised when we were dealing with questions submitted by their lawyers.

The Hon. FRANCA ARENA: And could we have them on notice as well? It would be helpful if you want extensive questions. We answer quicker, we get ourselves prepared.

The Hon. R. S. L. JONES: Could I ask another question in relation to that?

The Hon. FRANCA ARENA: Is that from Mr Wood or from yourself? Who is it from, Mr Jones?

Reverend the Hon. F. J. NILE: Is it correct that we are supposed to preface that these are questions from Justice Wood and Mr Carr?

The Hon. R. S. L. JONES: The questions are from the lawyers of Justice Wood.

Reverend the Hon. F. J. NILE: And we did agree that we would inform Mrs Arena.

CHAIRMAN: Mrs Arena, are you asking us to give you the questions from the lawyers so you can give written submissions instead? I am actually very much in favour of that.

The Hon. FRANCA ARENA: No, I am quite happy to answer them on voice, I do not have to write it in a written submission. You always tell me that I refer to my statement, and I take time and I make speeches.

The Hon. R. S. L. JONES: Can I ask my question now?

The Hon. FRANCA ARENA: If you want everything to be answered like that, give me the questions beforehand and I will get myself prepared.

The Hon. R. S. L. JONES: And we can actually get something. In your meeting with “AI” on Wednesday, 19 March 1997 did you tell “AI” that in the meeting between Mr Carr and Justice Wood they reached an agreement to the effect that if the royal commission did not name politicians the judges would not be named in Parliament, or something along those lines? Did you tell “AI” in that meeting something about an agreement between the Premier and the royal commission and to suppress the names of the prominent people in relation to the royal commission's paedophile inquiry?

The Hon. FRANCA ARENA: I have no idea what you are talking about. I am not going to answer.

The Hon. R. S. L. JONES: You do not recall that meeting?

The Hon. FRANCA ARENA: I am not going to—I went to “AI”. I think there are letters here. I raised matters of constituents, about paedophile activities. I remember very well a woman had said to me, had written to me, about allegations that her son was—

The Hon. R. S. L. JONES: You do not recall the allegation?

The Hon. FRANCA ARENA: The allegation this woman made about this man who had abused a little boy [*evidence suppressed*]. She gave me the name of the person, she did not want to get involved. “AI” read the letter and said to me, “We’ll get him, Franca; we’ll get him”. That is something that has stuck in my mind because I thought, “Well, he really cares.” That was the first time I met “AI”.

The Hon. R. S. L. JONES: So you do not remember ever saying that an agreement had been reached between Mr Carr and Justice Wood that if the royal commission did not name politicians then judges would not be named in Parliament?

The Hon. FRANCA ARENA: I am not going to answer that question until you give me a copy of where you got the material. You are asking me all questions on material I gave you. You give me file notes which are unsigned, questions about what I said to “AI”. What, do you have a tape-recorder there? Did “AI” have a tape-recorder?

The Hon. R. S. L. JONES: You were there, I was not. You should know what happened. You should know what you talked about. You do not remember it though, apparently.

The Hon. FRANCA ARENA: I want to check. You have tricked me too many times, Mr Jones. I do not trust you, Mr Jones.

The Hon. R. S. L. JONES: You were at the meeting. Do you trust yourself?

The Hon. FRANCA ARENA: I think you have lied to me in this Committee. The Chairperson has lied to me in this Committee.

The Hon. R. S. L. JONES: You were at the meeting. You should know what you talked about.

CHAIRMAN: Mrs Arena, I have two more questions. You say you rang the journalist Alex Mitchell and said, “It is very important that I get the facts right.” You say that Mitchell did not ring you back and you did not ring him again, paragraph 89 of your statement. Was the reason why you needed to get the facts right that you needed to do so before you could properly make allegations in Parliament based upon them?

The Hon. FRANCA ARENA: As I said, Madam Chair—

CHAIRMAN: Paragraph 89 of your submission.

The Hon. FRANCA ARENA: Prior to my speech in late August early September I spent a considerable time in studying the Wood report, reading parliamentary library material, while I was preparing my speech.

CHAIRMAN: Mrs Arena—

The Hon. FRANCA ARENA: I rang Mitchell and left a message. I think in order that I would not be confused. I said he returned my call about two weeks before the speech. We had a conversation on the phone. If Mr Mitchell—yes, I will read it—if Mr Mitchell says—I think he did say when he came to this meeting—that I rang him a day before the thing. Anybody who knows me knows that unless it is a bill of no consequence I would not dream of going into Parliament and having the speech made at the last minute. So I actually said to Mitchell, "Mr Mitchell, I refer to your article dated 17 March 1996. Do you remember the article?" He said to me, "Yes, I do." I said, "Mr Mitchell, do you know if the meeting between Collins and Carr took place?" He said, "I don't know. I will have to get back to my informer." I said, "Could you please do that? It's very important to me. I am doing a speech in Parliament. It is very important that I get the facts right. Could you ring me or will I ring you?" He said, "Whatever." I said, "All right, I will be in touch." So I waited four or five days and then because he had not rung me I said, "Mr Mitchell, were you able to get back to your informant?" I rang him, of course. He said, slightly irritated, "No." "Is it possible for you to do that? It is very important for me to know?" He said, "Well, I'll see what I can do. If I get the information I'll ring you." I said, "All right. Thank you."e

And I assumed from his tone of voice that he would not ring me and, in fact, he never rang me. He never rang me, nor I did ever ring him back. I mean, once I strike, like, you know, don't call me, I'll call you.

CHAIRMAN: Mrs Arena, since you were unable to get the confirmation that you sought or needed from Mr Mitchell, how could you properly make allegations in Parliament of factual matters without having Mitchell confirm to you what you needed to know?

The Hon. FRANCA ARENA: My allegation was that the Premier denied that the meeting took place. That is what I said. But it is fair to assume that maybe they met. I did not say they met. I said it is fair to assume. My goodness, maybe, I do not know, should I put a big question mark behind? I mean, how did I know that this speech was going to be put under the microscope, dissected, every word taken into—you know. A meeting did take place between Collins, Whelan, Tink—

The Hon. A. B. KELLY: Is that one of the things you would change?

The Hon. FRANCA ARENA: —and another at the appointed day because Nader said so on page 18 and 19.

CHAIRMAN: Mrs Arena, can you answer my question, please?

The Hon. FRANCA ARENA: Yes. Carr was too upset, he was upset—no, he upset Collins by not attending. And the draft agenda of the meeting included an item, the paedophilia reference. And this is said by Nader on page 63, line 10:

In addition, given the media interest and the concern of politicians mentioned earlier, my assumption, I think, was properly based.

CHAIRMAN: Mrs Arena, can you actually answer the question I asked you which is: since you were unable to get the confirmation that you sought or needed from Mr Mitchell, how could you properly make allegations in Parliament of those factual matters without having Mr Mitchell confirm to you what you needed to know?

The Hon. FRANCA ARENA: What allegations, Madam Chair? What allegations?

CHAIRMAN: The allegations that the meeting took place.

The Hon. FRANCA ARENA: Where did I make it? Where did I make it? Tell me.

CHAIRMAN: That the meeting took place?

The Hon. FRANCA ARENA: Yes, where did I make it? When? Where?

CHAIRMAN: You did not state in Parliament that Mr Mitchell had not got back to you. You simply took no notice of the fact that Mr Mitchell refused to verify your statement.

The Hon. FRANCA ARENA: But where did I say that the meeting took place? I said it is fair to assume. I did not say a meeting took place. I said it is fair to assume.

The Hon. A. B. KELLY: But that gives people the view that you believed that it occurred.

The Hon. FRANCA ARENA: If I believe I say, "The meeting took place." There is a big difference between "the meeting took place" and "it is fair to assume". I mean, I myself was not 100 per cent sure. And the meeting took place, I just said, but it took place between Whelan, Collins, Tink and another.

The Hon. A. B. KELLY: Is that one of the things you would change if you could redo your speech—leave out the words "it would be fair to assume"?

The Hon. FRANCA ARENA: Well, you know, you can criticise me for things I have said but you are now criticising me for things I never said. I never said, I never said. So let us get things straight. You have my speech in front of you and look at the words I have said.

CHAIRMAN: So you do not believe now that a meeting took place?

The Hon. FRANCA ARENA: I think that I said—which meeting do you mean, Madam Chair? Which meeting?

CHAIRMAN: Did you change anything in your speech, your written speech—as you say, you write speeches beforehand—did you change anything in your written speech when Mr Mitchell did not get back to you and confirm?

The Hon. FRANCA ARENA: I was writing the speech when I rang Mr Mitchell. I had not finished writing. I mean, I just, you know—I just have no idea. I mean, that speech was six months ago when I prepared it and God only knows how many speeches—only you know, everybody here knows. They have got to, you know, remember when I did it, what I did. I am here under scrutiny like if I murdered somebody.

The Hon. R. S. L. JONES: You destroy people's reputations.

The Hon. FRANCA ARENA: Sorry?

The Hon. R. S. L. JONES: You destroy people's reputations.

The Hon. FRANCA ARENA: I will not answer that, Mr Jones, but I am very tempted.

CHAIRMAN: Would you be able to get back to us tomorrow morning on whether you will appear on Thursday?

The Hon. FRANCA ARENA: I will inform Lynn Lovelock tomorrow morning by 9 o'clock. My lawyers will go back to their office, look at their diaries.

CHAIRMAN: No, this is Thursday we are talking about. So your lawyers do not have to look at their diaries because we fixed that up last week.

The Hon. FRANCA ARENA: So it is a Thursday?

CHAIRMAN: We set aside Thursday to hear evidence from you.

The Hon. FRANCA ARENA: I know. I told you, I do not know how my husband is.

CHAIRMAN: So it is has nothing to do with your lawyers?

The Hon. FRANCA ARENA: No, I did not realise Thursday. But if I feel that I—and I do not know how much strain I can take myself, Madam. I went to the doctor on Sunday morning and he said, "Under no circumstances you are going to go under this stress next week." He said, "You should take a week off." And I know. But, you know, just to be treated like this by these people. I just—what other dates did you have?

CHAIRMAN: Monday, 30 March and Monday, 6 April.

The Hon. FRANCA ARENA: Okay. Tomorrow morning by 9 o'clock we will let Lynn know whether I can do it next Thursday, Monday 30 or 6 April. Thank you, Madam Chair.

Reverend the Hon. F. J. NILE: Madam Chair, just a quick question. When you said earlier about would it help speed up the inquiry if we gave the questions to Mrs Arena's lawyers from Justice Wood and Mr Carr, would that assist for them to provide written answers?

CHAIRMAN: We will talk about that in the deliberative session, but we are certainly running out of time.

(The Committee adjourned at 4.06 p.m.)

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6 April 1998

THE HON. FRANCA ARENA, MLC

PRESENT

The Hon. Dr Meredith Burgmann, MLC (Chair)

The Hon. Jennifer Gardiner, MLC
The Hon. John Johnson, MLC
The Hon. Richard Jones, MLC
The Hon. Anthony Kelly, MLC
The Hon. Charles Lynn, MLC
The Hon. Andrew Manson, MLC
The Revd the Hon. Fred Nile, MLC
The Hon. Peter Primrose, MLC

In this transcript code names have been used for certain persons mentioned during the evidence and small sections of the evidence have been suppressed. This is in line with the resolution of the Committee on 24 November 1997:

That all evidence in relation to the Committee's inquiry into the conduct of the Honourable Franca Arena, MLC be taken in camera, and that the Committee only authorise those sections of the evidence to be made public which it is satisfied will not cause unnecessary damage to the reputations of any individuals, compromise ongoing police investigations or prejudice any matters currently before the courts.

CHAIRMAN: Mrs Arena, you understand that you are still on your former oath?

The Hon. FRANCA ARENA: Yes, Madam Chair.

CHAIRMAN: Are you ready to answer questions?

The Hon. FRANCA ARENA: I have an opening statement. Can I proceed? I am very encouraged—

CHAIRMAN: How long is your opening statement?

The Hon. FRANCA ARENA: Oh, it will be about quarter of an hour at the max: 10 minutes, quarter of an hour.

CHAIRMAN: What is it about?

The Hon. FRANCA ARENA: It is about “AA” and some of the other material, some of the questions you asked me.

CHAIRMAN: Yes; can you keep it brief?

The Hon. FRANCA ARENA: Yes. I am very encouraged that the Committee has seen fit to receive the evidence from “AA”, [*evidence suppressed*].

As this Committee has chosen to focus on—to focus on and to blow out of all proportion the extent to which I rely on “A” and “S” testimony. How many of you have been approached by an eminent, qualified, professional medical psychiatrist presenting claims that she was convinced were true? What should have been my response? Should I have ignored her? You have asked many times, "Don't you check your material?" Of course I do. I have had so many unsigned, anonymous, unsupported material which was given to me, but here was material attested as true by an eminent, qualified, professional, experienced medical psychiatrist.

I am not saying that the material is true. I am just saying, as “AA” points out, it was supported by an eminent, qualified, experienced professional medical psychiatrist. I am finally vindicated, as a member of Parliament concerned to expose paedophilia in high places, to ensure victims' rights are pursued despite the social standing of abusers, [*evidence suppressed*], how much more would have already been done to cure our society from the scourge of paedophilia if the Leader of the Labor Party did not narrow the terms of reference of the Wood Royal Commission and did not mislead the Labor caucus which was celebrating its win to extend the terms of reference of the royal commission to all aspects of paedophilia while the executive announced such narrow terms of reference.

It is all very well for Mr Carr's lawyer to ask questions which do not elicit comprehensive answers. This is clearly to mislead the Committee and the public. I said all along that “AA” is an honest man, and his statement to my lawyers proves it. How many children now victims would

have been saved from a plight we may never know about because of this Government's cowardice in not investigating in the royal commission all aspects of paedophilia? This is what my speech of September 17 was all about. This is what I am still about, to have a full, comprehensive inquiry on all aspects of paedophilia.

I have a short submission about the editing of transcript on 24 March 1998, submission and supplementary submission to the Privileges and Ethics Committee. Page references are the first edit of the transcript, the buff version. One, I object to repeated deletion of material relating to the Clarence by-election. This does not even disclose the name of the alleged paedophiles or victims. It does not impact upon the reputation of anyone. It does not compromise police investigations. It is not even related to them. It is not related to any matter currently before the courts and, thus, cannot possibly prejudice them. In short, it falls entirely outside the ruling of the Committee on 24 November 1997.

This deletion of material relating to this event, the Clarence by-election, and the Government's majority before the by-election of only one, not three, has occurred in all three transcripts. The deletion sanitises the transcript so far as the Committee is concerned. It suppresses the misleading and unfair conduct of the Committee. Will the Committee answer my often repeated question to them: why has this material been deleted? I have asked several times and I have never been told, not even confidentially. It is unfair? I have a right to be given an answer. Will you give me an answer now, Madam Chair?

CHAIRMAN: Mrs Arena—

The Hon. FRANCA ARENA: I am just asking for an answer.

CHAIRMAN: It is not your role to ask questions. [*evidence suppressed*]

The Hon. FRANCA ARENA: But it is not a satisfactory answer, Madam Chair.

CHAIRMAN: Mrs Arena, you are not here to ask questions.

The Hon. FRANCA ARENA: It is not a satisfactory answer.

CHAIRMAN: Mrs Arena—

The Hon. FRANCA ARENA: It is an unfair deletion. I want to put it on the record that you are only doing it to protect yourself. On a similar basis, I object to the repeated deletion of any material derived from the article by Michael Dwyer in the *Australian Financial Review* and other similar articles in other newspapers. It is the height of absurdity that this material is in the public domain, published in a national newspaper, and yet the Committee suppresses it. It is also contrary to the purpose of Parliament. Members of Parliament have deliberately been given over many centuries certain privileges not granted to the media. The freedom to speak without fear of civil processes for defamation is one such privilege which a member of Parliament is supposed to enjoy but a newspaper does not. When the newspaper said something equivalent to what I have said,

there is, of course, not even the suggestion of a defamation case against them. But, for me, I spend six months being grilled and pressured, and I am not even allowed to quote the media in support of what I said. It is a gross abuse of my entitlement as a member of Parliament. It directly attacks the bona fides of this Committee.

It goes without saying that my reference to the article by Michael Dwyer does not require deletion under the Committee resolution of 24 November 1997. It does not damage anyone's reputation. It does not compromise police investigation. It does not prejudice any matter currently before the court. No-one in the Committee could dispute this, because the media article does not even relate to any particular person or investigation or court matter. When, then—why, then, I am sorry, has the Committee continually suppressed this material? I have a right to be told, as the reason has not even been revealed confidentially to me. My lawyers have communicated with Mr Dwyer, and I want to read a statutory declaration which has been made by Mr Karp:

Statutory Declaration

On the 3rd day of April, 1998, I, Peter Andrew Karp, of 130 Elizabeth Street, Sydney in the State of New South Wales, Solicitor, do solemnly and sincerely declare:

1. I am the solicitor acting for the Hon Franca Arena in relation to the inquiry currently before the Standing Committee on Parliamentary Privilege & Ethics.

2. At 11.55 am I telephoned the Australian Financial Review and asked to speak with Michael Dwyer. A person answered the phone and the following conversation took place:

Dwyer: "Australian Financial Review"

Karp: "Am I speaking to Michael Dwyer?"

Dwyer: "Yes"

Karp: "I am the solicitor acting for Franca Arena in the matter before the Privileges Committee arising out of Mrs Arena's speech of 17 September 1997. In her speech she referred to your article of 19 March 1996 in which you said that a senior labor party strategists are worried that the ALP member of the NSW Legislative Assembly likely to be named will resign from Parliament triggering a by election which the ALP may lose because of adverse public reaction."

Dwyer: "Yes, that's right."

Karp: "Do you have any background documents you could provide to me supporting that, such as file notes, correspondence, or anything else?"

Dwyer: "No, I cannot, there are none."

Karp: "Are you able to tell me the source of that comment?"

Dwyer: "A very senior source in Macquarie Street spoke to me by telephone."

Karp: "Did you keep a file note of that conversation?"

Dwyer: "No."

Karp: "Are you able to tell me who the very senior source from Macquarie Street is?"

Dwyer: "I can't say, I have to protect the confidentiality of my sources, you understand."

3. A few minutes later I called Mr Dwyer back, at about 12.05 pm on 3 April 1998 when the following conversation took place:

Karp: "Michael, do you recall who the senior labor party strategists are, referred to in your article?"

Dwyer: "Yes, I do remember who they were."

Karp: "Can you tell me who the senior labor party strategists were, referred to in your article?"

Dwyer: "I do remember who they were, but I can't tell you."

And I make the solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Oaths Act 1900 (As amended).

Subscribed and declared

this 3rd day of April 1998

Peter Andrew Karp

Before a justice of the peace. So, why has the Committee continually suppressed this material? I have a right to be told, as the reason has not even been revealed confidentially to me. My lawyers, as I said, have communicated, and now I ask you to answer the question. Three, I object again, as I previously, about the deletion of “Dr C”’s qualifications. I have been ridiculed for listening to some of my constituents, for giving them credibility where supposedly they have none. In many cases it was not the particular alleged victim whom I gave credibility to but “Dr C”. The community has a right to know that the woman I gave credence to is a woman of achievement in the community, well respected in her field, a leader of many community organisations, well educated and experienced. I have said before that she did not want her name suppressed. The Committee discarded that but the Committee cannot justify on any basis the suppression of her training and expertise. Her qualifications do not reveal who she is. The Committee is prepared to name the title of a judge but not the title of an experienced doctor. There are many more doctors than judges. To reveal that a person is a doctor cannot possibly identify a person more readily than the title of a judge which the committee has utilised.

I have not been told the reason for this editing, even confidentially. I hope that the Committee will tell me the reason. As far as attachment 11 is concerned, I strongly believe that the statement of “A” should be deleted entirely. “A” wrote to me saying that she feels that her life is in danger. She gave a statutory declaration on a confidential basis. She does not want it to be released. She told me that she has—

CHAIRMAN: Mrs Arena, it would appear now that you are going to the issue of the written submission that you and your lawyers have put forward as to do with the transcript. I do not want to have to warn you again, but any issue to do with the transcript needs to be put in writing to us and I will not take it as a verbal statement. You did say at the beginning that your statement would take quarter of an hour. It has now taken almost 25 minutes.

The Hon. FRANCA ARENA: Madam Chair, I will restrain from reading it as long as I am assured that it will go in the transcript. I have got it here written down and if you assure me that all of this will go in the transcript, so then I will agree not to read it. Otherwise, I will continue to read it.

CHAIRMAN: Mrs Arena, we went through this last time. If you have a submission to do with the editing of the transcript you give it to us in writing and the Committee deliberates on it.

The Hon. FRANCA ARENA: Last time you gave me an assurance that it would be released. I am asking now for the assurance that this will be incorporated into the transcript.

CHAIRMAN: We did not give an assurance that your submission on the transcript would be released. All we said was that we would, as always, deliberate on the points that you have put forward.

The Hon. FRANCA ARENA: I want this material to be incorporated into the transcript of the next transcript. I am not concerned with the editing now. I want it to be incorporated.

CHAIRMAN: Mrs Arena, if your lawyers have a view about the editing and they give that to us in writing, it is not appropriate for a session that we have put aside for questions to you to be taken up with a discussion about the editing process.

The Hon. FRANCA ARENA: I do not want to take up your time, Madam Chair. All I want, an assurance from you that this will go in the transcript.

CHAIRMAN: Mrs Arena, there are a lot of documents that we might have wanted put in the transcript. There are documents which, for instance, show that some of your witnesses made a statement in April and then changed it in July. Now if we were going to tamper with the process of the transcript we would, in fact, include those sorts of documents. If you want it to become a free-for-all where we just put in, we table transcripts and put them in the public arena, I think you are in dangerous territory.

The Hon. FRANCA ARENA: I think that we are not afraid of the truth. The truth should all come out. Any documents, Madam Chair, you can incorporate it in the transcript. I am not saying that it must all be publicly released. I am saying that I want it to be put on the transcript. That is all I say. Then you can edit any way you like it. But I think it should be put on the transcript.

CHAIRMAN: We will receive your written statement as an exhibit, but subject to the same editing processes as the transcripts and the leading submission.

The Hon. FRANCA ARENA: Will it be incorporated, Madam Chair, in the transcript? Can I have that assurance, please?

CHAIRMAN: We have received it as an exhibit and it will be subject to the same editing guidelines.

The Hon. FRANCA ARENA: I understand. I do not have any concern about the editing. I want it only to be included in the first transcript.

CHAIRMAN: Yes, if you are tabling it we will accept it and edit it in the normal way.

The Hon. FRANCA ARENA: It will be incorporated, you mean? Is that what you are saying? It will be incorporated and then edited?

CHAIRMAN: Yes, exactly in the same way as your submission became a public document, yes.

The Hon. FRANCA ARENA: Okay, okay. Now, there is only another about 10 minutes of an important general statement.

The Hon. R. S. L. JONES: Ten more minutes? Ten more minutes, you mean?

The Hon. FRANCA ARENA: Sorry?

CHAIRMAN: Mrs Arena, this has now taken half an hour.

The Hon. R. S. L. JONES: Ten more minutes?

CHAIRMAN: What is happening is there is a feeling that you are wanting to avoid questions?

The Hon. FRANCA ARENA: I think that you are completely wrong, Madam Chair, but it is very important, the question that you asked me—

The Hon. R. S. L. JONES: Why should you think that?

The Hon. FRANCA ARENA: Excuse me, Mr—would you please stop interrupting me?

The Hon. R. S. L. JONES: Why should you think that?

CHAIRMAN: Mrs Arena, I am the Chair of this Committee.

The Hon. FRANCA ARENA: Exactly. Could you please put him in his place?

CHAIRMAN: Mrs Arena, we are here to ask you questions and you are not answering questions.

The Hon. FRANCA ARENA: You are quite wrong, Madam Chair, you are quite wrong. I only want to answer a question that you asked me—

CHAIRMAN: Excuse me, Mrs Arena. Mr Manson?

The Hon. A. B. MANSON: Could I suggest that we go on to questions now and this other statement be left till later on in the day?

CHAIRMAN: Well, what we can do is accept it as a written submission and part of the editing process.

The Hon. FRANCA ARENA: Madam Chair, if that is all going to be—

CHAIRMAN: Mrs Arena, we will deal with the rest of your statement at 2 o'clock, okay?

The Hon. FRANCA ARENA: Okay.

CHAIRMAN: And if you could give us a copy now?

The Hon. FRANCA ARENA: Well, Madam Chair, you asked me a number of questions last time. For instance, one of the questions was, can I just give you an example, why did I not, you know—why did I not attend—why did I not be part of committees. Okay? I think you asked me that and I did not get a chance to answer you. So I just thought that, you know—I just wanted

to tell you that there is no doubt that I was upset about being overlooked for a ministerial position. But I am not a person who does bear grudges, so it was not in my mind for long. And I want to show you this because I think it is important. On Friday, May 5th 1995, at 12.15, as noted in my diary, which is available to the Committee, Helena Carr knocked on my office door and came in to see me. I have always been great friends with Helena Carr and I was delighted to see her. She brought me a present—Chanel No. 5 perfume in a gift box—and told me, "We are very sorry for what happened. We love you." And she gave me a note, and the note reads here: "Dear Franca, there is nothing I can say except that Bob felt very deeply for you during the whole process. Please forgive. We love you, Helena."

The date, the 5th May, was added by me because she did not put the date. I burst into tears and told her that I had been very disappointed.

CHAIRMAN: Mrs Arena, Mrs Arena.

The Hon. FRANCA ARENA: This is a question you asked me.

CHAIRMAN: Mrs Arena, you are here to answer questions.

The Hon. FRANCA ARENA: But this is a question you asked me last time. You don't want the answer, do you? You don't want the answer.

CHAIRMAN: Mrs Arena, you had your chance to answer it last time and you did not answer.

The Hon. FRANCA ARENA: I did not. I was interrupted, usually by Mr Richard Jones.

CHAIRMAN: All right, Mrs Arena. Is it a fact that you spoke to the Government Whip, Mrs Dorothy Isaksen, and told her that you would not be available for committee work?

The Hon. FRANCA ARENA: Yes. I will give you my answer.

CHAIRMAN: What was that answer?

The Hon. FRANCA ARENA: I give you my answer. My answer is, my answer is—excuse me, my answer is—

CHAIRMAN: Mrs Arena, we will deal with your statement at 2 o'clock. Now, will you please make yourself available for questions from the Rev. Fred Nile and Miss Jenny Gardiner who have questions for you?

The Hon. FRANCA ARENA: [*evidence suppressed*]

CHAIRMAN: [*evidence suppressed*]

The Hon. JENNIFER GARDINER: Mrs Arena, so far you have been asked a lot of questions about the detail in the mountain of documents which have been studied by this Committee. But I would like to go to the central task of what I think the Committee is, made up of some of your peers. And that is to look at your statement in the Legislative Council on 17 September last year, report on that, look at Mr Nader's report and then investigate and report on what sanctions should be enforced in relation to your conduct in this matter. You have been a member of this Council, I think, for 17 years. And you referred to elements of my question in the statement that you have just delivered to the Committee. But I would like to know in your own words what you understand is meant by the concept of parliamentary privilege?

The Hon. FRANCA ARENA: Well, I mean, it is a concept which dates back to hundreds of years which say that a member of Parliament can speak freely in the Chamber, in the Chamber without fear of defamation or anything else. What happened in my case was that no point of order was ever taken while I gave my speech. There was the President in the Chair—sorry, there was the President in the Chair, there were members on both sides of the House, across the bench, I think Mr Jones was there. Not a point of order was taken. If offence was given they should have got up. I mean, only last Friday—last day of sitting—there was a question asked about Mr Marsden and Mr Jones got up and asked, made a point of order, Mr Peter Primrose got up and asked a point of order, because they felt that their friend was being investigated. But when I made my thing nobody took a point of order, honourable member. I just was given no point of order and I think that, you know, I gave my speech, I certainly believe in parliamentary privilege, I believe that members should reply responsibly. Mr Richard Jones, for instance, a couple of times accused a journalist of being a drug runner, a drug taker. No point of order was taken against him.

The Hon. R. S. L. JONES: It happened to be true. It happened to be true.

The Hon. FRANCA ARENA: No judicial commission was set up to tell—you say it is true. How do you know that what I said is not true? I mean, here you are, Mr Jones, you say it was true. That is very nice that there is one rule for you and a rule for me.

The Hon. R. S. L. JONES: I have checked, do not worry.

The Hon. FRANCA ARENA: I have always taken my parliamentary privilege very, very responsibly. I think that, I think, I think if you look at my record, in the 17 years I have been in Parliament I have never named anybody, I have never slandered anybody. Never, never, never. And even when I spoke about Justice Yeldham or “AE” I never asked, I never accused them of being paedophiles. I only asked questions of concern. So to reply again to you, my parliamentary privilege is sacred to me. And what this Committee and what this Parliament and what the Executive is doing to me as a member is something which will go in the history. Because they are trying to crush a member because they did not like what the member said. If they did not like it the President should have taken a point of order, the Leader of the House should have taken a point of order. Nothing was done. And now here I am for six months being questioned and grilled like if I were a criminal.

The Hon. JENNIFER GARDINER: Do you concede that perhaps on that occasion—I do not know, I was not in the House at the time—but people were stunned by what you said and that they perhaps should have taken a point of order but they did not because of that?

The Hon. FRANCA ARENA: Well, you know, I agree with that. I think that it is possible that that could have happened. But, in fact, the reality is no point of order was taken, no point of order was taken. I mean, what would have been, you know, what would have been the problem in getting up and taking some time, taking some time. Nothing was done. And then retrospective the draconian legislation was set up in order to do away with me.

The Hon. JENNIFER GARDINER: As well as the element of freedom of speech in the House, parliamentary privilege also means that the—

The Hon. FRANCA ARENA: Excuse me, could you start again?

The Hon. JENNIFER GARDINER: As well as the freedom of speech in the House that is an element of parliamentary privilege, at the same time the House preserves the right to punish a member if by their conduct that conduct offends the House. So I guess if there is any charge against you, it is that you have offended the House. And notwithstanding your point about there being no point of order, what do you say about that charge of having offended the House, possibly having offended the House?

The Hon. FRANCA ARENA: One would want to ask who is offended by my speech and did I have any responsibility as a member of Parliament to the community who I serve and who has elected me? Who is more important here: somebody, the House, who ever it is, being offended—is it the Executive? Who is the House?—or was it the community who brought to me concerns which somehow I had to put on the paper? I mean, I expressed concern that a paedophilia inquiry never took place, which is the truth.

The Hon. JENNIFER GARDINER: In terms of naming people in the House, as you did with Mr Carr and Mr Wood and others, did you weigh up the possible damage to their reputations? What sort of mental process do you go through before you get up to make such a speech?

The Hon. FRANCA ARENA: But, madam—

The Hon. JENNIFER GARDINER: Jenny.

The Hon. FRANCA ARENA: I mean, I never named them in the sense that you mean did we give the name, naming them. I said a meeting took place, and, indeed, meetings did take place. And then, you know, they agreed on terms of reference which were so restrictive that, in effect, the whole paedophilia inquiry didn't take place.

I think that is important to remember, that there was this Labor caucus celebrating the fact that we finally got through an inquiry into all aspects of paedophilia, and instead it never took place because Mr Carr and Justice Wood agreed on very restrictive terms of reference. And that was—

my lawyers are not speaking with me now—but I considered it a betrayal, a betrayal of what the community wanted. It was a betrayal, a betrayal of our children, for whatever reason—Justice Wood was too tired, Mr Carr thought already the thing had gone long enough, whatever was the reason; I do not know, only they will be able to tell them. I hope you ask them to come along and tell you.

But the reality is that the community was hoping. We had a whole set-up, a whole set-up, there was all these office, computers, as I said many times, we spent \$70 million—\$70 million on this inquiry. I mean, do you think that anybody would have objected to spending a few more millions and look at this terrible problem? [*evidence suppressed*]. The whole thing was closed, but why? So, you know, I think that because I used their names does not mean that I tarnished their reputation. I think this idea has been completely misrepresented.

I think you asked me, on another occasion you said to me, you know, for instance, about Mr Collins. Mr Collins saw his photograph in the *Daily Telegraph* the next morning and took offence, and rightly so. But, I mean, you know, it was all built up by the newspaper. I think you may not have been there when I said I would maybe change some words if I had to make my speech again, because, in effect, as I said before—and I am not trying to find excuses for myself. I am not trying to find excuses for myself, because I have been in this country 39 years, which is a long time for anybody. But look at the Hon. Jim Kaldis, look at the Hon. Helen Sham-Ho, their English at times is very—just as mine is—it regresses in a moment of great tension. In a moment of great stress my English seems to regress.

So that may be, I didn't understand completely the inferences—that is the word I am looking for—the inferences of putting one name after another. It is quite on the cards. I mean, I just didn't—there was a meeting and, you understand, the people would just see that there was this conspiracy about one after another. The meetings had taken place, the meetings had taken place, so, I mean, as I said, I do not want to find myself excuses that I do not speak English—I have been here 39 years. I left my country of origin yesterday 39 years ago. So I am not trying to find excuses for myself, but I am just trying to tell you that I did all my schooling up to the high school certificate in another language. And even in Australia half of the time I spoke Italian and half of the time I spoke English. So I am bilingual but my main language is Italian.

Reverend the Hon. F. J. NILE: Mrs Arena, just to clarify some fundamental questions for this inquiry. Has the basic reason for your speech of 17 September 1997 always been that the Wood royal commission did not adequately investigate important paedophile allegations which could have exposed public figures such as MPs or other prominent persons?

The Hon. FRANCA ARENA: Exactly. The fact, as you say, Fred, is this continuous concern—concern that the community out there thought that finally the lid was going to be taken up. And we are so grateful to Justice Wood to have seen what he did with the Police Service. He used all these means and ways of secret tape recorders and all this sort of stuff, and we thought, well, he is going to get finally—and we know that the paedophile thing exists; it is not a fiction of my imagination. It is enough to look at what [*evidence suppressed*]. Of course, if you ask restricted questions you get very restricted answers, but I think that, I always said, I always said, and I will

say until I am blue in the face that I believe “AA” to be an honest, decent [*evidence suppressed*] is looking for the truth. He is not interested in political pressure from one side or another; [*evidence suppressed*] and he is doing it. So I think that Wood, because of his terms of reference, couldn't do the inquiry that we wanted, and I think this is the real tragedy of the Wood royal commission—the terms of reference.

Reverend the Hon. F. J. NILE: Thank you, Mrs Arena. Another question related to that: was your concern increased prior to 17 September 1997 when witnesses said that they had given statements to the Wood royal commission but had not been called?

The Hon. FRANCA ARENA: Continuously, continuously. It started, it started soon after. The other avalanche of materiality was after the Yeldham affair—should we call it an affair—the Yeldham affair. I had another avalanche with people coming to me, people had been to the commission, people who said to me, "I brought them documents, nothing was done." My reply was always, "Look, they're working on it, you know, wait, we'll wait for the report." I myself was concerned already. I could not understand certain things were happening, but I always thought maybe the report will clarify everything. But when I read the report at the end of August I must tell you I was heartbroken, heartbroken for the witnesses who had come to see me and for the opportunity we as a community, we as a community have lost, our children had lost.

Reverend the Hon. F. J. NILE: You did refer to the terms of reference but, to get it on the record again, were these investigations by the Wood royal commission restricted because of the terms of reference or by any hidden motive of Justice Wood?

The Hon. FRANCA ARENA: Well, I cannot answer for Justice Wood, I really cannot. But certainly the terms of reference were incredibly restricted. You remember yourself the elation that some of us had up on the twelfth floor after the caucus meeting. Here we had finally succeeded, finally succeeded in having the Wood royal commission extended, only to see it falling apart, falling apart during the—when the terms of reference were released. I must say that I was heartbroken, absolutely heartbroken. I just could not understand. You know yourself—you moved that motion in our House, it was the original motion I had moved in caucus. Mr Collins had moved it in the lower House, and, of course, it was carried on party alliance. We carried it in our House, but it didn't have any effect at all. I crossed the floor. I was prepared, on a matter of principle as important as this, to cross the floor—something I never did in 17 years in Parliament, I never crossed the floor. I knew how important it was. I knew how important it was to cross the floor on such an important matter, but I felt I had to do it. But to no avail. The Executive—and I say the Executive is Mr Carr—had restricted terms of reference.

Reverend the Hon. F. J. NILE: Following up your speech of 17 September 1997, your reference to meetings by persons such as Mr Carr, Mr Della Bosca, Mr Sheahan and so on refer to your assumption or presumption that such meetings should have been held because of the potential crisis facing the Carr Government?

The Hon. FRANCA ARENA: Exactly, I think it is quite clear from my submissions, and all the articles were written in the newspapers, that, you know, it showed—Mr Della Bosca is a Labor

Party strategist. I think you will see from my submission, which I will give you, I think Madam Chair told me that this afternoon I will be allowed to read my general statement. You know, I suggested—

Chairman: Mrs Arena, I didn't say you will be allowed to read your statement. I said we will be dealing with it.

The Hon. FRANCA ARENA: Well I suggested that Mr Della Bosca was a senior Labor strategist. If any member of the Committee doubts whether Mr Della Bosca would have been involved in the worry that the Labor Government was losing its narrow majority, their doubt would be removed by the article by David Humphries in the *Sydney Morning Herald* last Saturday, 28 March. Humphries wrote about the electoral redistribution and the reduction in the number of lower House seats. He stated:

Just how long it took Della Bosca and his lieutenants to secure about-turns of five of the seven crossbenchers . . . is not clear . . .

So how did Della Bosca persuade enough of the crossbench to turn? . . . Government support for [Richard] Jones's bid to soften the marijuana laws (the bid failed when Franca Arena—

The Hon. R. S. L. Jones: On a point of order. That is a completely incorrect statement, which has now been put on the record again. It is totally untrue, and I ask her to withdraw that.

The Hon. FRANCA ARENA: Madam Chair, this is—I have not said that, this is David Humphries. I haven't said—

The Hon. R. S. L. JONES: Yes, but you're putting it on the record, which is a totally untrue statement.

The Hon. FRANCA ARENA: I haven't seen Mr Richard Jones write to the *Sydney Morning Herald* and say that the statement is untrue.

The Hon. R. S. L. JONES: I have already said—it's completely untrue.

CHAIRMAN: Could I clear this up. We cannot have material withdrawn because what Mrs Arena is saying is evidence before the Committee. However, Mrs Arena, this is irrelevant and I would like you to get back to the question.

The Hon. FRANCA ARENA: No, it is not irrelevant, Madam Chair.

The Hon. R. S. L. JONES: It's completely untrue. It is totally untrue.

The Hon. FRANCA ARENA: No, no—

Government support for Richard Jones's bid to soften marijuana laws (the bid failed when Franca Arena switched sides) is cited as an example.

—of crossbenchers being locked in by promises of legislative deals. I think it just shows very clearly that Mr Della Bosca—this article not only reveals the genesis of Richard Jones' animosity towards me—

The Hon. R. S. L. JONES: It's untrue. It's an untrue statement. You deal in untruths.

The Hon. FRANCA ARENA: But, perhaps more importantly, it reveals that Della Bosca is very much involved in securing the survival of the Labor Government. As he is in 1998, so he was in 1996. If there was a danger to the Labor majority, even a rumour of a danger, it is fanciful to suggest that Della Bosca would not have been concerned about it. Of course, he would have been concerned. It was his duty. You know, as far as Mr Richard Jones saying it is untrue—

The Hon. R. S. L. JONES: It is untrue. You deal in untruths.

The Hon. FRANCA ARENA: —let me read you a paragraph of a letter he sent on 18 November 1997 to “BN”, [*evidence suppressed*]

Dear “BN”,

I am a strong supporter of Franca Arena and believe she had the right to say in Parliament that she believed what she believed to be true. I myself do not believe that there was a cover-up, but I believe what she said was done in good faith and non-maliciously, and she actually believed it to be true.

This is what Mr Jones wrote to a constituent two days before the marijuana legislation was voted on. So, two days before it was not malicious, she believed that I had the right to say in Parliament what I wanted to be true. I want to table this letter from Mr Richard Jones, to see how, two days after, when I voted against the marijuana legislation of yours, you turned against me—you who had been a friend of mine turned against me and treated me—

The Hon. R. S. L. Jones: Because you lied. Because you lied, that's why, because you lie and lie and lie.

CHAIRMAN: Mrs Arena, please don't abuse the Committee; just answer the question.

The Hon. R. S. L. Jones: Because you lie and you lie and you lie.

The Hon. FRANCA ARENA: You should know about lying—you are an inveterate liar.

Reverend the Hon. F. J. NILE: Mrs Arena, these would only require brief answers.

The Hon. FRANCA ARENA: Yes.

Reverend the Hon. F. J. NILE: Do you agree that any paedophile allegations against any ALP MP, [*evidence suppressed*], would have seriously damaged the Carr ALP Government?

The Hon. FRANCA ARENA: Absolutely. If Justice Wood had said what he did say at the beginning of the royal commission I would have no worries about naming people. If he had done that with an MP it would have been a disaster.

Reverend the Hon. F. J. NILE: You have answered this question already, but I will put it on the record. Because of your long political experience, you assumed such a potentially dangerous situation would have led Mr Carr and ALP party leaders to hold meetings in person, or by telephone, or by other means to discuss possible damage control options?

The Hon. FRANCA ARENA: Absolutely, it would have been negligent of them not to do it. They had to meet to discuss an impending crisis. Any group of people, whether it is the Liberal Party, the National or the Labor Party, having an impending crisis like that, I cannot imagine their leadership and secretariat not meeting to discuss it.

Reverend the Hon. F. J. NILE: But to make it clear, though, such meetings, if they were held, or contacts by ALP leaders, would not by themselves have been illegal but their democratic right?

The Hon. FRANCA ARENA: Absolutely. I agree entirely. Absolutely.

Reverend the Hon. F. J. NILE: Finally, there has been an allegation made that you said to Mrs Burgmann that “D” is a paedophile. Did you ever say that?

The Hon. FRANCA ARENA: Mr Reverend Fred Nile, I have never. Miss Burgmann and I belong to two different factions. I have never liked her and I do not think she ever liked me. This is apart from this Committee. I have never entered her office, and in the seven or eight years she has been in Parliament I would have only spoken to her a matter of "Hello", "Goodbye", "Are you coming to the luncheon for Amnesty?" or things like that. I would have been—first of all, I have never said to anybody, but anybody, that “D” is a paedophile. Never, never said that to anybody. Because first of all I don't know. First of all I don't know. If I knew, I know how slanderous that information is and people could sue my pants off. And imagine, of all people, I would go to see her, who I consider an enemy, a wrong faction, go to her office, which I never entered, and tell her something [*evidence suppressed*]. I mean, the woman is a lunatic. That is all I can say: is a lunatic. If she claims that, I am sorry, but—

The Hon. R. S. L. JONES: Are you saying the Chair is a lunatic?

The Hon. FRANCA ARENA: I withdraw that but I certainly—I think, if she alleges—

The Hon. R. S. L. JONES: She just said you are a lunatic.

CHAIRMAN: What?

The Hon. R. S. L. JONES: She said you were a lunatic. She said you are a lunatic.

The Hon. FRANCA ARENA: I withdrew that and all I say, that, if the chairperson alleges that I entered her office and told her that “D” is a paedophile, she is totally and completely wrong, because I have never come into your office, I have never had anything of confidence with you, and I never said it to you or to anybody else at all. You, Madam Chair, will be responsible one day to God for the lies you are putting up front of this Committee.

CHAIRMAN: Any further questions, Mr Nile?

Reverend the Hon. F. J. NILE: The other question is just a general one which Mrs Arena need not answer now. It was raised by Ms Gardiner. It was the whole question of sanctions, if any, the Committee should consider—

CHAIRMAN: Mr Nile, we will get on to sanctions at a later period. Just before we go to morning tea, I have got a question, Mrs Arena. Given your very supportive statements about “AA” and the job he is doing, I will just quote from his letter to us where he talks about some of the witnesses that you claim are vital to your case. He says of “S”: “S” is in my view an inveterate liar, a thoroughly untrustworthy and disreputable individual. I place no credence in his assertions.” He says of “G”: “His explanation is unimpressive but I am of the view that he was mistaken as opposed to malicious. However, this incident serves only as further testimony to his unreliability.” He says of the police officer who put in the statement about—I think it was about “U”: “This may have lost something in the translation but is in my view really a case of a junior officer not having a full understanding of the facts and speaking loosely about them.” And he said of “A”: “I find “A”’s allegations to be bizarre and outrageous. None of the inquiries that we have made so far support her allegations.” Do you still have faith in the credibility of these witnesses?

The Hon. FRANCA ARENA: Madam Chair, it is quite obvious that you are reading all this stuff, despite the fact that “AA” said he wanted to keep it confidential, because you want to put it on the record. The stuff that I have read out of “AA” will be taken out just to show you the fairness of you and the fact that—

CHAIRMAN: Can you please answer the question.

The Hon. FRANCA ARENA: I don't claim any of those claims are vital to me. What allegation in my speech are they important to, would you tell me? What allegations in my speech are these witnesses important—

CHAIRMAN: Do you believe these four witnesses to be credible witnesses?

The Hon. FRANCA ARENA: It is an irrelevant question, Madam Chair, absolutely irrelevant question.

CHAIRMAN: Let the record show an unresponsive answer. Is “AA” wrong in his assessment of these witnesses?

The Hon. FRANCA ARENA: I accept that it is assessment. I trust “AA”. I trust “AA”. I said he is an honest man. It is his assessment that—

CHAIRMAN: So therefore do you believe that all those witnesses are not credible?

The Hon. FRANCA ARENA: I didn't say that, Madam Chair. Stop verballing me. Stop verballing me.

CHAIRMAN: What is your belief then, Mrs Arena?

The Hon. FRANCA ARENA: Mr Gross, it is none of your affairs what my belief is—you understand, is none of your affairs, or the chairperson affair. My beliefs are not relevant. They are not part of my speech here. They are not part of my speech. You are trying to dig dirt all the time. I think you should be ashamed of yourself.

CHAIRMAN: Mrs Arena, your beliefs are actually very—

The Hon. FRANCA ARENA: The entire focus is—to dig up fossils which can be misrepresented as to justify the expulsion, my expulsion. Well, you will have a lot of hard work to justify to the community when a lot of this material comes out because you won't be able to hide it forever, Madam Chair. You won't be able to hide it forever.

CHAIRMAN: Mrs Arena, are you prepared to rely on the credibility of these witnesses in the future?

The Hon. FRANCA ARENA: What do you mean "rely on"? What does it mean? For what? For what reason? Rely on what for what reason?

CHAIRMAN: To give them credibility in these allegations?

The Hon. FRANCA ARENA: “AA” is investigating, “AA”. It is his job as a policeman. I am not a policeman; I am a member of Parliament.

Reverend the Hon. F. J. NILE: You have always said that you never investigated these claims because you have no facilities to conduct investigations of witnesses.

The Hon. FRANCA ARENA: And it is quite clear that “AA” said that “Dr C”, a professional woman, a credible person, a person who is esteemed, she believed that these witnesses were trustworthy. She came to me. I mean, she brought me “A” and said, "I bring you this girl. I believe her. I have treated her for a couple of years. I think she is true." What am I to say to a professional woman who says to me, "I believe her", to say, "Well, you are both, you know, out of this world"? I think, you know, let me read, "I also can confirm the allegation made by “A” and “S” were reported to Mrs Franca Arena via psychiatrist “Dr C”. It is my view—" this is “AA” —that “Dr C” was convinced as to the truth of these allegations." You see, that is what I mean. What do I do as a member of Parliament when a professional person comes to me and tells me,

"These people are trustworthy. These people are true"? I mean, I didn't know myself who to believe. I am not part of the claim. These allegations are not part of the claims I made in Parliament. Why are you digging all this stuff? Because you want to find something to hang me on. Madam Chair, you should be a bit more careful remembering my speech.

CHAIRMAN: Mrs Arena, who is right then, "Dr C" or "AA"?

The Hon. FRANCA ARENA: It is for you to decide, Madam Chair. It is for you to decide. I always said I am not a policeman. I am not a policeman. I have never said the allegations—people came to me—were true or untrue. I always said I am not a policeman. I cannot investigate them. I cannot ring up so-and-so, do that—I just cannot do it. I mean I am, you know, I—in effect, by ringing people up and checking things I give them validity. I mean she was telling me about the "Hotel A". Imagine me ringing up the "Hotel A" and asking if "D" has been there, how many times. I mean, it would just, you know, [*evidence suppressed*]. I mean, I cannot, you know, you just cannot do it. I relied on experience, the experience of "Dr C", but I didn't make any of these allegation in my speech. I didn't go to my speech and say, "'Dr C" told me that so-and-so so-and-so." It's not part of my speech at all. My speech was about a cover-up due to limited terms of reference and all these questions are completely irrelevant. [*evidence suppressed*]

(Short adjournment)

CHAIRMAN: I ask the Clerks to put out a directive reminding the media that whatever they heard was privileged.

The Hon. FRANCA ARENA: Madam Chair, could I give to the Clerk a copy of the statutory declaration by Peter Karp and a note from Helena Carr, which I read on the transcript?

CHAIRMAN: Yes.

The Hon. FRANCA ARENA: Thank you.

CHAIRMAN: Mr Jones, do you have any questions?

The Hon. R. S. L. JONES: Franca, do you stand by these two statements in your speech of 17 September, which I am truncating and I am sure you will remember.

... but I am bold enough to presume that an agreement was reached to ensure that people in high places would not be named as it would have been too traumatic for the community to realise how many of its so-called upstanding citizens were involved in criminal activities . . . it was decided that it was too damaging for the community to have members of Parliament and judges exposed. And so the whole matter was swept under the carpet.

Do you stand by those statements?

The Hon. FRANCA ARENA: Yes I do, I do. I think I have addressed also those statements in my statement. I could have maybe expressed it better, but the thrust of it is there. If you look at

my submission I make it quite clear what I meant by it: "I am bold enough" that an agreement was to ensure, and the agreement is indeed the terms of reference. I mean, Wood did not seek to investigate high-profile paedophiles and pederasts, investigated the policing of paedophile and pederast activity. I think it is, you know, Wood claimed to be satisfied that he had sufficient authority to undertake the necessary inquiry into the protection of children from unlawful sexual abuse.

Yet it is the same terms of reference that were claimed to justify Wood in saying, "This is no forum to investigate Mr Marsden. Unless there is something he has done in connection with police or police corruption". It was said not to be within his terms of reference to investigate whether Mr Marsden was a paedophile or a pederast. I said that in paragraph 100 of my submission and I stand by that. I think that, you asked me about the whole matter being swept under the carpet. Allegations of high-profile paedophilia were not dealt with so as to clean up the problem and were brushed aside. Wood said himself in the Nader transcript, 312-313, "It is not my purpose here to investigate and bring to justice paedophiles in high places." These are his own words.

The Hon. R. S. L. JONES: I have a letter here, which I hope you have a copy of by now from the New South Wales Police Service. I asked earlier on if you could get a copy of it. Maybe you, Peter, could pass yours over, thank you.

The Hon. FRANCA ARENA: No, we have not got a copy of it.

The Hon. R. S. L. JONES: Sorry about that but I did ask that you be given one.

The Hon. FRANCA ARENA: Who did you ask, sorry?

The Hon. R. S. L. JONES: I asked the Chair if you could be given one and it has not got to you yet.

The Hon. FRANCA ARENA: Why did we not get a copy?

The Hon. R. S. L. JONES: We only got it today. In this letter you will see, by Clive Small, Commander, that there was, were, two investigations into Mr Marsden. One was on December 1, 1995 following an investigation that commenced in March 1995 and so on. There was another investigation which commenced in July 1996 and completed in July 97. They say here that there is insufficient evidence to commence criminal proceedings against Mr Marsden. Would you accept then that this means the police do not have sufficient evidence that Mr Marsden is involved in any illegal activities after two investigations?

The Hon. FRANCA ARENA: I accept that that is Clive Small's view but I wonder what it has got to do with the terms of reference of this Committee?

The Hon. R. S. L. JONES: You mentioned Mr Marsden just now, so why did you mention that?

The Hon. FRANCA ARENA: I just quoted Justice Wood, I did not mention him.

The Hon. R. S. L. JONES: You did mention Mr Marsden.

The Hon. FRANCA ARENA: Yes I quoted Justice Wood.

The Hon. R. S. L. JONES: That is why I asked.

The Hon. FRANCA ARENA: You asked me about high-profile people.

The Hon. R. S. L. JONES: I just asked you about that, and that is why I asked you because you mentioned it. You have heard just now from the Chair on “AA” statement that he considers much of the evidence from the annexures to be unreliable, or bizarre and outrageous. He also says that the article alleging that this person visited the “Hotel A” was a sham and he has no reason to doubt the contents of the manager's letter. And he also says that “S” denies all existence of such a video. So you see, the problem that we have is that we have all these annexures from you and the more we examine what is in these annexures the less we find the information in them to be credible.

You gave us these annexures presumably to back up the reason for having made the speech. I cannot imagine any other reason for you giving us all these annexures. Can you point us to any single piece of evidence in the annexures, and we have 31 of them, to say, to see, to show that amongst these there has been any cover up of paedophilia or investigations amongst all these annexures? I cannot find a single piece of evidence amongst all these annexures to show there has been any cover-up.

The Hon. FRANCA ARENA: I think first of all “AA” did not say that the evidence in the annexure was bizarre and outrageous.

The Hon. R. S. L. JONES: Well one annexure.

The Hon. FRANCA ARENA: Second, well that is a big difference, isn't it, when there are how many annexures that we have?

The Hon. R. S. L. JONES: Well read it and let's get going.

The Hon. FRANCA ARENA: There are 42 annexures and there is only one you say. The second thing, the second thing is that Mr “AA”, and I have read the statement clearly this morning, he said that [*evidence suppressed*].

The Hon. R. S. L. JONES: I wonder if you could point me, if you yourself or your lawyers helping you, could point me to any annexure which has any credible evidence that any of these people mentioned in these annexures is a paedophile, apart from those who have already been tried?

The Hon. FRANCA ARENA: Mr Richard Jones, you have read my statement. I have answered ad nauseam claims of a cover-up. I am not a policeman. [*evidence suppressed*].

I mean, you know, I have not asked “AA” and even if I had asked I am sure he would not have told me. And I respect his confidentiality [*evidence suppressed*]. Why don’t ask him?

The Hon. R. S. L. JONES: [*evidence suppressed*]

The Hon. FRANCA ARENA: I think you should speak to him, you should speak to him. Have you spoken to him? I have spoken to him on several occasions. My lawyers have spoken to him. I think to be fair to me, to “AA”, you should ask him to come here and tell you.

The Hon. R. S. L. JONES: [*evidence suppressed*]

The Hon. FRANCA ARENA: What did he say after that?

The Hon. R. S. L. JONES: [*evidence suppressed*]

The Hon. FRANCA ARENA: What did he say after that? He said yes.

The Hon. R. S. L. JONES: I was just about to read it: [*evidence suppressed*] Do you know if any of these matters are contained within the annexures you gave to use as evidence to back up the reason why you made your statement in the House, your speech in the House?

The Hon. FRANCA ARENA: Mr Jones, even if I did know I would not be at liberty, because of police confidentiality, at liberty to tell you, I am sorry. But you would have to ask “AA”.

The Hon P. T. PRIMROSE: Could I just ask one question, Mrs Arena, flowing out of that. It seems to me, that I think we could go around this room and ask every member do we believe that there are paedophiles in our society? I have no doubt that everyone would agree that there are paedophiles who exist in our community, but I think there is a difference between allegations of paedophilia to me as proving that there is a high-level cover-up and showing that there are paedophiles existing in the community and police uncovering paedophilia, then does not lead to me to be evidence that there is a high-level cover-up. And I was just wondering for your comments on that.

The Hon. FRANCA ARENA: Peter, I think I said it, I said it over and over again, that the cover-up referred to the terms of reference. Here we had an opportunity to have a full inquiry on all aspects of paedophilia. You said it yourself; we all accept that there are paedophiles out there. Here we had a unique opportunity to finally get to the crux of this problem. I am not fool enough,

Peter, to know that, you know, that we would have had a magic thing: that finally we got rid of all paedophiles.

No, but like with the Wood Royal Commission as far as police was concerned you would have had a situation in which you would have had, you know, looked at the problem, caught some ringleaders, give a lesson to them. The community would have felt that, you know, justice was done and at least for a while we would have got rid of this scourge and that in 10 years time, like in the police force, we know unfortunately this is how society is. But, goodness, we lost a unique opportunity, Peter.

The Hon P. T. PRIMROSE: Could I just clarify though, that proving the existence of paedophilia, is it the case that if you can prove the existence of paedophilia or educe evidence of paedophilia, that that does not necessarily imply that there has been a high-level cover-up by people to stop any investigations into that?

The Hon. FRANCA ARENA: It is right, but I have never alleged that. I never alleged that. You know, I think that if you look at my statement, number 97, when I quote from my speech and said:

Following the meeting with Peter Collins and the late meeting at Parliament House, the Premier met with Justice Wood.

It was not disputed before the Nader inquiry. It was there shown to be the fact that the Premier and Justice Wood did meet on occasion. And some of these meetings occurred after mid-March 1996. Look at a quote of Nader, page 22. Justice Wood himself was strangely vague regarding the number of meetings he had with the Premier. Also note that the diaries of the Deputy-Director of the Cabinet office with information about the meeting and their agenda were shredded by a temporary secretary of Ms McKenzie. If you believe that, really it is a bit hard to believe. In addition several meetings took place between Justice Wood and the relevant Minister, Paul Whelan, and things concerning the paedophile inquiry were discussed. That is page 33 of the transcript.

CHAIRMAN: *[evidence suppressed]*

The Hon. FRANCA ARENA: *[evidence suppressed]*

CHAIRMAN: *[evidence suppressed]*

The Hon. FRANCA ARENA: *[evidence suppressed]*

Reverend the Hon. F. J. NILE: *[evidence suppressed]*

The Hon. FRANCA ARENA: *[evidence suppressed]*

CHAIRMAN: *[evidence suppressed]*

The Hon. FRANCA ARENA: [*evidence suppressed*]

CHAIRMAN: [*evidence suppressed*]

The Hon. FRANCA ARENA: [*evidence suppressed*]

CHAIRMAN: [*evidence suppressed*]

The Hon. FRANCA ARENA: [*evidence suppressed*]

CHAIRMAN: [*evidence suppressed*]

The Hon. FRANCA ARENA: [*evidence suppressed*]

CHAIRMAN: [*evidence suppressed*]

The Hon. FRANCA ARENA: [*evidence suppressed*]

CHAIRMAN: [*evidence suppressed*]

The Hon. FRANCA ARENA: [*evidence suppressed*]

Some of the following questions were asked by members of the Committee on behalf of the whole Committee. These questions were allocated and asked on a rotational basis.

The Hon P. T. PRIMROSE: The first question I have here is: Mrs Arena, did you notice in the Premier's press release dated 22 October 1996, quoted in paragraph 36 of your main statement, that the royal commissioner has agreed to the new terms of reference?

The Hon. FRANCA ARENA: Sorry, Peter, what was the question?

The Hon P. T. PRIMROSE: The question [*evidence suppressed*] is: did you notice in the Premier's press release dated 22 October 1996, quoted in paragraph 36 of your main statement, that the royal commissioner had agreed to the new terms of reference?

The Hon. FRANCA ARENA: Yes, sorry, yes.

The Hon P. T. PRIMROSE: Number 2: did you know that Justice Wood had agreed to these new terms of reference during the period from late October 1996 up to and including the time when you prepared and delivered your speech in Parliament on 17 September 1997?

The Hon. FRANCA ARENA: I didn't know that, but I think it's a fair assumption.

The Hon P. T. PRIMROSE: While you were preparing, and when you delivered, your speech in Parliament on 17 September 1997, did you believe that "the meeting between Justice Wood and Carr", to which you referred in that speech, was a meeting at which they reached the agreement of which you read in the 22 October 1996 press release.

The Hon. FRANCA ARENA: I did not know when the meeting or the meetings occurred. As we have said, I want to refer to paragraph 97, 99—sorry, 97, 99—97, 92—I'm sorry, I'm just getting a bit nervous. I refer to paragraphs 97, 99, 100, 101, 102, 103, 104, 151, 54, 51, 52—151, 152, 153, 154 and 172, when I deal with all these matters, so I don't want to go over. In addition, your questions on the subject in the buff transcript, page 32 to 34, Mr Kelly ignored the fact that the paedophile terms of reference were always very limited. I mean, I think that is a very important point that we must remember, that the terms of reference were very limited and one cannot only assume that the initial terms of reference prior to October 1996 were acceptable to both Mr Carr and Justice Wood, so one can only assume that these initial terms of reference prior to were acceptable to both of them. So they had terms of reference which were restrictive before, then we thought that finally we were going to open the whole paedophilia and instead the terms were restricted again.

The Hon P. T. PRIMROSE: Do you agree that you could not have been referring to a meeting which produced the October 1996 agreement about the new terms of reference as "the meeting" between Justice Wood and the Premier which you alleged in your speech, because in your speech you said you did not know what happened at it, whereas you had known since late October 1996 that Justice Wood had agreed to the new terms of reference announced by the Premier?

The Hon. FRANCA ARENA: No, I don't agree. I still don't know what happened at that meeting. I still don't know. I didn't know then and I don't know now.

The Hon. A. B. MANSON: *[evidence suppressed]*

The Hon. FRANCA ARENA: *[evidence suppressed]*

The Hon. A. B. MANSON: *[evidence suppressed]*

The Hon. FRANCA ARENA: *[evidence suppressed]*

The Hon. A. B. MANSON: *[evidence suppressed]*

The Hon. FRANCA ARENA: *[evidence suppressed]*

The Hon. A. B. MANSON: *[evidence suppressed]* Do you agree that you would not be referring to a meeting which produced the October 1996 agreement about new terms of reference at the meeting between Justice Wood and the Premier in your speech, because in your speech you said that no information was leaked about what happened at the meeting you alleged, whereas you have been informed that Justice Wood had agreed to the new terms of reference by reading the Premier's press release in October 1996?

The Hon. FRANCA ARENA: No, I don't agree and I never specified any particular meeting at all.

The Hon. A. B. MANSON: Next question: do you now accept that you must be wrong in paragraphs 151, 152—

The Hon. FRANCA ARENA: You are talking about my statement?

The Hon. A. B. MANSON: Your statement, it starts on page 41 of your statement, paragraphs 151, 152 and 154 of your main statement, where you state that the agreement at the meeting alleged in your speech in Parliament on 17 September 1997 was just the agreement by Justice Wood to the new terms of reference publicly announced by the Premier?

The Hon. FRANCA ARENA: I don't agree at all.

The Hon. A. B. MANSON: Next question: do you now concede that the statements by you in that part of your main statement—

The Hon. FRANCA ARENA: Sorry, Andy, I missed it. Sorry, could you start again. I am sorry, Andy.

The Hon. A. B. MANSON: Do you now concede that the statements by you in that part of your main statement, which tried to give the impression that all you intended to allege against Justice Wood was his agreement to the new terms of reference publicly announced by the Premier are misleading to this Committee, and deliberately so?

The Hon. FRANCA ARENA: No, I don't.

The Hon. A. B. MANSON: Next question: did you meet “AI” on Wednesday, 19 March 1997, or about that time, and discuss with him a number of matters concerning alleged homosexuals and paedophiles said to be involved one way or the other in the royal commission? Did you, in particular, speak to “AI” about a newspaper article in September 1996, which has said the royal commission was going to do certain things in respect of judges and members of Parliament?

The Hon. FRANCA ARENA: Madam Chair, I will take this question on notice. We have just been given a file note two seconds ago. I haven't even read it. It's a bit unfair to ask people to answer a question on a file note or something that I have not even read. If you don't mind, I was not at that meeting, it is hearsay, or I believe it is, but I would like to read the note to be able to say one way or another. I haven't even read it.

CHAIRMAN: We might ask that after lunch, then, Mrs Arena. Mr Johnson, can you go to questions?

The Hon. J. R. JOHNSON: Mrs Arena, did you tell “AI”—

CHAIRMAN: No, question 11, because those other two relate to the same file note.

The Hon. J. R. JOHNSON: Yes, I am sorry.

The Hon. FRANCA ARENA: I wasn't at that meeting on 21 March, Madam Chair, if I can just say that. I think I would like to put that on the record.

The Hon. J. R. JOHNSON: Do you agree, Mrs Arena, that the allegations against “**Judge B**” [*evidence suppressed*], apparently made by “**A**” in your attachment 11 to your main statement, include murder, repeated and brutal rape, cannibalism and satanism?

The Hon. FRANCA ARENA: Yes, “**A**” has made those allegations.

CHAIRMAN: Sorry, Mrs Arena, can I just clarify something. When you were said that you weren't at that meeting of 21 March, do you mean the meeting referred to in the file note of 21 March?

The Hon. FRANCA ARENA: That's right, the same meeting, file note, with “**BK**”, “**AI**”, “**BL**” and “**BM**”.

Reverend the Hon. F. J. NILE: It is 19 March, is it? Not the 21st?

CHAIRMAN: So you weren't at the meeting on 19 March?

The Hon. R. S. L. JONES: She wasn't at the later meeting. She was at the first meeting.

The Hon. FRANCA ARENA: The file note says date 21 March, file note, meeting with “**BK**”, “**AI**”—is that the one you wanted to ask me a question on?

CHAIRMAN: No. Were you at a meeting with “**AI**” on 19 March, a couple of days before that file note?

The Hon. FRANCA ARENA: I think I will read it and take it after lunch, Madam Chair, after I've read the file note. It's a bit difficult to answer questions on something that I don't even know what it is all about.

The Hon. J. R. JOHNSON: Mrs Arena, do you agree that the conduct alleged in your attachment 11 is so horrifying that any responsible member of Parliament who thought there was any real possibility that there was something true in them should be bound to inform the proper authorities immediately so that the allegations could be investigated?

The Hon. FRANCA ARENA: All I want to say is that I dealt with that in my full statement. I think that it is quite clear that “**Judge B**”—sorry, that Mr—the material was all given to the police and also may I remind you once more that “**A**” was brought to me by “**Dr C**” and that “**AA**” says it is my view that “**Dr C**” was convinced as to the truth of these allegations. Now,

what was I to do as a member of Parliament, to tell her, "Get out of my office, both of you. I don't want to hear this ridiculous stuff. I'm not interested." I, as a responsible member of Parliament, put it onto the police. Then you ask me for a full statement, and remember that the word full was in cap letters underlined. I put it in because if I didn't put it in, I would have been accused of withdrawing material, and that is the reason I put it in. Withholding, excuse me, I didn't mean withdrawing, I meant withholding, for Hansard, of withholding material, sorry.

The Hon. J. R. JOHNSON: *[evidence suppressed]*

The Hon. FRANCA ARENA: *[evidence suppressed]*

The Hon. J. R. JOHNSON: Do you agree that such allegations, when they were made against *[evidence suppressed]*

The Hon. FRANCA ARENA: "A"s, you mean? I see.

The Hon. J. R. JOHNSON: *[evidence suppressed]*

The Hon. FRANCA ARENA: Well, I agree entirely that they are very serious and I dealt with what I did with them. I have already dealt with the way I dealt with these allegations and I said they were only a minuscule part of the material I put forward.

The Hon. J. R. JOHNSON: Did you take any steps to inform the proper authorities of the allegations supposedly made by "A" against "Judge B"? If so, when did you do so, and what did you do?

The Hon. FRANCA ARENA: I would like to ask you what relevance has got this with your terms of reference, with my speech in Parliament of 17 September. I just—you know, it is a continuous third degree about questions which are completely irrelevant to my speech of 17 September, during which I never made any allegations against "Judge B". I never mentioned "A"s allegations. I never did anything of the sort.

Reverend the Hon. F. J. NILE: Just to clarify the earlier reference to the meetings concerning the terms of reference for the royal commission, I wonder whether there is some confusion between the two meetings. There was certainly a meeting on 22 October 1996 which would have added the paedophile reference, I understand, to the police corruption reference. But prior to your speech on 17 September 1997 you are referring to a possible meeting about those extended—the extension to that paedophile reference such as the government departments and so on.

The Hon. FRANCA ARENA: It was clear from the articles which were in the newspapers in March 1996, "Commission hits high society child sex ring" leaders, "The naming of paedophiles. Justice Wood will move into difficult territory, probing the reasons for police failure to do more to prevent the abuse of children by paedophiles", "Paedophilia inquiry could destroy Carr Government". All these articles clearly indicate that Justice—and if you look at his speech, which unfortunately I do not have here, but Mr Wood said quite clearly at the beginning of his inquiry

that he will have no fear or favour towards anybody, that he was going to name people, that it was very important.

I think that Carr and Wood obviously must have had meetings in the period between March and October. I mean, what meeting they were, how many, I cannot tell you, but I remember very well that even D. D. McNicoll, in an article he published in the *Australian*, made quite clear that Justice Wood was very confused when he was asked in the Nader inquiry how many meetings he had. He could not remember; he was not sure. So what can I say to you? If he does not remember I certainly do not know, but they had obviously quite a few meetings. I think that attachment 24 says Wood was strangely vague regarding the number of meetings held with Premier Carr. And if I can look:

Forgetful witness humbled by his own high standards. It is just as well—

this is the *Australian* of 18 October 1997—

It is just as well . . . James Wood of the NSW Supreme Court never appeared as a witness before the Royal Commission into the New South Wales Police Service conducted by Commissioner James Wood.

Had he done so, Justice Wood would have had a much rougher trot than he did yesterday when he was the first witness at the Nader inquiry into Franca Arena's allegations of a political-judicial deal to cover up the names of prominent paedophiles . . . Yesterday, however, the tables—

it goes on but it is not relevant so I will not read it. But it is on attachment 24:

Yesterday, however, the tables were turned. Justice James Rowland Tomson Wood, was in the box giving evidence at the long-delayed Nader inquiry and—even with the aid of three very large diaries—he had a great deal of trouble remembering the details of meetings last year or even if they took place at all . . .

But when it came to the details of a number of meetings with political figures, which were noted in Justice Wood's 1996 diaries, either in his own hand or in that of his associate, the judge was forced to tell Mr Adams he had "no recollection of the meeting or what was discussed".

No doubt being in charge of the longest running royal commission in NSW history is taxing—but forgetting all about the meeting held just over 12 months ago?

Commissioner James Wood of the Police Royal Commission wouldn't have believed it for a minute!

I think it speaks for itself.

Reverend the Hon. F. J. NILE: [*evidence suppressed*]

The Hon. FRANCA ARENA: [*evidence suppressed*]

Reverend the Hon. F. J. NILE: [*evidence suppressed*]

The Hon. FRANCA ARENA: I do not agree with that, no.

Reverend the Hon. F. J. NILE: Do you now accept that you never took the supposed “A”’s allegations against “Judge B” seriously?

The Hon. FRANCA ARENA: I did not believe them or rely on them for my speech, but I must tell you that when an eminent psychiatrist like “Dr C” bring this woman to me I felt it was my duty to refer them and put them, annex them, in amongst the material given to me. You asked me for a full statement and I gave them to you.

Reverend the Hon. F. J. NILE: Do you now accept that you have attempted to mislead this Committee, and deliberately, by your suggestion in paragraph 63 of your main statement that you were going to take “A”’s allegations seriously?

The Hon. FRANCA ARENA: Sorry, could you start again?

Reverend the Hon. F. J. NILE: Do you now accept that you have attempted to mislead this Committee, and deliberately, by your suggestion in paragraph 63 of your main statement that you were going to take the “A” allegations seriously?

The Hon. FRANCA ARENA: I disagree—I disagree entirely, absolutely and in the strongest possible term to the idea that I tried to mislead this Committee. Absolutely entirely false, and I think if you look at paragraph 63 it gives you the answer—paragraph 63 on page 16 of my submission.

Reverend the Hon. F. J. NILE: Says what?

The Hon. FRANCA ARENA: On one occasion I met with C and a young woman named A—C, I suppose, “Dr C”—who had been to the Wood royal commission about her abuse as a child. [*evidence suppressed*] It was very difficult to know what to make of these allegations. All I can say is that I spent many sleepless nights over it because C—this is “Dr C”—is a very credible and respected professional person and that she felt that the allegation was serious enough to bring them to me and I according was going to take them seriously. A gave me an incomplete statutory declaration. C has recently provided me with another statement. I think it speaks for itself.

What am I to say when as a member of Parliament—I mean, I think that people in this Chamber ask me do you think so and so is a paedophile, do you think. I have continuously always said I do not know because I will never accuse anybody of being a paedophile because I do not know. I said would you name people. I said if I had three or four statutory declarations I was assured that the police had done nothing about it. I think we as a member of Parliament got some duties. But I have always taken those parliamentary privileges very, very seriously. I know the responsibilities we have as members of Parliament.

Reverend the Hon. F. J. NILE: [*evidence suppressed*]. It is a complex question. Do you accept that as a matter of commonsense and fairness “Dr C” could not possibly vouch for the honesty and accuracy of the statement apparently made by “A” because by no stretch of the imagination was “Dr C” a witness who saw or heard any of these terrible events? Do you accept that as a

matter of commonsense “Dr C” could not possibly provide any expert assessment of the truth of “A”’s allegations based on interviewing her, any more than you could yourself? You do not believe that doctors or psychiatrists are experts in knowing when someone is lying or voicing delusions without investigating the actual existence of what the person is saying, do you?

The Hon. FRANCA ARENA: No I, I—I think that “Dr C”, she can vouch for honesty but perhaps not for accuracy. She could vouch for honesty for sure, and “AA” vouched for her honesty. He said it clearly, "It's my view that “Dr C” was convinced as to the truth of these allegations." I mean, I am not going here to say that one was true or false—I do not know. It is up to the police. “AA” says that these allegations, that “Dr C” was convinced as to the truth of these allegations. I think it just shows that in all honesty the woman could have been inaccurate, could have been wrong, but certainly she was honest. And what was I to make of it?

The Hon. R. S. L. JONES: Would it be true to say then because “Dr C” believed in the truth of those allegations that influenced you in perhaps believing it?

The Hon. FRANCA ARENA: In?

The Hon. R. S. L. JONES: That because “Dr C” was convinced in the truth of these allegations made by “A” that that then influenced you into believing it because—

The Hon. FRANCA ARENA: I have never believed anything. I have not believed that somebody was a paedophile, somebody was a murderer, somebody. I have never believed it but I took things seriously as a member of Parliament should. This was an eminent psychiatrist who told me this. I said look, I do not know. How am I to judge? How am I to judge? Who am I to judge? I am not a policeman. Let the police tell me. [*evidence suppressed*].

The Hon. R. S. L. JONES: Yes, I do. Do you feel let down by “Dr C” now?

The Hon. FRANCA ARENA: I do not know—let her down.

The Hon. R. S. L. JONES: Let down.

The Hon. FRANCA ARENA: What kind of a question is that, am I let down by “Dr C”? I think that it is quite true that “AA” said she was convinced of the truth of these allegations. I think that she is a sincere person. She could be wrong but she is sincere. So to say let down, I do not know what you mean let down. It is not that this woman came to me and deliberately lied to me, influenced me. No. Even “AA” said she is sincere and she had sought—I think “AA” said “A”’s claim was bizarre and outrageous but he did not think she was lying and that is another important consideration that you should take note of. “AA” said, look, the claims of “A” are outrageous and bizarre but did not think she was lying. And if you saw her and if you asked her to come here maybe you could see that the girl is—she might be deluding herself, I do not know. Maybe this was probably true but she is certainly not lying.

The Hon. R. S. L. JONES: You included that statement as you said just now as annexure 11 because the Committee asked you to provide a full statement.

The Hon. FRANCA ARENA: Yes.

The Hon. R. S. L. JONES: Can you then explain why you included the statement of 5 July 1997 but not the statement of 17 April 1997 which makes no mention whatsoever of “**Judge B**”?

The Hon. FRANCA ARENA: Because I think that—“**A**” already had given the first statement to the Wood royal commission. I think that is what she told me. The first statement to the Wood royal commission about her satanic abuse was given to the Wood royal commission [*evidence suppressed*]

The Hon. R. S. L. JONES: [*evidence suppressed*]

The Hon. FRANCA ARENA: [*evidence suppressed*]

The Hon. R. S. L. JONES: You do not think she added in “**Judge B**” as an afterthought at the second—

The Hon. FRANCA ARENA: I have no idea, you should ask her. How would I know why she did it?

The Hon. R. S. L. JONES: Do you not think there is a bit of a bizarre difference between those two sets of documents?

The Hon. FRANCA ARENA: [*evidence suppressed*]

The Hon. R. S. L. JONES: [*evidence suppressed*]

The Hon. FRANCA ARENA: I cannot remember, to tell you the truth. I cannot honestly remember.

The Hon. R. S. L. JONES: [*evidence suppressed*]

The Hon. FRANCA ARENA: It is quite interesting, as my lawyer suggested to me, that you always speak from the same statement. Here there are, how many, 42 annexures and he keeps on going about some of the same ones. It is an example. If I did not include “**A**”’s statement, you would have accused me of concealing material: “Why didn't you put it in?” I put it in, and questions hours after hours. “Why didn't you put the first one in? Were you concealing something from us?” Now I put the second one in. Now, “Why did you put it in?” I do not think that no matter what I did with you because of the marijuana, the rest because of the orders they received from—

The Hon. R. S. L. JONES: If the first statement had mentioned “**Judge B**”, would you have put that one in as well?

The Hon. FRANCA ARENA: I have answered this extensively Mr Jones. Extensively.

The Hon. R. S. L. JONES: [*evidence suppressed*]

The Hon. FRANCA ARENA: Because those were yours, were they?

The Hon. R. S. L. JONES: These were my questions because I had some questions that had not been answered previously. The next one is: do you accept that, in the mind of a responsible and reasonable member of Parliament, the “**A**” allegations must always be, must always have appeared to be, if they genuinely were ever made by “**A**” herself, the fantastic and tragic result of some kind of mental disturbance, or else they would be wicked inventions?

The Hon. FRANCA ARENA: It is not a relevant question. I never made them. It was allegations made by a constituent through an eminent psychiatrist who brought her to me.

The Hon. R. S. L. JONES: The next question is, have you any knowledge whether “**A**” had apparently made an earlier version of this story, which had been supplied to the royal commission? Do you know that, in an earlier version of her story, “**A**” did not mention “**Judge B**” at all? Actually, you have just answered that. [*evidence suppressed*]

The Hon. FRANCA ARENA: Not relevant. I do not think it is a relevant question. And I cannot answer for “**A**”. You should ask her.

The Hon. R. S. L. JONES: Do you have any reason to explain why you have drawn the material in your attachment 11 to the Committee's attention, apart from being a privileged vehicle for obscene and scandalous material calculated to defame and hurt “**Judge B**”?

The Hon. FRANCA ARENA: You asked me for a full statement inclusive of all documents. I gave it to you. Who, apart from this Committee, knows anything about that material? What about some other people who have allegations made against them? You are not concerned about the defamation of them; you are only concerned about “**Judge B**”. You asked me for the material, the material is there. [*evidence suppressed*]. Now you complain that I did not include “**A**”'s other statement. One moment you say one thing, the next moment you say I should have put both of them in. Then you would have said, "You are doubling, you are twice making shocking accusations against “**Judge B**”", which I have never made. I think it is interesting to see that the Committee has chosen to focus on and to blow out of all proportion the extent I relied on “**A**”'s and “**S**”'s testimony. It is quite interesting to see that.

Reverend the Hon. F. J. NILE: You never tendered “**A**”'s statement before it went public.

The Hon. FRANCA ARENA: Never. And I have actually written a letter to Madam Chair because “**A**” has in the last—actually during morning tea I rang my secretary. She said, "There's

an urgent call from "A". I did not even return it because the time was short and I am stressed out enough. But the girl has written me a three-page letter saying to me, "My life is in danger. I gave you the statutory declaration on a confidential basis. I am absolutely, I feel the people who have abused me know all about it now. My life is in danger. I beg you to do anything you can to return my statutory declaration."

I do not know what to do about this poor girl. I really do not know. It is on your conscience. If anything happens to this girl, it will be on your conscience. This material has got to be kept confidential and you purposely read part of the first transcript so that she would be identified because when she rang me after the transcript was released I said, "'A'", nobody will recognise you from that." "My abuser will", she said, "They will know that I have spilled the beans. My life is in danger." She was in a terrible state and I do not know what to tell her.

CHAIRMAN: Mrs Arena, I will just remind you that you wanted the entire investigation in public.

The Hon. FRANCA ARENA: I think she gave—can I finish the question of the Reverend the Hon. F. J. Nile? She gave a statutory declaration, as I said, on a confidential basis. She does not want it to be released. She told me she has written to the Committee regarding this matter and I feel it would be a betrayal of this witness if her statement was released. To release this statement would be another example of the public being misled by the Committee. The Committee having procured the statement by dishonest means, then disregarding their assurances about "A"'s personal safety, it is an outrage—

CHAIRMAN: Mrs Arena, can you please clarify the statement about the Committee getting hold of the statement by dishonest means?

The Hon. FRANCA ARENA: That it was, because you said that it was going to be kept confidential. Instead you have published it and the girl now is being recognised clearly by her abusers. It serves notice, I think it is important, that if "A" is harmed as a result, it will be an canker and a millstone on this Committee for years in the future. It serves notice to the public that they should not ever provide material confidentially to the Committee or any member of Parliament because the Committee may publicly release it. It is also unlawful to release it in breach of public interest privilege. I really appeal to the Committee on behalf of "A" not to release her statement. I think that is certain, I think that "E"'s statement has been completely deleted, but poor "A", whose life is in danger—I do not think "E"'s life is in danger—is going to be kept on and I assure you it will be of great concern to me and it should be to you as well.

The Hon. R. S. L. JONES: Do you think that "A" believes her life is at risk from "Judge B"?

The Hon. FRANCA ARENA: I do not know, but I do not think so. I think if you had read her statement, her abusers were actually her family. And her mother is still alive, her uncle is alive and she is very scared. That is what she told me.

The Hon. R. S. L. JONES: [*evidence suppressed*] do you now agree that the material in your attachment 11 has no relevance at all to the issue before this Committee of the propriety of your conduct in Parliament on 17 September 1997?

The Hon. FRANCA ARENA: No. My answer is no.

The Hon. C. J. S. LYNN: I would like to take you to appendix 6 of your supplementary report. It is a statement given to us by “BC”. Could you give me a bit more information on who “BC” is?

The Hon. FRANCA ARENA: Attachment 6? Is it in the supplementary?

The Hon. C. J. S. LYNN: Yes.

The Hon. FRANCA ARENA: Attachment 6 on the first submission is *Hansard*. Is that right?

The Hon. C. J. S. LYNN: Yes, I have it.

Reverend the Hon. F. J. NILE: [*evidence suppressed*]

The Hon. C. J. S. LYNN: [*evidence suppressed*]

The Hon. FRANCA ARENA: “BC” is a person wrote to me, as you can see from his letter. I think this is one of the—I think he wrote to me later on. He is the father of a young man I believe now who was a victim of paedophilia in the school [*evidence suppressed*]. Actually he and his wife are very decent, good people, who have actually set up a support group [*evidence suppressed*]. He really has written, as you see, to support me. I have written to him. He was himself very disappointed by the Wood royal commission. I think that also, as my lawyer reminds me, [*evidence suppressed*]

But I think you can see the conclusion “BC” puts in there: “The New South Wales community badly needs a win from the paedophilia section of the royal commission. I am very fearful, however, that closing the royal commission at this stage will not deliver a lasting win.” I had never met him. I did meet him after he wrote to me because the Australian Child Protection Alliance organised some rallies outside here at Parliament House. He came to the rally. I met him and his wife. They are most decent and honourable people and that is really all I can say.

The Hon. C. J. S. LYNN: In his statement in paragraph D he says:

The Royal Commission has caused some organisational changes. For instance, the Education Department set up a new Case Management Unit as a result of early revelations in the Commission. That unit has since been utterly discredited. This demonstrated graphically how difficult it will be to get on top of paedophilia. If that department can continue to protect paedophiles and give out bodgie references while the Royal Commission is still running, what hope is there of achieving long-lasting reform and the necessary changes in attitudes if the Royal Commission finishes its paedophile investigations now?

The Hon. FRANCA ARENA: Yes. I think it is one, we put it in as a sample letter, of the number of letters and phone calls so people who were thinking, "But why don't we have this paedophilia inquiry? Why don't we carry on this important work?" It is like now, we, all of us, will be involved in the setting up of this Children's Commission and I think it is something that we will have to watch very carefully because these are not the only complaints I have had about the education department unit—let us not talk about DOCS. And if we set up a Children's Commission, we really need to set up a very strong body which will be an advocate and also a—what is the word when you prosecute—a prosecution body for the paedophiles. I think he just brought to my attention what a lot of people had told me verbally or in other ways.

The Hon. C. J. S. LYNN: Did this lead you to believe that there was perhaps a cover-up in progress?

The Hon. FRANCA ARENA: Well, I think that what people told me all the time was that things were not done. People had been, maybe what had happened was that because there had been such a, what would you say, such an exposure of crook policemen there was an expectation in the community that we get an exposure of paedophiles, and it did not happen. People were so bitterly disappointed. [*evidence suppressed*]. Why didn't we do it?

The Hon. C. J. S. LYNN: In paragraph B he says of the case study on page 4 [*evidence suppressed*] Do you know why he would arrive at that conclusion?

The Hon. FRANCA ARENA: I do not think I have discussed it in detail with him, but I think there were a lot of people who brought this kind of thinking to me and that was, when it suited the royal commission, they investigated things thoroughly; when it did not suit them, things seemed to be just brushed aside. I think that is what he means, and he was not the only one who wrote to me these concerns.

The Hon. C. J. S. LYNN: In paragraph D he says [*evidence suppressed*]

The Hon. FRANCA ARENA: [*evidence suppressed*]

The Hon. C. J. S. LYNN: [*evidence suppressed*]

The Hon. FRANCA ARENA: [*evidence suppressed*]

The Hon. C. J. S. LYNN: I move on then to question—

CHAIRMAN: Mr Lynn, the problem is that it is now one o'clock. Mrs Arena, I have given as much latitude as I can in the answering of questions. Unfortunately, quite long speeches are still happening. I just want to check with you which day of next week you will be able to come back for further questioning because unless we can get it finished today we will have to reconvene on either Tuesday, Wednesday, Thursday or Friday of next week.

The Hon. C. J. S. LYNN: I won't be here.

Reverend the Hon. F. J. NILE: I won't be here. It will have to be the week after.

The Hon. FRANCA ARENA: Unfortunately, my lawyers won't be here next week and I cannot come by myself. I think we gave you notice of that last week, Madam Chair, by letter.

CHAIRMAN: The point I am making is that you are continuing to make very long speeches. There are a number of questions still to get through. I will in fact call another day of questioning next week if we do not finish this afternoon.

The Hon. FRANCA ARENA: Madam Chair, first of all I resent your way of saying that I give long answers. You are asking me questions. I think that I should be entitled, in fairness, to answer the way I see appropriate. I think, you know, you keep on asking the same questions over and over again about "A". I mean, I thought that by now the questions about "A" could have been finished. You know, your lawyers are trying to find a way to trick me about "A" or anybody else. Well, I am sorry, but next week my lawyers will not be available. I heard Mr Nile and Mr Lynn, who will not be available. I am sorry, Madam Chair, but I am not going to be available either because my lawyers are not here. I am not coming. It will have to be the following week.

CHAIRMAN: Mrs Arena, will you please try to keep your answers relevant this afternoon?

The Hon. FRANCA ARENA: I will, Madam Chair, if you stop asking me questions, the same questions, over and over. About my statement, can I have an assurance, instead of having to read it, that it can be incorporated? Because this stuff, if it is not incorporated, will disappear. It is only a general statement of one, two, three, four, five pages and a half, it is not—it is very largely typed for making it easier for me to read it. If I can have an assurance, I will not try to read it.

CHAIRMAN: Have you given a copy to the Committee?

The Hon. FRANCA ARENA: No, not yet. I want an assurance after that it is going to be incorporated.

Reverend the Hon. F. J. NILE: If we can give that to the Chair you can advise Mrs Arena at two o'clock.

CHAIRMAN: We will have a deliberative meeting before giving Mrs Arena—

Reverend the Hon. F. J. NILE: About whether the letter is incorporated into the transcript, or not.

CHAIRMAN: Could your lawyers please give a copy to the Clerk?

The Hon. FRANCA ARENA: Because we have scribbled over it, I will go upstairs and get my secretary to make a couple of corrections and send it down in about 10 minutes, all right?

CHAIRMAN: In 10 minutes?

The Hon. FRANCA ARENA: In 10 or a quarter of an hour. Where will you be, Madam Chair?

CHAIRMAN: Here. We will be having a deliberative meeting for about 10 minutes.

The Hon. FRANCA ARENA: Okay, we will send it down here in 10 minutes. What time will we resume, Madam Chair?

CHAIRMAN: Two o'clock.

(Luncheon adjournment)

CHAIRMAN: Mrs Arena, remember you are on your former oath. Are you ready to answer questions?

The Hon. FRANCA ARENA: Yes. Could I ask you what happened to the submission?

CHAIRMAN: The Committee has accepted that you can table that and it will be incorporated in the transcript in the same way as other—

The Hon. FRANCA ARENA: Thank you, Madam Chair. Shall I give you an answer to that question regarding the file note? It is a short answer—the file note that you gave me?

CHAIRMAN: Well, you can either—which question are you asking?

The Hon. R. S. L. JONES: Number eight.

Reverend the Hon. F. J. NILE: She had been asked could she defer the answer until after lunch.

CHAIRMAN: No, I am just wondering are you wanting to give a statement arising out of the question that was asked before lunch?

The Hon. FRANCA ARENA: In answer to question number eight to which I said, can I answer after lunch because I haven't seen the file note?

CHAIRMAN: Yes.

The Hon. FRANCA ARENA: A quick answer. The reliance on this file note is another illustration of the Committee being unwilling to look at the real issue. The file note suffers from the following defects: one, it is unsigned; two, it is undated; three, it purports, however unreliably, to be a record by an anonymous person of a meeting I did not attend; four, it desires that part of the file note you rely is “AI”'s opinion about gossip and about a theory he attributes to me. This is an entirely unsatisfactory way of conducting inquiry. Are you going to call “AI” 1? No, you rely on some false and anonymous hearsay and delude yourselves into thinking you are conducting a serious inquiry. Can I read you something that Justice for Veterans Association wrote to the President of the Legislative Council on 2 April:

It is illogical for the standing committee to force Mrs Arena to divulge her sources and simultaneously refuse to examine informants ready and willing to appear before the said committee. Such conduct is inexcusable.

It is even more inexcusable when, rather than call witnesses which are available, this Committee persists on relying on false and hearsay.

The Hon. R. S. L. JONES: Madam Chair, can I ask a supplementary question to that?

CHAIRMAN: Yes.

The Hon. R. S. L. JONES: You did attend, though, the meeting with “AI” on Wednesday, 19 March, didn't you?

The Hon. FRANCA ARENA: I did meet with “AI”, yes.

The Hon. R. S. L. JONES: When he said he did not attend the meeting, I thought you were referring to that meeting there.

The Hon. FRANCA ARENA: No, I did.

CHAIRMAN: Did you discuss with him a number of matters concerning alleged homosexuals and paedophiles said to be involved in one way or other in the Royal Commission?

The Hon. FRANCA ARENA: I have no recollection at all of having discussed that with him. I certainly have a recollection of discussing with him all the issues which I think are in my letter which is tabled—annexed to the attachments, yes.

CHAIRMAN: Did you speak to “AI” about a newspaper article in September 1996 which had said the royal commission was going to do certain things in respect of judges and members of Parliament?

The Hon. FRANCA ARENA: If you could show me the article. I have no recollection at all of discussing that. If you could show me the article maybe it would prompt my memory but I can't remember. I honestly can't remember.

CHAIRMAN: Do you recall what was discussed at that meeting?

The Hon. FRANCA ARENA: Yes, I told you. The issues which are in my letters, we went through one by one. Isn't it an attachment, my letter? We went through the issues one by one, what he could do, what he couldn't do, how he would deal with it. I think it is attachment 21, yes. I think a statutory declaration, we discussed that, three letters received, a call from a woman, I think we went all through my letter item by item.

CHAIRMAN: Did you tell “AI” that after the newspaper article was published a meeting of a Labor Party group took place including Mr Carr and Mr Della Bosca?

The Hon. FRANCA ARENA: I have no recollection at all, Madam Chair.

CHAIRMAN: Did you also tell “**AI**” that later in the week of the Labor Party group meeting Mr Carr met with Justice Wood?

The Hon. FRANCA ARENA: No recollection at all. I wonder, Lyn, I can't hear her very well. Is there a way of putting it a little bit higher or closer?

Ms LOVELOCK: The sound system is not actually on. We have only got tape going for Hansard.

The Hon. FRANCA ARENA: Oh, I see. I see, right.

CHAIRMAN: I will speak up.

The Hon. FRANCA ARENA: Thank you, Madam Chair.

CHAIRMAN: Did you tell “**AI**” that in that meeting between Mr Carr and Justice Wood they reached an agreement to the effect that if the royal commissioner did not name politicians the judges would not be named in Parliament or something along those lines?

The Hon. FRANCA ARENA: Absolutely not. I have no recollection at all and I think you should call “**AI**” regarding this and ask him.

CHAIRMAN: Did you tell “**AI**” in March 1997 something about an agreement between the Premier and the royal commissioner to suppress the names of prominent people in relation to the royal commission's paedophile inquiry?

The Hon. FRANCA ARENA: I have no recollection at all. All I can tell you is that I certainly remember discussing every single item that was, that I then put in writing, but I can't—have no recollection. I mean, it was the first time I met “**AI**” and it would be hardly that I would go to him and discuss such confidential stuff. I mean, even though I, you know, trusted “**AI**” I really did not know a lot about him. It was unlikely that I would go there and discuss such private things with even a top policeman.

CHAIRMAN: Mr Lynn.

The Hon. C. J. S. LYNN: Thank you, Madam Chair. Mrs Arena, I go back to “**BC**” annexure, page 4, paragraph F.

The Hon. FRANCA ARENA: “**BC**”?

The Hon. C. J. S. LYNN: [*evidence suppressed*]

The Hon. FRANCA ARENA: No, he didn't, no, but I think that, you see, I can't completely recollect with that. But what I think happened was that [*evidence suppressed*]

The Hon. C. J. S. LYNN: One of the allegations he makes in his statement in question G which I consider is a serious one, he says:

[evidence suppressed]

The Hon. FRANCA ARENA: No. I honestly, I think that, what can I say to you? This man wrote me this very, as you can see, well-written letter. He is a man of certainly very good education, a very honest man, and he wrote that stuff. I mean, I know that things were proceeding. He told me, I think you have seen it in the letter, I can't recall, *[evidence suppressed]* I mean, I knew that everything was in hand with him so, I mean, I didn't actually pursue it, if you know what I mean. I didn't go to the police, everything was already at the police, had already been done.

The Hon. C. J. S. LYNN: *[evidence suppressed]*

The Hon. FRANCA ARENA: I think some of them, but to tell you the truth, I mean, I, as I said, I never followed it up with him except more in a general sense of his own allegations because I knew that it had been reported to the police, that he was following it up. So I just—there were so many other cases I had of people who had never been, you know, received any attention and I thought he was a well articulate, educated man, he knew what he was doing so I didn't feel I had to help him as much as I helped others who maybe did not have the same amount of education.

The Hon. C. J. S. LYNN: When he was talking about the possible scale of the problem he states:

It can therefore be stated with some certainty that *[evidence suppressed]*

The Hon. FRANCA ARENA: Well, I have met—I told you that “BC” came to a big rally we had in Hyde Park and also outside Parliament House. I think that was on a Saturday morning that we had the big rally in Hyde Park. *[evidence suppressed]*. I said, "Would you mind if I got this young man to come to your group because he needs support? There is nothing that can be done because this thing happened a long time ago but he needs support." They were very helpful but I mean I couldn't follow up every single thing, it was so much.

CHAIRMAN: *[evidence suppressed]*

The Hon. C. J. S. LYNN: Certainly, Madam Chair. I am going to take you to some questions *[evidence suppressed]* Do you agree that the anonymous letter apparently dated 6 November 1996, which is attachment 12 referred to in paragraph 64 of your main statement, conveys the allegation *[evidence suppressed]*.

The Hon. FRANCA ARENA: I mean, I think I said clearly in my submission that while it was difficult to give credibility to anonymous material, it was sufficient to sort out in my mind. I mean, I think that I would give the same credibility, I suppose, that the Committee gave to the anonymous file note of “AI”.

The Hon. C. J. S. LYNN: *[evidence suppressed]* Do you agree that such an allegation made against *[evidence suppressed]* was so serious that any responsible member of Parliament who

thought there was any real possibility that there was something true in it would be bound to inform the proper authorities immediately so that it could be investigated?

The Hon. FRANCA ARENA: Well, if it had been by a named person, I would certainly—if there was a name and an address I would have certainly referred immediately to the police. But I mean, even when I met with “**AI**”, and as I told you I think there was a couple of stuff that was anonymous, he said, “Well, we can’t do anything about it”. I mean, talking with “**BO**” a few times I told we are being told this, that and the other. He said, “Well, if nobody comes forward, Franca, we can’t do anything about it.” So, I mean it was impossible for me to take any action. It was an anonymous allegation.

The Hon. JENNIFER GARDINER: [*evidence suppressed*] Given that it was an anonymous piece of correspondence, you did not, I presume, take any steps to inform the proper authorities of the allegation.

The Hon. FRANCA ARENA: No.

The Hon. JENNIFER GARDINER: Do you agree that anonymous scandal of that kind contained in that attachment 12 is worthless material so far as concerns an investigation of the facts alleged in it?

The Hon. FRANCA ARENA: It is actually not for me to say. I did not do anything about that allegation, but you asked me to present to you all the material, a full statement, so I attached it. But, I mean, you know, it is for me not to say. As I said, it was difficult to give credibility to anonymous material.

The Hon. JENNIFER GARDINER: Do you accept that that attachment was not sufficient to sow any doubts in the mind of a responsible and reasonable member of Parliament, that is, doubts about [*evidence suppressed*]

The Hon. FRANCA ARENA: No.

The Hon. JENNIFER GARDINER: Do you accept that you have attempted to mislead this Committee, and deliberately so, by your suggestion in paragraph 64 of your main statement that your attachment No. 12 was sufficient to sow doubts in your mind [*evidence suppressed*]

The Hon. FRANCA ARENA: I absolutely deny that I tried to mislead this Committee. Absolutely and completely deny it.

The Hon. JENNIFER GARDINER: Did you ever believe that the royal commission made no investigations about “**E**”?

The Hon. FRANCA ARENA: Did I? Sorry, can you say it again?

The Hon. JENNIFER GARDINER: Did you believe that the royal commission made no investigations about “**E**”?

The Hon. FRANCA ARENA: [*evidence suppressed*]

The Hon. JENNIFER GARDINER: You suggested that Justice Wood practically exonerated “E”. What led you to that suggestion?

The Hon. FRANCA ARENA: I will just find the attachment, Madam Chair. Maybe could I come back to that one? What is the question again?

Reverend the Hon. F. J. NILE: That is the question: what is the basis of your suggestion that Justice Wood practically exonerated “E”?

The Hon. FRANCA ARENA: Where did I suggest that?

The Hon. JENNIFER GARDINER: I do not know. [*evidence suppressed*]

CHAIRMAN: We will come back to that.

The Hon. A. B. KELLY: Mrs Arena, Do you now accept that you cannot reasonably justify the allegations made in paragraphs 67 and 86(f) of your main statement, where you say Justice Wood did not investigate “E”?

The Hon. FRANCA ARENA: I have already read out, Mr Kelly, what Wood said about “E”. I think that covers it.

The Hon. A. B. KELLY: But do you now accept that you cannot reasonably justify those allegations?

The Hon. FRANCA ARENA: I don't accept that.

The Hon. A. B. KELLY: Do you now accept that your belief about “E” and the royal commission, if you held it at all, has no evidence at all—has no relevance at all to the issue of the propriety of your conduct in making allegations against Justice Wood in Parliament on 17 September 1997?

The Hon. FRANCA ARENA: No, no.

The Hon. A. B. KELLY: Do you accept that the material about “BA” contained in your attachment S8, referred to in paragraph 11 of your supplementary statement, could not have provided any justification for what you had previously alleged [*evidence suppressed*] in your speech in Parliament on 17 September 1997?

The Hon. FRANCA ARENA: I don't accept that, [*evidence suppressed*]

The Hon. A. B. KELLY: Do you have any knowledge whether the royal commission investigated “BA” and supplied material to police authorities about him?

The Hon. FRANCA ARENA: What I have, the knowledge I have about it is that file note from my secretary about “BA”, [*evidence suppressed*]

The Hon. A. B. KELLY: Do you have any reason to explain why you have drawn the material in your attachment S8—that is, the supplementary—to the Committee's attention, other than to be the vehicle of serious allegations [*evidence suppressed*]

The Hon. FRANCA ARENA: The beginning of the question was?

The Hon. A. B. KELLY: Do you have any reason to explain why you have drawn the material in your attachment S8 to the Committee's attention?

The Hon. FRANCA ARENA: I mean, you asked me for a full statement and I gave all the material was presented to me by my constituents.

The Hon. A. B. KELLY: In attachment S8 you actually selected two.

The Hon. FRANCA ARENA: Thank you, could we have a look at it?

The Hon. A. B. KELLY: Okay. In paragraphs 87 and 88 of your main statement you assert your concern that the royal commission might have covered up paedophilia by high profile persons. Do you now say that the repeated public position of Justice Wood and the royal commission that its role was not simply to investigate paedophilia was contrary to his legal duty to observe the terms of reference? Do you say this was a dishonest, disgraceful or corrupt position for Justice Wood to take?

The Hon. FRANCA ARENA: No, I always said that the terms of reference were so restrictive that it was possible—it was possible for a limited investigation or it was impossible to investigate paedophilia properly.

The Hon P. T. PRIMROSE: Mrs Arena, in paragraph 88 of your main statement you complain that the royal commission did not use powers available to it, that the police force does not have, in relation to allegations about prominent paedophiles. Are you aware that statements made to the royal commission cannot be used against persons making the statement in a subsequent criminal prosecution unless the accused waives his or her privilege against self-incrimination? Do you think—

The Hon. FRANCA ARENA: Yes, to the first part of your question.

The Hon P. T. PRIMROSE: The second part: did you think seriously that the royal commission would be able to force people to confess to criminal activity and then use that material in a criminal trial against them?

The Hon. FRANCA ARENA: They could use videos. They did use them for the police investigation.

The Hon P. T. PRIMROSE: Do you accept that the royal commission was entirely correct and reasonable in seeking to pass on information received about paedophilia, including by prominent people, to police authorities who could investigate and prepare material for eventual prosecution if they and the prosecuting authorities thought it appropriate?

The Hon. FRANCA ARENA: Yes, so far as—yes, yes, so they did so.

The Hon P. T. PRIMROSE: Do you accept that the royal commission very properly never tried to take over the separate functions of police investigation and criminal prosecution in relation to criminal activity brought to its attention?

The Hon. FRANCA ARENA: That is a problem with the terms of reference.

The Hon P. T. PRIMROSE: Do you accept that the explanation given in paragraph 1.25 in volume IV of the royal commission's final report as to why the royal commission did not itself seek an extension of its powers, to the extent sought by Reverend the Hon. F. J. Nile's motion of 31 October 1996, is an honest account of why Justice Wood took that view? I will now read to you paragraph 1.25:

The Royal Commission did not, itself, seek an extension of its powers in a way which would have converted it into a standing body tasked with the criminal investigation of unlawful paedophile or pederast activity, for the reasons that:

- by their nature commissions of inquiry are short-term investigative bodies whose purpose classically is not to investigate individual criminality, but rather the reasons why existing laws, systems and structures for public governance, in this instance the policing and protection of children from paedophilia and pederast activity, have failed their purpose, and to make recommendations for long-term reform;
- such bodies cannot continue their work indefinitely, since at some stage a permanent and regular agency must resume the work for which it was created;
- during the Royal Commission, the Child Protection Enforcement Agency (CPEA) was established and funded and is carrying out very professional and successful criminal investigations in the area of serious extrafamilial abuse. It is supported by the Joint Investigation Teams (JITs) which have also been approved and deployed in various locations to deal particularly with familial sexual abuse;

The Hon. FRANCA ARENA: Can I interrupt you? I mean, I don't know how long you are going to go on. If you expect an answer from me, it is very difficult to even follow what you are saying. Could you please keep your questions—you are asking me to give a short answer but your question should be a little bit shorter, because I can't even remember what you said at the beginning. I am under a lot of stress, and I don't know what you keep on reading it. What is your question?

The Hon P. T. PRIMROSE: Madam Chair, maybe it would be appropriate to get a photocopy of this so the question may be put on notice, and provided to the witness.

CHAIRMAN: Yes, and have it incorporated in the record.

The Hon P. T. PRIMROSE: Possibly, if I could make it simple, there are only two other points. If I finish reading those and then a photocopy of the page could be given to the witness. I will just finish with the final two points:

- the resources needed to cover the entire field of child sexual abuse are very extensive, and are well outside the capacity of the Royal Commission. To interrupt the progress of the CPEA and the JITs made no sense and would have been seriously counter-productive to any co-ordinated attack on this form of criminal activity; and
- the use of a commission of inquiry for law enforcement is not compatible with the adversarial system of justice, nor is the exercise of coercive powers by such a body, in a public forum, particularly helpful for criminal investigative purposes, since:
 - the findings of a Royal Commission are not a substitute for findings in a criminal trial, and are not binding upon such a trial;
 - the publicity given to the proceedings of a Royal Commission can cause difficulties in ensuring that an accused receives a fair trial;
 - evidence collected pursuant to coercive powers of the kind used by a Royal Commission is not available in a criminal trial; and
 - the office of a serving judge is not compatible with the acceptance of an office that involves an exclusively criminal investigative or prosecutorial function.

Just to clarify then, reading the question again, do you accept the explanation given in that paragraph, 1.25, that I have just read of the Royal Commission's final report, as to why the Royal Commission did not itself seek an extension of its powers to the extent sought by the Reverend the Hon. F. J. Nile's motion of 31 October 1996, is an honest account of why Justice Wood took that view?

The Hon. FRANCA ARENA: I don't find Justice Wood's reasons convincing, but I will—you will have to ask him that question. I think I made no allegation that was dishonest but I reiterate what I said in paragraph 115, that the community is angry and distressed. The Opposition itself expressed disappointment that the Wood Royal Commission did not name names. The plethora of complaints that I have received demonstrated this allegation to be true. The community had an unfulfilled expectation that the report would result in the prosecution of paedophiles, especially those in high places. Let me read Mr Collins, what Mr Collins said:

The course of action decided by this Parliament this afternoon will determine the outcome of the royal commission and the effectiveness of the royal commission as it relates to paedophilia. This is a unique opportunity . . .

The terms of reference that he approved yesterday do not go within a bull's roar of those his caucus required. His caucus wanted him to open up . . . to conduct criminal investigations at large into allegations of paedophilia or pederasty that are unconnected with protection issues arising as a result of corruption, system failure or abuse of office by public officials. These go well beyond what the Premier said in his press release. He announced an extension of the terms of reference to require the royal commission to inquire into a report upon whether the existing laws prohibiting paedophilia are appropriate. . . whether government departments have exercised sufficient care in screening children—

and, according to “BC”, they did not:

—and whether Police Service investigatory processes and procedures are sufficient—in other words, all procedural matters.

The Premier has not opened the door to investigate or to complete the investigations of these horrendous allegations of paedophilia.

This is again Mr Collins:

The consequences of not extending the terms of reference, of basically not following through with the resolution of the Labor caucus yesterday, is that this unique opportunity to lift the lid on this shocking, horrendous exploitation of children will be gone for many years.

CHAIRMAN: Mrs Arena, are you reading from your old statement?

The Hon. FRANCA ARENA: No, I am reading from Mr Collins, what he said about this in Parliament. I think it is very important to the question that Hon. P. T. Primrose asked me. He says Mr Wood, did he do the right thing? I don't know, ask Mr Wood, but I know, as we discussed this with Mr Paul Whelan, who said to me, "If Justice Wood is too tired, if the commission has gone too long, we can get another judge." He should have demanded of the Premier a full inquiry into paedophilia. It was his duty as a judge, as a father and as a citizen.

CHAIRMAN: Mr Manson?

The Hon. A. B. MANSON: Franca, do you accept that a lawyer in Justice Wood's position, with his knowledge, skill and experience, was fully entitled to come to the view recorded in paragraph 1.25 of the final report—even if you disagreed with it?

The Hon. FRANCA ARENA: I am sorry, but I don't have that paragraph, and to give an answer without the paragraph—

Reverend the Hon. F. J. NILE: It is the question Mr Primrose just read to you.

The Hon. FRANCA ARENA: I see, okay. How does that help? He came to that conclusion—well, you know, I don't know.

The Hon. A. B. MANSON: Do you now concede that it would be utterly unreasonable, and very unfair, to suggest sinister motives against someone who held the view recorded in paragraph 1.25 of the final report?

The Hon. FRANCA ARENA: I never suggested sinister reasons.

The Hon. A. B. MANSON: And therefore did not seek as wide a terms of reference as you personally would have preferred?

The Hon. FRANCA ARENA: I never suggested sinister motives. I think he was wrong. And even a great justice like him could be wrong. Nobody is—and it is not what I prefer, Andy, it is what the caucus wanted.

The Hon. A. B. MANSON: *[evidence suppressed]*

The Hon. FRANCA ARENA: *[evidence suppressed]*

The Hon. A. B. MANSON: Do you accept that the continued secrecy of investigations, including investigations using covert methods, is vital if such investigations are to have the best chance possible of leading to the prosecution of persons against whom allegations of paedophilia are made?

The Hon. FRANCA ARENA: Perhaps.

The Hon. A. B. MANSON: Do you now concede that you could never reasonably accuse the Royal Commission of failing to make investigations, including by covert methods, unless you genuinely believed there were no investigations which had to remain secret in order to be of any public use?

The Hon. FRANCA ARENA: No.

The Hon. J. R. JOHNSON: Mrs Arena, do you now concede that your criticisms of Justice Wood in relation to matters where you allege no or inadequate investigation were made in ignorance of facts, some of which must still remain secret, so they were made recklessly?

The Hon. FRANCA ARENA: My answer is no.

The Hon. J. R. JOHNSON: Do you now concede, Mrs Arena, that your criticism of Justice Wood in relation to matters where you allege no or inadequate investigations involved you, with no legal or police expertise, setting yourself up as being in a superior position of knowledge and judgment about matters of law and policing, over people like Justice Wood and the royal commission staff, who certainly were and are experts in these areas?

The Hon. FRANCA ARENA: Well, I see that my position is shared by the Leader of the Opposition, who is not a humble backbencher like myself but who is a QC and a lawyer. Therefore, he shares my opinion, and I leave it at that.

The Hon. J. R. JOHNSON: Mrs Arena, do you agree that none of the criticisms of the royal commission made by you to this Committee can reasonably justify the allegations made by you against Justice Wood in your speech in Parliament on 17 September 1997?

The Hon. FRANCA ARENA: No, not at all.

The Hon. J. R. JOHNSON: Is the suggestion by you in paragraph 104 of your main statement intended to convey an allegation that Justice Wood improperly, dishonestly or corruptly agreed to the new terms of reference?

The Hon. FRANCA ARENA: Not dishonestly or corruptly.

The Hon. J. R. JOHNSON: But improperly?

The Hon. FRANCA ARENA: I disagreed with the terms of reference. I think I made that plain all the time. I disagreed on their agreement of the new terms of reference.

The Hon. J. R. JOHNSON: Do you seriously try to justify what you allege against Justice Wood in your speech in Parliament on 17 September 1997 by the simple fact that he accepted and then observed the limits of the terms of reference imposed by the Government?

The Hon. FRANCA ARENA: Not just that, but I dealt with this in detail in my statement, Mr Johnson.

CHAIRMAN: Mrs Arena, do you know how many charges were laid arising out of the paedophilia section of the royal commission?

The Hon. FRANCA ARENA: Well, I can't offhand. I certainly was aware of them. I tried to inform myself as much as possible but I can't remember them right now.

CHAIRMAN: Do you know whether it was a few or dozens or—

The Hon. FRANCA ARENA: I know that some of the search warrants they issued were ruled unlawful by the Supreme Court. This is all the eggheads at the royal commission, they were so smart that all the things they did. I mean, this is a poor, humble backbencher who never did law, but they were all lawyers, QCs, judges, and they issued search warrants that were deemed unlawful by the Supreme Court.

Reverend the Hon. F. J. NILE: Did Mr Marsden take that to the court?

The Hon. FRANCA ARENA: Yes, Mr Marsden took that to the court as well. I mean, you are asking me to have this deferential attitude to somebody because he has done law, sits on a bench. There are some good judges, bad judges; good policemen, bad policemen; good members of Parliament, and bad ones.

CHAIRMAN: Mrs Arena, you have made allegations of a cover-up.

The Hon. FRANCA ARENA: In the terms of reference, yes: the terms of reference was a cover-up.

CHAIRMAN: Are you aware of how many charges arose out of the paedophile section of the royal commission?

The Hon. FRANCA ARENA: It is not relevant to the Committee terms of reference, Madam Chair. I mean, are you going to ask me how the condition in Mulawa prison is, next? What is the relevance to the terms of reference?

CHAIRMAN: Mrs Arena, do you have any idea of how many charges? It was a public announcement.

The Hon. FRANCA ARENA: I am sorry, but I am—what you say—an information—

The Hon. A. B. MANSON: Overload.

The Hon. FRANCA ARENA: Thank you, Andy, an absolute information overload. I am more concerned with the people who came to see me and said that people were not charged. Then, like “AD”, who says he has been abused by “E”, and “E” was never charged. I am more concerned about that than the people who have been charged. They have been charged, that is good and well. I am more concerned about the ones who haven't been charged—and why, when there are victims who say, "I have been abused."

The Hon. R. S. L. JONES: The police have had two thorough investigations into that.

CHAIRMAN: So you never acquainted yourself with the number of people charged arising out of the paedophilia section?

The Hon. FRANCA ARENA: That is not right at all, Madam Chair. I have and, as I said, right at the moment I couldn't tell you the number. If you had asked me, most probably, last August after I finished the report, reading the report, making information, I could have, you know, like that—I am just not a computer, unfortunately.

CHAIRMAN: Was it in the hundreds?

The Hon. FRANCA ARENA: I am not a computer, Madam Chair. I have answered the question.

CHAIRMAN: Mr Nile?

Reverend the Hon. F. J. NILE: [*evidence suppressed*]. Do you accept that the royal commission clearly regarded the subject matter of chapter 11, "The Churches", of its final report as within its extended terms of reference? Do you now concede that this position of the royal commission is plain to any reader of the first page of chapter 11, and especially in paragraph 11.2?

The Hon. FRANCA ARENA: The answer to the two questions is no and no. No, I do not even know exactly.

Reverend the Hon. F. J. NILE: The next question is: do you now withdraw any implication that there must be something sinister about Justice Wood declining to seek wider terms of reference, given that he did investigate "The Churches" in light of the published position of the royal commission that "The Churches" was a topic within the existing terms of reference?

The Hon. FRANCA ARENA: There was never any such sinister implication—never.

Reverend the Hon. F. J. NILE: [*evidence suppressed*]

The Hon. FRANCA ARENA: [*evidence suppressed*]

Reverend the Hon. F. J. NILE: [*evidence suppressed*] Do you now accept that such an approach to the preparation of a speech to be delivered under privilege would be scandalous and irresponsible?

The Hon. FRANCA ARENA: My answer to all your questions is no, no, no.

Reverend the Hon. F. J. NILE: [*evidence suppressed*]

CHAIRMAN: Mrs Arena, have you considered the possibility that people whose names came up in the paedophile section of the royal commission were not charged because there was not enough evidence to obtain a conviction in court?

The Hon. FRANCA ARENA: Madam Chair, I mean, I honestly cannot see the relevance of your question to the terms of reference. What, you know, I think about all sorts of different things I do not think is relevant.

CHAIRMAN: Mrs Arena, you have alleged a cover-up. Part of your reasoning seems to be that, as you say, no-one was charged, no names were named. Perhaps the lawyers working within the royal commission felt that evidence, hard evidence needed to be produced in order to obtain a conviction in court.

The Hon. FRANCA ARENA: I think that—

CHAIRMAN: Have you considered that possibility?

The Hon. FRANCA ARENA: Madam Chair, all things are possible. I have dealt with what I think and how I feel about it all in my statement. It is all there and I do not think I can improve on that.

CHAIRMAN: We will have a very short adjournment now for a very short deliberative meeting, probably five minutes, so that we can shorten the rest of the questions that we have to ask you, so that it will be done today.

The Hon. FRANCA ARENA: Madam Chair, could you please inform us when we resume when is the statement, my statement, going to be released and the transcript of the last meeting, thank you very much.

(Short adjournment)

CHAIRMAN: Mr Jones?

The Hon. R. S. L. JONES: [*evidence suppressed*]

The Hon. FRANCA ARENA: Sorry, can you start again, please?

The Hon. R. S. L. JONES: [*evidence suppressed*] You have published to this Committee as part of your statements allegations about “**D**” appearing in video filmed at the “**Hotel A**”, [*evidence suppressed*] which you say are supported by a newspaper article referring to [*evidence suppressed*]. You claim that those allegations justified in part your speech in Parliament, yet—

The Hon. FRANCA ARENA: I never claimed that at all.

The Hon. R. S. L. JONES: —yet in the transcript of the first evidence at 26.6—if you have your transcript there—you say, “. . . the “**Hotel A**” and a video was given to me after I made my speech.” How can you claim those allegations as justification when you said you did not have them at the time of your speech?

The Hon. FRANCA ARENA: I never made that claim.

The Hon. C. J. S. LYNN: Mrs Arena, [*evidence suppressed*] You were asked by the Hon. Richard Jones at transcript 18.8 whether “you checked with the hotel on whether or not “**D**” has stayed there” and you replied, “I am not a policeman or a detective.” You repeated this answer to similar questions over transcript pages, paragraphs 20 to 21. Do you mean by these answers to convey to the Committee that you did not have the capacity to check out these allegations or that you did not have the inclination to do so?

The Hon. FRANCA ARENA: I did not have the capacity to do so; it would have been improper of me; I would not have elicited a reply from the hotel. I would have actually spread a cloud over “**D**” and it was not my intention to do so with the hotel.

The Hon. JENNIFER GARDINER: Mrs Arena, [*evidence suppressed*], and I think you have answered it in a question of my own earlier. But for the record, in the transcript of your evidence you say that you would most probably “do it”, that is, make your speech again, but that you would be “more cautious in the words that you chose”. Is that because you accept that some of what you said in your speech was reckless as to the reputations of the persons that you named?

The Hon. FRANCA ARENA: No, no, and I refer, as you say, to my previous answer. Some of it has been misinterpreted.

The Hon. A. B. KELLY: Mrs Arena, if you do not accept that, why would you have wished to consult with your lawyers? To protect yourself, perhaps?

The Hon. FRANCA ARENA: Sorry, what was the question?

The Hon. A. B. KELLY: If you do not accept, in relation to the answer by the Hon. Jenny Gardiner and the proposition that she put, if you do not accept that, why would you have wished to have consulted your lawyers? And also this morning in relation to a question by the Hon. Jenny Gardiner you said that you would change some words in your speech if you made it again now. Which words would you have changed?

The Hon. FRANCA ARENA: Mr—first of all, I think, I do not know what you are talking about—consulting my lawyers. I mean, Madam Chair—Madam Chair is continuously talking to Mr Gross and nobody seems to pick it up on her. I have got lawyers to assist me and this is why I am consulting with them. I mean, what is the point of having lawyers if I am not consulting with them?

The Hon. A. B. KELLY: The point is that back in the first transcript you said that you did not have any lawyers available to you at the time when you made your speech. If you had lawyers you indicated you may have been more cautious in your approach in the words that you would use. And again this morning in answer to a question by the Hon. Jenny Gardiner you said that you might change some words.

The Hon. FRANCA ARENA: I have already answered it.

The Hon. A. B. KELLY: You would change some words if you made the speech again. I am just asking what words would you change?

The Hon. FRANCA ARENA: Well, I mean—I am not going to write my speech now. I offered to do that on another occasion and you did not even reply to me. I just want to leave it at that. I think I gave a comprehensive reply about that. I think I have been misinterpreted, and that's it.

The Hon. A. B. KELLY: So the comments you made to the Hon. Jennifer Gardiner this morning, do you still stand by them—that you would change some words if you made the speech again?

The Hon. FRANCA ARENA: Yes.

The Hon. A. B. KELLY: And you cannot tell me what words?

The Hon. FRANCA ARENA: Well, I told you I offered to rewrite my speech so that you would understand it better, but you haven't asked me to do it so I haven't done it.

The Hon. A. B. KELLY: Would you change anything you said about the meetings? Is there anything that comes to mind that you would change—any specific points?

The Hon. FRANCA ARENA: If you want me to rewrite it—

The Hon. A. B. KELLY: Not word for word, there's only a number of points in there. Is there anything there that you—

The Hon. FRANCA ARENA: I am not going to please you by changing one word here and there. If you want me to rewrite it, I will do it.

The Hon. A. B. KELLY: Do you stand by what you said in there, in that speech?

The Hon. FRANCA ARENA: Mr Kelly, are you asking advice from your lawyers?

The Hon. A. B. KELLY: I am asking you a question: do you stand by—

The Hon. FRANCA ARENA: But I see that the question comes from your lawyers—exactly what you accused me of five minutes ago, of consulting with my lawyers.

The Hon. R. S. L. JONES: Not his lawyers.

The Hon. A. B. KELLY: I had written those questions down this morning, when the Hon. Jennifer Gardiner asked you a question.

CHAIRMAN: Mrs Arena, just to clarify matters, Mr Kelly's question is relating to your previous statements about how you felt when you were giving your speech and you said that perhaps if you had had lawyers you would have consulted them. It is no reference to the present situation and your situation with your lawyers now.

The Hon. R. S. L. Jones: If you had had lawyers at that time.

The Hon. A. B. KELLY: I refer to page 22 of the very first transcript that came out.

The Hon. FRANCA ARENA: Right.

The Hon. A. B. KELLY: It is just that you did confirm that again this morning when you answered the Hon. Jennifer Gardiner.

The Hon. FRANCA ARENA: What is your question, sorry, Mr Kelly? With all this talking about lawyers and things, I just lost my thread. What is your question?

CHAIRMAN: His question is, which words would you—

The Hon. A. B. KELLY: You said this morning, in answer to the Hon. Jennifer Gardiner, that you would change some words if you made this speech again. I am just saying, which words?

The Hon. FRANCA ARENA: Well, I am not going to write my speech now.

The Hon. A. B. KELLY: Instead of jumping in this morning with those words, I am just asking you now what—

The Hon. FRANCA ARENA: I am sorry, Mr Kelly, I'm not going to write my speech now. If you want me to do it, I will be happy to comply.

The Hon. A. B. KELLY: Do you back down—and I have asked this a number of times, I have asked you a few times, you would recall—do you want to recant from anything in your speech that you made?

The Hon. FRANCA ARENA: I do stand by what I said. I am sorry it has been misinterpreted in certain parts. I think it has been explained clearly in my statement, and I ask you to reread my statement and you will get your reply there.

The Hon. A. B. KELLY: Did you mean what you said about the meetings occurring?

The Hon. FRANCA ARENA: What did I say about the meetings, Mr Kelly?

The Hon. A. B. KELLY: In your speech you referred to—

The Hon. FRANCA ARENA: What part are you referring to?

The Hon. A. B. KELLY: In your speech you referred to two meetings: a meeting between Carr and Collins and between Carr, Collins and Della Bosca.

The Hon. FRANCA ARENA: You read me the bit you are interested in and I will give you a reply as best I can.

The Hon. A. B. KELLY: Perhaps we might proceed to the next question.

CHAIRMAN: Mrs Arena, in your first evidence, your first day of evidence to us you were asked, "Do you think that "G" is an honest man?", but you did not answer it—

The Hon. FRANCA ARENA: Back on "G", are we? When are we going back to "A"?

CHAIRMAN: Can you now please answer that?

The Hon. FRANCA ARENA: Yes, so does "AA".

CHAIRMAN: Do you believe that he was honest in what he said about "D"?

The Hon. FRANCA ARENA: Yes, I think that he was honest in what he was saying. He might have been mistaken—that is quite possible, most probably probable. But it is a different thing being mistaken. "AA", I think he said he showed him the book and said the name is not there, and "G" said, "Well, I must have been mistaken."

CHAIRMAN: Did you believe he might have been mistaken when you made the speech?

The Hon. FRANCA ARENA: I never referred to that in my speech—never, ever referred to that. [*evidence suppressed*]

CHAIRMAN: At the time you made your speech did you believe that “G” was mistaken?

The Hon. FRANCA ARENA: I did not know what to believe. I was waiting for the police to tell me what to believe, Madam Chair. I am not a policeman. I didn't have “K”'s book in my hands, I have never seen it.

CHAIRMAN: The question that I am asking is: at the time you made your speech did you believe that “G” was mistaken in his allegations about “D”?

The Hon. FRANCA ARENA: I repeat what I said: my belief in what “G” told me did not impact on my speech. The reality is that my speech talked about terms of reference. It is “AA” who told me that he checked the book and the name wasn't there. I am not a policeman. I have never seen “K”'s book.

The Hon. A. B. KELLY: Just to refer back to that question. You asked me to nominate the meetings and your comments in relation to them in the report of the special commission inquiry, on page 51—your speech to Parliament. There are two paragraphs in particular in which I quote you as follows:

Did that not give us a lot of hope that things would change? But what happened? The next day Bob Carr's office denied that such a meeting was ever going to take place, but it is fair to assume that a meeting did indeed take place when the furore had died down. There was also another meeting which took place here at Parliament House late the following Sunday between Bob Carr; the General Secretary of the Australian Labor Party, John Della Bosca; party president, Terry Sheehan; and other important figures in the ALP. Are these people going to deny the meeting took place?

The second paragraph reads:

I had confirmation by security officers and others unable to talk about it publicly who could testify to it but are in fear of losing their jobs. I believe it was all to organise damage control. Following the meeting with Peter Collins and the late meeting at Parliament House, the Premier met with Justice Wood. What happened at the meeting between Justice Wood and Carr I do not know. No information was leaked, but I am bold enough to presume that an agreement was reached to ensure that people in high places would not be named as it would have been too traumatic for the community to realise how many of its so-called upstanding citizens were involved in criminal activities.

To the question—you said this morning to the Hon. Jennifer Gardiner—would you change some words, you said that you would change some words if you made the speech again. Which words? Are there any words in those two areas that I have just quoted that you would change?

The Hon. FRANCA ARENA: If you want me to do it, I will go away and do it, but for the time being let me tell you I dealt with all these issues on pages 26, 27 and 28 of my statement, at

paragraphs 91, 92: ". . . Bob Carr's office denied that such a meeting was ever going to take place". This denial was not disputed at the Nader inquiry and is plainly the fact. See *Telegraph* report on this, 19 May: ". . . it is fair to assume that a meeting did take place when the furore had died down." A meeting indeed was held between Whelan, Collins, Tink and another on the appointed day. And it goes on and on. You said that I should keep my answers short, so I will, but it is all here in my statement. I cannot change my statement to please you, Mr Kelly, it is all in here.

The Hon. A. B. KELLY: I am just trying to clarify the answer that you gave the Hon. Jennifer Gardiner this morning. There are only two paragraphs there, from page 51. Have you got those? Have you got those two paragraphs? Could you take a moment to have a look at them?

The Hon. FRANCA ARENA: If you want me to do it, I will be happy to do it for the next meeting.

The Hon. A. B. KELLY: All I want you to do is just have a look at them now.

The Hon. FRANCA ARENA: Mr Kelly, can you understand English or is my Italian—my English—too accented? I told you, if you want me to do it, I will do it. I am not going to give you an answer now.

The Hon. A. B. KELLY: You have had no trouble in giving us answers before. Could you just take a look at those two paragraphs and say either, no, you do not want to change it, or, yes, you think there are some things in there that you would change?

The Hon. FRANCA ARENA: I have given you an answer, I have given you an answer.

The Hon. A. B. KELLY: So you are refusing to give me either a no or just even to—

The Hon. FRANCA ARENA: I am not refusing—and please don't verbal me. I have said I have given you an answer. If you want me to do it, I will do it. I am going to be happy to do it for the next meeting. I am not going to be harassed by you during this meeting.

The Hon. A. B. KELLY: You had no trouble reading all the other paragraphs. It took me one minute to read it out. Surely—with two lawyers there—you can have a quick look at it. You are refusing to look at it.

The Hon. FRANCA ARENA: Mr Kelly, I am not refusing anything, please stop verballing me. I told you if you want me to rewrite the speech I will. You rewrite it for me and see if I agree with it—do it in a hurry, like here.

The Hon. A. B. KELLY: How about I read it again and you tell me—

The Hon. FRANCA ARENA: Mr Kelly, just don't be—Madam Chair—you are just trying to catch me out, you are such a smart arse, like—

The Hon. A. B. KELLY: I beg your pardon?

The Hon. FRANCA ARENA: I am sorry, I should not use this Australian vernacular, but I hear Madam Chair using them all the time on the twelfth floor so I'm a little bit confused at times. You know, this is how Australia works, nice—Andy knows, from the BMW—but it's full of smart arses as well.

The Hon. A. B. KELLY: It is only two paragraphs. Will you read them out for me?

The Hon. FRANCA ARENA: It is getting towards the end of the meeting, I see.

The Hon. A. B. KELLY: What is difficult—

The Hon. FRANCA ARENA: I have given you my answer, I have given you my answer, I have given you my answer I don't know how many times. If it is so easy, you do it right now again, Mr Kelly. You do it and I'll see if I agree with you, Mr Kelly, or I don't agree with you. I have given you my answer and that's it. It is what? Half-past three. We have another half hour to go over it.

CHAIRMAN: Mrs Arena, getting back to—I put on record that there was an unresponsive answer.

The Hon. FRANCA ARENA: Madam Chair, I object to that.

The Hon. JENNIFER GARDINER: On a point of order. Mrs Arena did answer that question this morning.

The Hon. FRANCA ARENA: Thank you.

The Hon. A. B. KELLY: She said she would change some of the points and I was just trying to find out which points, because they could well be the sticking points later on when we go into deliberative. It would have been handy to know which points they were.

The Hon. FRANCA ARENA: Madam Chair, do you want me to go and rewrite the piece for the next meeting? I will be happy to do it, I don't know what more co-operation can I offer to you all.

CHAIRMAN: Mrs Arena, I want to ask you a question. Getting back to the previous question I asked you, do you accept that an indemnity, an early release—

The Hon. FRANCA ARENA: Sorry, Madam Chair, the bell distracted me. Please ask the question again, I am sorry. I thought there was a division or something.

CHAIRMAN: Do you accept that an indemnity, an early release, is something that “G”, at least as far as he sees it, has to gain as a result of the information that he is supplying you?

The Hon. FRANCA ARENA: We are back on “G”. When are we going to “A” again? I just have no idea. As I said, if “G” wanted to big-note himself he could have spoken about “P” or “BP” or—I don't know.

CHAIRMAN: In the evidence you gave to us on the first day, who was the senior policeman who told you: "Mrs Arena, don't be surprised if the name is not there any more"?

The Hon. FRANCA ARENA: I am sorry, Madam Chair, but I am not revealing my sources. I remind you what the Veterans Association said. You continuously ask me about my sources, but the people who are willing to come as witnesses, you never call them. I think that you should think of calling witnesses who are prepared to give evidence to the Committee, instead of asking me to reveal people who have asked me to keep their confidence. And you know I would never, I would rather go to gaol than—

CHAIRMAN: Did the person who said that to you ask you to keep it confidential?

The Hon. FRANCA ARENA: Yes, absolutely.

CHAIRMAN: So he said: "Mrs Arena, don't be surprised if the name is not there any more, but I want this kept confidential"?

The Hon. FRANCA ARENA: Yes. It was in general terms about all sorts of things: when evidence disappears, things change.

The Hon P. T. PRIMROSE: [*evidence suppressed*]

The Hon. FRANCA ARENA: Sorry?

The Hon P. T. PRIMROSE: [*evidence suppressed*]. Mrs Arena, are you aware that the evidence that “G” gave before [*evidence suppressed*] I will read this out. "Witness 3. This man, in gaol for sex crimes against children, claimed “AE” sexually assaulted him in a [*evidence suppressed*] public toilet about August 1973 when he was a fourteen-year-old schoolboy. Three charges of indecent assault laid in relation to this man were dropped." The defence—I am quoting the defence, "He rates as one of the most unimpressive witnesses to ever grace a witness box in this State. His performance was one of the most disgusting and disgraceful performances in a witness box that a court would ever imagine. He was unreliable, disreputable and his criminal record included convictions for dishonesty and perversion. This man lives in his own reality. He is completely out of touch with the real world. He loves every minute of it, befriending journalists and politicians. If he wasn't doing this he would be rotting in a hell hole where other people who do what he does rot." Then it quotes the prosecution: "In relation to this man I make no submissions." Then finally a quote from the magistrate: "The defence submission in relation to this man carried a considerable degree of persuasion."

The Hon. R. S. L. JONES: Deal.

The Hon P. T. PRIMROSE: I am sorry, "a considerable deal of persuasion". So my question is, what do you think that the defence counsel thought of the credibility of "G" to justify making those submissions?

The Hon. FRANCA ARENA: Well, before I go into that I would like to say that when I said, "He could have mentioned "P"" or something it was meant, I suppose, people understand in jest, and I certainly want to withdraw any implication about [*evidence suppressed*]. You know, sometimes we do have a different sense of humour or understanding. But regarding your question, you as a committee have tried to discredit "G" by using above transcript, page 35 and 36—the entirely indefensible approach of using "AE"'s counsel's submission as being of some authority. This approach is scratching under every rock to try to find a slug willing to say something useful to your biased position and it is as pathetic as it is unfair.

The Hon. A. B. MANSON: Going on in a similar vein, Franca, what do you think that the Crown Prosecutor thought of the credibility of "G" such that he made no submissions against those of the defence?

The Hon. FRANCA ARENA: It is entirely irrelevant to the terms of this Committee, entirely irrelevant.

CHAIRMAN: Mrs Arena, you have asked us on several occasions to call "G" as a witness to this inquiry. Why do you think that questions regarding the credibility of "G" are in fact irrelevant to this inquiry?

The Hon. FRANCA ARENA: You are asking me my view of what the Crown Prosecutor thought. How would I know? How would I know what the Crown Prosecutor thought? How would I know? How would I know what the Crown Prosecutor think of "G"? I have asked you for him to come here so that you can assess "G"'s credibility, not "AE"'s counsel, the Crown Prosecutor—complete different case, complete different matters. You ask "G" to come here. You question him and see what credibility he has.

CHAIRMAN: Mrs Arena, we are asking questions to do with the credibility of "G". You have asked us to have him here as a witness. Could you please answer the question?

The Hon. J. R. JOHNSON: Mrs Arena, what do you think that the magistrate thought of the credibility of "G" such that he effectively endorsed those submissions of the defence and even dismissed at the prima facie level of a committal hearing those charges against "AE" based on the evidence of "G"?

The Hon. FRANCA ARENA: Mr Johnson, I have the greatest respect for you but I would like to answer your question with another question: why did Judge Urquhart ask, interview, "G" nine times if he was such a no-hoper, knowing nothing? Why did he take the trouble to interview him nine times? After the first time he should have said, "This is a liar, a cheat, a this and that. What is the point of interviewing him?" Even "AA" said in his—"G" was not a malicious person

though he might have been mistaken. This is “AA” saying it. I am not saying it; it is “AA”. And Judge Urquhart interviewed him nine times.

Reverend the Hon. F. J. NILE: [*evidence suppressed*] What did “AW” say to you when she rang you about that article from which Mr Primrose just quoted and the fact that she had published an article in the [*evidence suppressed*] some years before based on that evidence of “G” which had just been thrown out by the [*evidence suppressed*] Local Court?

The Hon. FRANCA ARENA: Mr Reverend Fred Nile, with all due respect, it is not a reverent—it is not a relevant question. It is absurd. When did she ring? I cannot even remember “AW”. You know, we don't ring each other every other week or talk about—she is a journalist. She is concerned about [*evidence suppressed*]. She is concerned about what happens. I mean, those poor people [*evidence suppressed*] have had their quota of paedophiles more than any other area in Australia. And I mean I cannot even remember what she thinks she did. I cannot remember. Mr Reverend Nile, can I just say one thing. [*evidence suppressed*]. It is not, you know, a fiction of my imagination, “AW”'s imagination, “G”'s imagination. [*evidence suppressed*]

CHAIRMAN: [*evidence suppressed*]

The Hon. FRANCA ARENA: I don't have no idea if it does or doesn't but I think that the royal commission called “AE” to come down and what happened? [*evidence suppressed*]

CHAIRMAN: Mrs Arena, I just want you to think about the annexures that you gave us both in your major submission and in your supplementary submission and I am asking you: which were most pertinent in your mind when you made your allegations in September 1997, in your speech of September 1997?

The Hon. FRANCA ARENA: Well, I mean, if you want me to rank them in order, I can go away and think about it and do it. I mean, I can't actually at the moment tell you at the top of the head, to try to find out which one was better, which one was worse. I have no idea. I, I, that's it. Just leave it to that.

CHAIRMAN: So you can't now tell us perhaps three or four that were most important to you?

The Hon. FRANCA ARENA: I can't rank them now.

CHAIRMAN: Well, can you think of one that was important in your mind when you made your speech?

The Hon. FRANCA ARENA: I have already—yes. I think, right, the one that really stuck in my mind and was of enormous importance to me was the Premier's press release about the terms of reference. It was like a knife in my heart to know that we missed this opportunity. So did the Reverend Fred Nile when he spoke in Parliament. So did Peter Collins. So did a lot of other members who spoke about the fact that an inquiry into all aspects of paedophilia was not going to take place. That is the one that definitely would rank number one.

CHAIRMAN: Were there any allegations against high profile paedophiles that stuck in your mind?

The Hon. FRANCA ARENA: No.

CHAIRMAN: So there was no particular allegation against a high profile paedophile that was in your mind when you made that speech?

The Hon. FRANCA ARENA: There was a number of them but none one I could say to you that was keeping on my mind, thinking about it, absolutely not.

CHAIRMAN: Mrs Arena, given that this is in camera and you can say this to this Committee, can you think of one high profile paedophile who is being protected by the royal commission?

The Hon. FRANCA ARENA: Protected by whom?

CHAIRMAN: By the royal commission or by a conspiracy of parliamentarians.

The Hon. FRANCA ARENA: I have never made that allegation. I have never made that allegation.

CHAIRMAN: So there is no name of a high profile paedophile that you can think of?

The Hon. FRANCA ARENA: I have never made that allegation.

The Hon. R. S. L. JONES: What about in your speech when you talked about covering up high profile paedophiles?

The Hon. FRANCA ARENA: The terms of reference was the cover-up.

CHAIRMAN: Can you think of any high profile paedophile that you think is being protected?

The Hon. FRANCA ARENA: I have answered that, Madam Chair.

CHAIRMAN: Can you think of any high profile paedophile that has not been charged?

The Hon. FRANCA ARENA: I have answered that, Madam Chair.

The Hon. R. S. L. JONES: What was the answer? Could you repeat it?

The Hon. FRANCA ARENA: No, I do not know of any high profile paedophile—I have never made any allegation of a high profile paedophile who has not been charged. There are a lot of allegations made to me. I am happy that “AA” is looking at them. [*evidence suppressed*] That is the greatest. If I saved one child—one child—it has been worth it.

CHAIRMAN: Are there any other questions?

The Hon. FRANCA ARENA: [*evidence suppressed*]

CHAIRMAN: Are there any other questions?

The Hon. C. J. S. LYNN: Mrs Arena, the royal commission published its report in August 1997. You made your speech in September 1997. In that royal commission they refer to—or the report—an inquiry, 3 on 791. And it's an investigation that was conducted by, I think, a former Detective Inspector Brian Rope into a judicial officer with information that was passed by a person they refer to as A. Subsequently we find that A is “AM” and the judicial officer I think is “Judge E”. But “AM” presented you with this information in early 1998.

The Hon. FRANCA ARENA: No, no, much earlier than that.

The Hon. C. J. S. LYNN: So you had that information prior to your September speech?

The Hon. FRANCA ARENA: Yes.

The Hon. C. J. S. LYNN: Now, when you—

The Hon. FRANCA ARENA: She didn't give it to me in a written form but she had come to see me about it.

The Hon. C. J. S. LYNN: When you read the report of the inquiry number three, the inquiry conducted by Detective Inspector—former Detective Inspector—Brian Rope, how did that influence your state of mind in regard to whether or not there had been a cover-up into paedophilia?

The Hon. FRANCA ARENA: I have—I think if you look at page 22 of my submission, paragraph 86, I think that I have dealt with it extensively. [*evidence suppressed*]

The Hon. C. J. S. LYNN: So that made you concerned that there was a cover-up of high level people?

The Hon. FRANCA ARENA: I mean, I don't know. You know, I think that, I think that [*evidence suppressed*] I mean, I just, you know—it is an area that has caused me an enormous amount of concern, distress, especially as the Attorney General of this State is paying every legal expense of every Tom, Dick and Harry and left me with a bill of \$128,000 to pay from the savings of my husband and I.

The Hon. C. J. S. LYNN: Could I refresh your memory with the third paragraph from the royal commission report, 7.287, which states:

As to the question of the adequacy of the police investigation, it is the conclusion of the Royal Commission, in the circumstances outlined, that:

- the investigation entrusted to Mr Rope was not carried out adequately;
- the Service was misled;
- the NSW Ombudsman and, in consequence, the ICAC, were misled;
- the Judicial Commission was not properly informed of the outcome of the police investigations, even though the Service was aware of its interest in the matter;
- A was unfairly treated in that the information was not properly acted upon; and
- the investigation was unfair to the judicial officer in that the officer had not been afforded an impartial exhaustive and professional investigation.

The next paragraph, and I quote:

The matter is complicated by the manner in which the file was managed, and its contents 'lost'. Whether or not some sinister feature underlines that event, the Commission is very troubled that Rope could have provided a report to Hadley that was clearly incorrect. The Commission finds it hard to accept that this was a result simply of inadvertence. It is more inclined to the view that it was as the result of Rope feeling that he was in a very difficult position, in which he lacked proper support or direction. This was almost certainly due in part to the undue deference paid to people in high places, and also due to the entirely inappropriate philosophy at the time that sensitive matters were better left undisturbed and unknown. In Rope's favour, and inconsistent with deliberate misconduct on his part, is the fact that he produced his notebook to the Royal Commission, when he could easily have destroyed or concealed it.

What was your feeling when you read that?

The Hon. FRANCA ARENA: I agree with all that. I just simply said it is rampant—is that the right word—proof that there can be corruption, cover-up, there can be dishonesty, and there can be mucking up, meaning incompetence. So the reality is that these things happen in our society, they do happen, they happened in that case. It is a shocking shame and an indictment that all these—we have put, as members of Parliament, a lot of checks and balances in our society, trying to achieve as much justice as we can. But unfortunately, even with all checks and balances, we find that ICAC, as you mentioned, the police, the Ombudsman, the Judicial Commission, they all failed. They all failed. Was it because [*evidence suppressed*] I do not know the answer to that. I really do not know, but I know that there is something really very, of great concern to me. And When I read it, it certainly played a part in my thinking.

The Hon. R. S. L. JONES: This was written by Justice Wood, this material.

The Hon. FRANCA ARENA: Yes, I know.

The Hon. R. S. L. JONES: So you have been accusing Justice Wood of being involved with Bob Carr in a cover-up.

The Hon. FRANCA ARENA: I have never said—it does not follow.

The Hon. C. J. S. LYNN: In summing up, the conclusion to Inquiry 3 states, and I want your view on this statement, it says:

In the future, the Police Service must support officers who are investigating allegations against people in high office. Rather than having files disappear, or matters partially investigated out of a fear of repercussions, it is imperative that:

- professional and thorough investigations are conducted;
- a secure system of recording sensitive inquiries is established so that investigative finality can be achieved in an impartial and fair manner; and that
- transparency and accountability are vital to answer any suggestion of a cover up.

This particular investigation is a classic example of an unfair result for everyone concerned.

Your opinion on that—do you see that as a motherhood statement or as something that is going to fix the problem?

The Hon. FRANCA ARENA: I think that Justice Wood most probably was very sincere in writing that, but how it will be then taken up, I am sure that something that must have been brought to the attention of Commissioner Ryan and he must think very seriously about that, at the deficiency of the Police Service in investigating and in the Police Service not wanting to, as he said, not look at high-profile people, at ICAC. We can see even ICAC, under what pressure it is at present because there are members of Parliament being investigated. I mean, there are certain sections of this Parliament, if they could sink ICAC tomorrow they would, because they are investigating some of their own. If they investigate a member of the Liberal Party you can be sure that they would praise ICAC. This is the sad affair of this State, where everything has become a political football. And I think it is really very sad. We should stand up for justice. We should stand up for honesty and decency whether it is on our side or on the other side.

The Hon. C. J. S. LYNN: Could I go back again to the evidence presented to us by “AM” which was dated, I think, January.

The Hon. FRANCA ARENA: She by the way rang me to say she has got a signed—she retrieved a signed declaration from the Wood royal commission and she has got it and she can make it available to the Committee. She rang me actually this morning.

The Hon. C. J. S. LYNN: Did you have her submission, the information in that submission, prior to September 1997 when you made your speech in the Parliament?

The Hon. FRANCA ARENA: If I did not have it, I would not want to give you an answer, but I had all the information. I do not know whether I had it written, but as I said she told me all about it. So I knew all about her allegations. I cannot remember exactly whether it was before or after. At one stage, my lawyer reminds me, she actually gave me her statutory declaration and then asked me to return it to her, which I did, as I said, without making a photocopy, because she asked me not to. Then she gave it back to me. I cannot actually recall the dates exactly.

Reverend the Hon. F. J. NILE: Mrs Arena, a moment ago you referred in one of your answers to some of the things that were happening prior to your speech on 17 September 1997. It occurred to me, now that we are a long way from that date, that we may be now overlooking the atmosphere, the concerns that were being expressed in the community following the report that was issued in August 1997 and your speech on 17 September, which was only relatively in the same time context. What was being said in the media, what was being said in Parliament, what was the atmosphere at the time the report was released and there were no names?

The Hon. FRANCA ARENA: I think that you, I think I quoted earlier—

Reverend the Hon. F. J. NILE: It created an atmosphere over which your speech came.

The Hon. FRANCA ARENA: That was after my speech but even Peter Collins said we missed an opportunity. I think the great majority of people felt here we had an opportunity to lift the lid on paedophilia, an opportunity, because you know you look at it, it will be another generation before they have a royal commission on paedophilia, if ever. It is not going to happen tomorrow; it is not going to happen next year; and this problem is not going to go away.

I think that the atmosphere was that people were disappointed; people were really disappointed. And these are people who wrote to me, the people who had contacted me and to whom I kept on saying, "Look, let's wait, let's give the Wood commission a chance, let's wait for the report, let's see what happens." And the great majority of people were very disappointed. I think that was the atmosphere. There was a great disappointment. Whilst there was I think a great deal of praise for the Wood royal commission as far as the police was concerned, there was definitely a lot of praise, and as far as paedophilia was concerned people were very disappointed.

Reverend the Hon. F. J. NILE: Leaving aside the allegations which this Committee has been looking at regarding names that you included in your speech and the way you included them, we note you used the words "I presumed" a number of times, and maybe at some points it was understood but not stated. Do you believe in your mind that there may have been some sense in which the House in its own heart knew what you were speaking could have had some element of truth? That is why there were no points of order taken or objections to your speech, that there was some sense of failure that the royal commission had not been able to fully investigate the paedophile network because of the terms of reference?

The Hon. FRANCA ARENA: I think as I said, again I mentioned Mr Collins who expressed regret that Wood did not name names. He had come out when the commission paedophilia extension, not extension, the paedophilia terms of reference was added. He came out so strongly by saying—I think I quoted him in one of the attachments—he was so strong in saying, "We will not look in the face of anybody, we will have no protection for anybody, we will name names if necessary, we will expose people, this is a scourge". So he had raised an enormous amount of expectation. We thought here we are, we are going to finally get these people, and it just did not happen. I think there was an enormous amount of disappointment, to put it mildly.

CHAIRMAN: Mrs Arena, you quoted Mr Collins about why the royal commission did not name names. What names do you think should have been named?

The Hon. FRANCA ARENA: I have no idea, you should ask Mr Collins.

The Hon. R. S. L. JONES: Do you think there are any names that have been named?

CHAIRMAN: What names were not named?

The Hon. FRANCA ARENA: I think you should ask Mr Collins. He is the one who said he was disappointed that names were not named. I think Mr Collins probably said it because Justice Wood had said, "We will name names." He said it himself.

The Hon. R. S. L. JONES: Are there any names to be named?

The Hon. FRANCA ARENA: I do not know.

The Hon. R. S. L. JONES: Do you believe there are?

The Hon. FRANCA ARENA: Why did Mr Wood—

The Hon. R. S. L. JONES: Not Mr Collins, but do you believe that?

The Hon. FRANCA ARENA: Why did Mr Wood say, "We will name names", if there were no names to be named?

The Hon. R. S. L. JONES: Maybe there were no names to be named. Maybe that is right.

The Hon. C. J. S. LYNN: Mrs Arena could I refer you to a paragraph in "AM"'s submission to us. [*evidence suppressed*]

The Hon. FRANCA ARENA: [*evidence suppressed*]

Reverend the Hon. F. J. NILE: Mrs Arena, if this was your last time before this Committee, have you any final word that sums up your position, your final statement?

The Hon. FRANCA ARENA: I would like to say that I have always acted with honesty and integrity. I mean, I am on my last 12 months. I will retire March next year. I think I have said it clearly and often that I could have actually sat in my office—and I wouldn't have been the only one—having long lunches and longer dinners, enjoying myself in my last year and done nothing, worried about nothing. I actually was—these people came to me with these terrible problems, these victims of paedophilia, asking me to help them. I just could not close either my eyes, my door or my ears to them. I did what I could.

Now, if people think that maybe I should have said things one way or another, I accept that, but I will never accept that I acted either out of malice or because I wanted to take, you know, my vengeance on Mr Carr, who had not made me a Minister nearly three years beforehand. It is absurd. I never met Justice Wood. I have known nothing and if I saw him in the street I think last time I wouldn't even know. So I mean it is just absurd to think that I would do anything out of maliciousness.

However, I want also to say that if, which I hope—I would like to say something about an unparalleled request conveyed to me in writing that I should give written submission about appropriate sanctions by April 15—I think you wrote to me, Madam Chair. No doubt Mr Gross has told you that I should be first told of the findings against me before I should ask to make submissions concerning sanction. How I am to know what finding the sanctions is to be based on? It is like asking the accused to address the penalty before the jury has given a verdict. It is not done because it is patently unfair. You are a shame to Parliament if you persist with this approach when what you should do is provide a draft report of your finding, then provide an opportunity for me to address in writing and orally those findings and the sanctions which might appropriately flow from them.

I am willing to prepare such submission and appear before the Committee again for that purpose. If you retain any concern for the integrity of this parliamentary Committee you will grant me this opportunity. It is also what was effectively suggested by Mr Johnson early in December last year with the matter of whether I should be the first or last witness to discuss. I also would like to say very importantly that the Chair, that you should ask a written opinion from Mr John Evans, the Clerk of the Parliament, on this matter if there is any parliamentary precedent for expelling someone for conduct in the House, for my speech, particularly when no point of order was taken. I think an impartial opinion from Mr John Evans should be considered very seriously by this Committee because I think that there is more at stake than my personal position. What is at stake is the right of parliamentarians to speak in Parliament. I think what is at stake is a case which will make, whether we like it or not, history, and I think you should consider this very, very carefully. Thank you.

CHAIRMAN: Thank you, Mrs Arena. The Committee will stay here for a short deliberative session.

The Hon. FRANCA ARENA: Madam Chair, could you inform us about the release of the transcript, or you don't know yet? You will let us know?

CHAIRMAN: The transcript is being released as soon as is physically possible.

The Hon. FRANCA ARENA: We have no idea when, with my submission?

CHAIRMAN: Lynn has just informed us probably not before Thursday.

The Hon. FRANCA ARENA: Not before Thursday. I must say that I thought that that would be it because, being the Easter holidays, it will be buried into the holiday. Nobody will look at it. Thank you. All done, purposely.

(The witness withdrew)

(The Committee adjourned at 4.05 p.m.)

**‘MRS ARENA’S GENERAL STATEMENT TO PRIVILEGES COMMITTEE ON 6
APRIL 1998**

1. One of the matters I have used in support of my claim that Mr Della Bosca and others met was that, as Michael Dwyer wrote in the Australian Financial Review, “senior Labor strategists are worried “that the ALP members of the NSW Legislative Assembly likely to be named will resign from Parliament, triggering a by-election which the ALP may lose because of adverse public reaction. At present the NSW Labor government was a majority of one in the Legislative Assembly and would fall from power if one seat changed hands.”

2. I suggested that Mr Della Bosca was a “senior Labor Strategist”. If any member of the Committee doubted whether Mr Della Bosca would be involved in the worry which the Labor Government had losing its narrow majority that doubt would be removed by the article by David Humphries in the Sydney Morning Herald on Saturday 28 March 1998.

Humphries wrote about the electoral redistribution and the reduction in the number of Lower House seats. He stated:
“Just how long it took Della Bosca and his lieutenants to secure about turn by five of the seven crossbenchers is not clear. . . “

”So how did Della Bosca persuade enough of the crossbench to turn . . . Government support for [Richard Jones] bid to soften marijuana laws (the bid failed when Franca Arena switched sides) is cited as an example [of cross benchers being “locked in by promises of legislative deals]”.

3. So not only does this article reveal the genesis of Richard Jones’ animosity towards me, but, perhaps more importantly, it reveals that Della Bosca is very much involved in securing the survival of the Labor government. As he is in 1998, so he was in 1996. If there was a danger to the Labor majority, even a rumour of a danger, it is fanciful to suggest Della Bosca would not have been concerned about it.

4. At page 30 (buff) Madam Chair you asked how could certain allegations made to me after my speech justify my speech. In the first place, I do not claim that those more recent allegations were the basis of my speech. Secondly, you asked me for a full statement, and I gave it. Don’t shoot me, I am merely the messenger. Thirdly, if a later allegation is related in some way to what was said in my speech, then it may provide the Committee a justification for it. For example, if I alleged someone was a corrupt policeman, and after my speech the policeman admitted, “well, yes I am corrupt”, then that admission may be relevant in judging whether my speech should be criticised.

5. Also at page 30 (buff) Richard Jones starts accusing me of contempt of the Committee. I have not at any time revealed any of the coded names, and I resent that you should ask the question. You are ready to sink me on the basis, supposedly of some unnamed

member of the media, but when I refer to named witnesses you don't even call them,. You are a disgrace. I attached a letter from the Justice for Veterans' Association which should also be incorporated.

6. At page 31 Madam Chair, you raised the entirely discredited theory that I acted, or am continuing to act out of malice toward Mr Carr for not giving me a ministry in 1995. I had referred to this matter in my statement. Might I suggest you read it. It is paragraph 170.

There is no doubt that I was upset about having been overlooked for a ministerial position but I as am a person who does not bear grudges, so it was not in my mind for long.

On Friday 5 May 1995 at 12:15, as noted in my diary which is available, Helena Carr knocked on my office door and came in to see me. I have always been great friends with Helena and I was delighted to see her. She brought me a present, Chanel No. 5 perfume in a gift box, and told me: "We are very sorry for what happened, we love you. Please forgive."

I burst into tears and told her that I had been very disappointed with what had happened as Bob had given me big hug after the election and said to me: "you will be well looked after". I told Helena however, that I bore no grudges, that what was important is that we had a Labor Government in power who would not privatise hospitals, prisons, and public utilities.

I cried on her shoulder for a little while. We kissed one another and she went away and we were very good friends as always. When I saw Bob Carr we spoke about party business. When I met him at functions, we were always friendly towards one another.

In June 1995 I got involved with Ian Cohen in the protest against French nuclear testing in the Pacific and for three months I worked 12 to 15 hours a day organising a huge demonstration in Mururoa.

For the first time ever, 35 members of Parliament, representing all parties, left Australia on a delegation of protest. We had a peaceful protest march in Tahiti together with other members of Parliament from 16 different countries, a total of 102 members of Parliament from all over the world.

In October 1995 I stood in Caucus as a delegate for the Commonwealth Parliamentary Association. I received an overwhelming majority of the vote and Bob Carr shook my hand after the meeting and told me that he voted for me.

So after the initial upset of having been overlooked I bore Bob Carr no grudges at all. As far as Justice Wood is concern I have never met him. I always got on with Terry Sheahan who was the President of the Party. As far as Mr Della Bosca is concerned I had some problems with him when I stood for the Senate preselection in 1994.

Pat Staunton and I stood for preselection. Della Bosca's wife, Belinda Neal, was also a candidate and she got the preselection. Many of us felt it was a case of nepotism and I had some words with him but a few months afterwards we shook hands and had a very friendly conversation at an ALP function at Parliament House.

10. At page 32 Madam Chair, you asked about me not doing Committee work. After the last State election in March 1995, I indeed told the Whip that it was my intention not to serve on any Committee during my last parliamentary term because I thought I would dedicate myself to some of the issues I was so concerned about.
11. You repeatedly asked about when the meeting between Carr and Wood occurred. You have not even read my speech let alone my statement. My speech did not specify when they met so it is outside your terms of reference. You are to consider my speech. I did not specify a date so when the meeting occurred is of no consequence. However, I refer you to paragraphs 97, 99-104, 151-154, 172 where I deal with them. I take it that you have read them.

In addition your questions on this subject in the buff transcript, page 32-34, Mr Kelly, ignore the fact that the paedophile terms of reference were always very limited, and one can only assume that the initial terms of reference, prior to October 1996, were acceptable to both Mr Carr and Justice Wood.

12. Finally, on the last occasion I complained about the bias exhibited by the majority of the Committee. I mentioned seven matters.

One, the unfair manner in which the transcript is edited.

Two, the public release of transcript of cross examination without the release of my statements - which is still to be released.

Three, the Committee has unduly focussed on claims made by others to me, rather than on claims made by me.

Four, the Committee has indicated by its indecision that it is not proposing to call any of the witnesses which I recommended be called.

Five, the Committee, and Chair in particular, has exercised no proper control over the interrogation of me, which has been unfair and in many cases unlawful and focussed on matters not within the Committee's terms of reference.

Six, the Committee has disregard witnesses on the bases of hearsay and decades old reports without even hearing from them.

Seven, five of the Committee effectively has already voted for my expulsion.

There are a some additional matters.

Eight, you Madam Chair spent the evening on the 17 March 1998 fraternizing with “E”, [evidence suppressed] Do you admit that you are his “good friend”? How can you say you are fairly and impartially able to judge me whether there is a basis for saying he was inadequately investigated.

Nine, you as Committee have tried to discredit “G” by using (at Buff transcript pp 35, 36) the entirely indefensible approach of using “AE”’s Counsel’s submissions as being of some authority. This approach of scratching under every rock to try to find a slug willing to say something useful to your biased position is as pathetic as it is unfair.

Ten, you arranged not to call “AA” but obtain a statement from him [evidence suppressed] Did it enter your mind that that approach might be inappropriate. Do you really think “AA” [evidence suppressed] Your conduct is laughable at every turn. You have a QC to assist you and yet all pretense of fairness and appropriate conduct has been abandoned.

Eleven, you ask me about my conversation with “G” concerning whether he would recant. You knew that communication occurred between “E” and “G”. Did it occur to you to investigate whether “E” had offered any incentive to “G” to recant? This is another illustration of complete lack of interest by the Committee in the real problem. The entire focus is on the excavation work to dig up some fossils which can be misrepresented so as to justify expulsion of me.

Twelve, you have received material from other persons such as Mr Carr and Justice Wood. They have been provided with my submissions, but I have not been provided with theirs. Indeed - you have written to me confirming that I will not be given a copy of anything they have submitted. The Committee is judging me on material I am not even provided with, on material I am given no opportunity to answer. Madam Chair - have you asked your QC Mr Gross whether he regards that as procedurally fair and in accordance with natural justice? And what did he say? We all know it is not, but no doubt the Committee’s approach is: We haven’t observed the rules of natural justice in the past; why start now. It is an outrage, and it renders your future findings against me entirely valueless.

Thirteen, and penultimately, I should say something about the unparalleled request, conveyed to me in writing, that I should give written submissions about appropriate sanctions by 15 April. No doubt Mr Gross has told you that I should be first told of the findings against me before I should be asked to make submissions concerning sanctions. How am I to know what finding the sanction is to be based on. It is like asking the accused to address on penalty before the jury has given a verdict . It is not done, because it is so patently unfair. You are a shame to Parliament if you persist with that approach.

What you should do is provide a draft report of your findings - then provide an opportunity to me to address, in writing and orally, those findings and the sanctions which might appropriately flow from them. I am willing to prepare such submissions, and appear before the Committee again for that purpose. If you retain any residual concern for the integrity of this Parliamentary Committee

you will grant me this opportunity. It is also what was effectively suggested by Mr Johnson early on in December last year when the matter of whether I would be the first or last witness was discussed.

Fourteen, and finally, you have entirely failed to give any consideration to the failure of anyone during my speech to take any point of order. Speeches in Parliament can be called into question by a point of order. If the members on that occasion saw no breach of the Standing Orders, it is quite inappropriate to do so now. The Parliament had its chance and it took no steps. There is no precedent in history for Parliament investigating the conduct of a member in the House, when no point of order was taken. I will have more to say on this matter should the question of sanctions ever arise.

I urge the Committee to seek a written opinion from Mr John Evans, the Clerk of the Parliaments, on this matter: As to whether there is any parliamentary precedent for expelling someone for conduct in the House - for my speech - particularly when no point of order was taken.

There is one additional matter of unfairness this morning. The Chair of this Committee, according to Mr Nile's questions, [*evidence suppressed*]. I have denied that in its entirety.

BUT this shows the unfairness of her sitting in judgement of me. She claims to be the primary witness against me. She is both **MY ACCUSER** and **MY JUDGE**. Even the Committee's QC, Bernie Gross, will tell you that is an unfair system. It is a disgrace.

15 May 1998

**COMMANDER CLIVE SMALL
NEW SOUTH WALES POLICE SERVICE**

PRESENT

The Hon. Dr Meredith Burgmann, MLC (Chair)

The Hon. Jennifer Gardiner, MLC
The Hon. John Johnson, MLC
The Hon. Richard Jones, MLC
The Hon. Anthony Kelly, MLC
The Hon. Charles Lynn, MLC
The Hon. Andrew Manson, MLC
The Revd the Hon. Fred Nile, MLC
The Hon. Peter Primrose, MLC

In this transcript code names have been used for certain persons mentioned during the evidence and small sections of the evidence have been suppressed. This is in line with the resolution of the Committee on 24 November 1997:

That all evidence in relation to the Committee's inquiry into the conduct of the Honourable Franca Arena, MLC be taken in camera, and that the Committee only authorise those sections of the evidence to be made public which it is satisfied will not cause unnecessary damage to the reputations of any individuals, compromise ongoing police investigations or prejudice any matters currently before the courts.

FRANCA ARENA, Member of the Legislative Council, on former oath:

CHAIRMAN: Mrs Arena, I remind you that you are still on oath. You have a statement that you want to make?

The Hon. FRANCA ARENA: A short statement. Before you ask any questions of Clive Small concerning his meeting with me you must first play the tape which records that meeting. The High Court in *Butera v Director of Public Prosecutions* (1987) 164 CLR 180 held that the tape rather than the transcript is the best evidence, and that although a transcript can be used it is only to be used to assist in understanding what is heard on the tape. In the event of any conflict between tape and transcript, what was heard on the tape must be accepted. Accordingly, Madam Chair, will the Committee follow the approach applied by the High Court decision and first play the tape? And I have the High Court decision here for your lawyers.

CHAIRMAN: Is there anything further you wish to say?

The Hon. FRANCA ARENA: No, not at this stage.

CHAIRMAN: We will receive the submission and the High Court decision, and will now go into deliberative session.

(The witness withdrew)

(The Committee then listened to the tape in the presence of Mrs Arena and her legal advisors and Commander Small)

(Luncheon adjournment)

CLIVE THOMAS SMALL, Commander of Crime Agencies, New South Wales Police Service, Prince Alfred Park Building, Cleveland Street, Strawberry Hills, Sydney, sworn and examined:

CHAIRMAN: In what capacity are you appearing before the Committee?

Mr SMALL: In response to a summons.

CHAIRMAN: Did you receive a summons issued under my hand in accordance with the provisions of the Parliamentary Evidence Act 1901?

Mr SMALL: Yes, I did.

CHAIRMAN: So your capacity is as a police officer?

Mr SMALL: That is correct.

CHAIRMAN: Are you conversant with the terms of reference of this inquiry?

Mr SMALL: Yes.

CHAIRMAN: Do you have a written submission?

Mr SMALL: No, not beyond the written response I have already given.

CHAIRMAN: If you should consider at any stage during your evidence that in the public interest certain evidence or documents you may wish to present should be heard or seen only by the Committee, the Committee will consider your request; this is in conformity with Standing Order 250. Mr Small, what was your position when you had the meeting with Mrs Arena on 19 March 1997?

Mr SMALL: Essentially it was assistant commissioner in charge of the then special agencies. The service was undergoing reform; crime agencies had not been created at that stage, so I was in a slightly pre-crime agency position, but essentially the same role.

Reverend the Hon. F. J. NILE: To clarify that, I am trying to establish why Mrs Arena went to see you. Were you in charge of the child protection unit, under your direction?

Mr SMALL: That is correct. At that time I had in a sense taken over, on a temporary basis, the then major crime squads plus the special agencies and the child protection unit.

The Hon. J. R. JOHNSON: Mrs Arena had contacted you or had contacted the commissioner's office and it was passed on to you to handle it?

Mr SMALL: That is correct.

CHAIRMAN: The Committee has received your letter dated 4 May 1998 with two attachments. Was the attachment headed "Thrusts of Concerns" your notes prepared by you and used as discussion points at a meeting with Messrs Crooke and Bergin of the royal commission and Mr Finnane QC on 21 March 1997?

Mr SMALL: Yes, they were.

CHAIRMAN: Is the second attachment to your letter dated 4 May 1998 a document headed "Cases to be Discussed", handed to you by Mrs Arena when you met her on 19 March 1997?

Mr SMALL: Yes, they were; it was accompanied by other documentation.

CHAIRMAN: Where did you meet with Mrs Arena on 19 March 1997?

Mr SMALL: At the Sydney Police Centre.

CHAIRMAN: Have you got with you your handwritten notes of that meeting?

Mr SMALL: Yes, I have.

CHAIRMAN: Do you have a typed transcript of those handwritten notes with you?

Mr SMALL: Yes, I have.

CHAIRMAN: And they are an accurate transcription of your handwritten notes.

Mr SMALL: They are, except for one word which I could not decipher.

CHAIRMAN: Is that the word in front of "to go into" on the first page?

Mr SMALL: That is correct.

CHAIRMAN: In your notes is there a section on page 3 which runs from the word "September" down to the bottom of the page ending with the words "will provide schedule of events"?

Mr SMALL: Yes, there is.

CHAIRMAN: Is that set out on the bottom of page 2 of the typewritten transcript?

Mr SMALL: Yes, it is. It follows the centred underlining.

CHAIRMAN: Was the tape-recorder turned off in this section of the interview?

Mr SMALL: Yes, it was.

CHAIRMAN: At whose request was the tape-recorder turned off?

Mr SMALL: Mrs Arena's.

CHAIRMAN: Would you read aloud what that section of those notes says, starting with the abbreviation for September?

Mr SMALL: Yes. It says "Sept SH" which stood for *Sun-Herald*, "re RC", which stood for royal commission, "about to call prominent people. Meeting - Carr, Terry Sheahan, John Della Bosca and other party officials re story. Carr went to see Wood - RC then didn't follow it up. Theory: don't mention Members of Parl. We wont mention Judges. - Going to close RC then Yeldham mentioned. Will provide schedule of events".

CHAIRMAN: As Mrs Arena stated matters to you, were the meeting between Carr, Sheahan and Della Bosca and the occasion when she said Carr went to see Wood, put to you by Mrs Arena as being in the same time frame or a different time frame?

Mr SMALL: No, I gained the impression that from the article through was a relatively short time frame.

CHAIRMAN: Could you just explain, by reference to your notes, what you understand from your notes was the substance of what Mrs Arena said to you?

Mr SMALL: Mrs Arena said that—commenced by referring to a *Sun-Herald* article, a September *Sun-Herald* article, which described how the royal commission was about to call prominent people—that following that publication there was a meeting between Mr Carr, Terry Sheahan, John Della Bosca and other party officials to discuss the story. Subsequent to that Mr Carr went to see Justice Wood and the royal commission then did not follow-up on the paedophile inquiry. The theory was that Mr Carr had put "If you don't mention members of Parliament we won't mention judges".

The Hon. R. S. L. JONES: Whose theory was that?

Mr SMALL: Mrs Arena's. As a result, they were going to close the royal commission and then when the Yeldham matter was mentioned the paedophile inquiry opened and proceeded.

CHAIRMAN: This was her conversation with you?

Mr SMALL: That is correct.

CHAIRMAN: Have you seen a copy of the file note by royal commission staff dated 21 March 1997 concerning your meeting that day with Mr Crooke, Paddy Bergin and Mr Finnane?

Mr SMALL: Yes, I have.

CHAIRMAN: Do you know who wrote the file note?

Mr SMALL: I believe it was Ms Bergin, based on the fact she was taking notes at the time.

CHAIRMAN: And she was junior counsel assisting the inquiry?

Mr SMALL: Yes.

CHAIRMAN: Do you have a copy of that file note in front of you?

Mr SMALL: Yes. I do.

CHAIRMAN: Would you look at only item (v) of that note which relates to a chronology of events and various meetings. To the best of your recollection and belief does that note in paragraph 5 accurately record what you told Messrs Crooke, Bergin and Finnane on 21 March 1997 concerning what Mrs Arena told you on 19 March 1997?

Mr SMALL: Yes, it does, and it follows the notes that I have earlier referred to and read.

CHAIRMAN: To the best of your recollection and belief does that note in paragraph 5 accurately record what Mrs Arena told you at your meeting with her on 19 March 1997?

Mr SMALL: Yes, it does.

CHAIRMAN: According to paragraph 5 of this note, Mrs Arena told you that after a *Sydney Morning Herald* article in September 1996 there was a meeting of the Labor Party group, including Mr Carr and Mr Della Bosca, and then she alleges that later that week Carr met with Wood and that there was an

agreement between them in the following terms: Carr says if you don't name the politicians we won't name the judges. Did Mrs Arena convey to you that the two meetings referred to occurred during the same week?

Mr SMALL: I just cannot specifically recall that now. It could well have been the case but certainly my impression or recollection of it now is that it was in a very short time frame. If I may also just point out, I notice they have here *Sydney Morning Herald*. I had "SH" in my shorthand notes which I would have taken to be the *Sun-Herald*.

CHAIRMAN: Do any members of the Committee have questions relating to paragraph 5? In that case, as has happened before, Mrs Arena's lawyers can give questions to members of the Committee.

Reverend the Hon. F. J. NILE: Mrs Arena's lawyers have just given me some questions to ask Mr Small. May I proceed?

CHAIRMAN: Yes, of course.

Reverend the Hon. F. J. NILE: Do you agree that the first and primary concern of Mrs Arena in speaking to you was her claims that people were going to the royal commission with claims of paedophilia, some of whom were sent there by Mrs Arena, and those people came away dissatisfied, feeling that their matters were not being investigated?

Mr SMALL: Yes, and that was made fairly strongly in the audio tape that was played earlier today, I believe.

Reverend the Hon. F. J. NILE: Would you agree that Mrs Arena was very concerned with complaints she had received alleging paedophilia about a number of important people and she conveyed those complaints to you?

Mr SMALL: Yes.

Reverend the Hon. F. J. NILE: Did you find Mrs Arena to be a sincere person with genuine concerns which she was voicing to you?

Mr SMALL: She certainly appeared to have a very strong belief in the claims and statements she was making.

Reverend the Hon. F. J. NILE: Although some of the complaints may not have had a proper basis, would you agree that there was nothing in what Mrs Arena said to you which was motivated by dishonesty or maliciousness on her part?

Mr SMALL: I saw nothing to support that position but I am probably not in a real position to answer that, with all respect, Reverend. I am not trying to hedge it; I am just saying that on what I saw Mrs Arena expressed sincerity and genuine concern for the victims. I don't know what went on elsewhere.

Reverend the Hon. F. J. NILE: Which is a similar question: did you feel that Mrs Arena had a genuine concern for the welfare of the children in her visit to you?

Mr SMALL: Yes.

Reverend the Hon. F. J. NILE: Did you feel that Mrs Arena's words and demeanour showed concern for abused children and the problem of paedophilia?

Mr SMALL: Yes, I did.

Reverend the Hon. F. J. NILE: The transcript records that Mrs Arena said to you that there was "a gay mafia working in [the Attorney General's office], it is very difficult, they put the Attorney completely against me". Is this the comment that led to point 5 in your document headed "Thrust of Concerns"?

Mr SMALL: Point 5 in my document arose as a result of my handwritten notes which particularly relate to that period during our interview when the tape was turned off and which in the handwritten notes commences with the word "Sept". I am sorry, that and the section you have done because both parts 5 and 6 were in my mind connected.

Reverend the Hon. F. J. NILE: Would you agree that your document "Thrust of Concerns" was created two days after the conversation with Mrs Arena?

Mr SMALL: No, I do not believe it was created two days later. I believe it would have been created shortly after or at the very latest the next day.

Reverend the Hon. F. J. NILE: Would you agree that your document "Thrust of Concerns" was your attempt to summarise in your own words the major concern of Mrs Arena?

Mr SMALL: Yes, I would.

Reverend the Hon. F. J. NILE: Finally, would you agree that your document "Thrust of Concerns", apart from the quote of "Everyone knows" in point 8, does not purport to record the actual words of Mrs Arena?

Mr SMALL: No, it is not written—it does not have the detail of the claims Mrs Arena made to me. So I am not suggesting it is her precise words.

The Hon. C. J. S. LYNN: Superintendent, these questions have been handed to me by Mrs Arena. As your notes record, Mrs Arena did not use the word "conspiracy" in speaking to you, did she?

Mr SMALL: I can't recall now the precise words used but certainly that is not recorded on the transcript. What was recorded in the period, during the period that the tape was turned off, I can't recall now whether or not that specific word was used.

The Hon. C. J. S. LYNN: Do you agree that there is no suggestion in your thrust-of-concerns document or in the transcript that Mrs Arena ever directly used the word "criminal" in describing the conduct of Mr Carr or Justice Wood?

Mr SMALL: I don't believe there is any reference to that word in the transcript and I can't recall it being used during the time the tape recorder was not on.

The Hon. C. J. S. LYNN: Mrs Arena told you that Carr, Sheahan and Della Bosca met concerning the matters in the newspaper article, did she not?

Mr SMALL: No—Carr, Sheahan, Della Bosca and other party officials, yes.

The Hon. C. J. S. LYNN: She referred to a September 1996 newspaper article, did she not?

Mr SMALL: Yes, she did.

The Hon. C. J. S. LYNN: So far as you were told, the meeting involving Carr or Wood was alleged to have occurred in September or October 1996?

Mr SMALL: I don't know that I was told specifically when but certainly it would have been September or later, given that the newspaper article was written in September and what occurred followed that article.

The Hon. C. J. S. LYNN: Have you any independent recollection of the meeting with Mrs Arena other than what is on the tape and what is in your file note?

Mr SMALL: Nothing that I can recall at the moment, although if there is something specific I may be able to recall it.

The Hon. C. J. S. LYNN: Why did you not mention that it was a "theory" when talking to the royal commission officers?

Mr SMALL: Well, I believe I would have mentioned that it was a theory when talking to the royal commission officers. This thrust of concerns was, if you like, a shorthand note of a much broader conversation and was used by me as a reference point when talking first to Mr Finnane and subsequently to the royal commission. Point 6 was a very brief two-line summary of the discussion that occurred respecting the articles and the meetings between various members of the Labor Party—alleged meetings between members of the Labor Party and subsequently Mr Carr and the royal commission, and I would have referred to my notes when speaking to the royal commission, which are the notes that I transcribed here today. I would also have been quite conscious that no matter how much security you have, once you start putting things onto paper they can leak or get out, and certainly in this case I was very conscious to make sure that there were no copies floating around or that there was no possible leaks of allegations of this serious nature.

The Hon. C. J. S. LYNN: Where in your handwritten notes is there any mention of the gays "improperly influencing decisions"?

Mr SMALL: If you look at the second dot- or dash-point on page 2 it refers to "“BQ” works in the Attorney General's office. A lot of gays there—influence" and I believe that reference is expanded, even if only by a few words, in the tape that was played earlier today.

The Hon. C. J. S. LYNN: Did Mrs Arena say words to the effect, "There is a theory going around that Wood would not mention the MPs if Carr did not mention the judges"?

Mr SMALL: The theory was mentioned but it was certainly not put to me that it was someone else's theory, which that question implies.

The Hon. C. J. S. LYNN: Did she say to you words to the effect that it was decided that it was too damaging for the community to have members of Parliament and judges exposed?

Mr SMALL: That could well have been said.

The Hon. C. J. S. LYNN: Did Mrs Arena tell you that the chronology had been prepared by the Parliamentary Library?

Mr SMALL: Not at the time of the conversation on 19 March but later when I received it I realised it had been.

The Hon. C. J. S. LYNN: Have you kept a copy of the chronology she provided to you?

Mr SMALL: Yes, I have.

The Hon. C. J. S. LYNN: Can we see the chronology Mrs Arena provided to you?

Mr SMALL: Yes. I handed a copy of that chronology to Mr Gross earlier today. I have the original copy, if I can put it that way, that I received here with me now.

CHAIRMAN: That's the document?

Mr SMALL: That is the document.

CHAIRMAN: You're tabling that for the Committee to look at?

Mr SMALL: Yes, I will.

Reverend the Hon. F. J. NILE: That is dated 12 December 1996; is that the same one?

CHAIRMAN: When did she give it to you?

Reverend the Hon. F. J. NILE: Is that the same one he's got?

CHAIRMAN: Yes.

Mr SMALL: Yes, it is; it is dated 12 December 1996. I received it a few days, or a day or two, after the meeting.

The Hon. C. J. S. LYNN: When you spoke to Mrs Arena were you intending to tell the royal commissioner, the royal commission everything she said?

Mr SMALL: Not at the time of the meeting. However, as a result of what I had been told there were certain matters that concerned me considerably and I then made a decision to approach Mr Finnane

who was the Police Service Counsel at the commission and I spoke to him about the matter both in terms of the commission and certain other concerns.

The Hon. J. R. JOHNSON: Commander—told you? Who told you? Mrs Arena?

Mr SMALL: I'm sorry?

The Hon. J. R. JOHNSON: You indicated as a result of what had been told to you, you decided ABC.

Mr SMALL: As a result of what Mrs Arena told me.

The Hon. J. R. JOHNSON: Right, thank you.

The Hon. C. J. S. LYNN: Did you at any time tell Mrs Arena that you were going to tell the royal commission everything she said?

Mr SMALL: No, I didn't. I think, however, there is a reference in the tapes where I said I will take these issues up and that was a general comment. I certainly did not tell her I would be telling everything to the royal commission.

The Hon. C. J. S. LYNN: In fact, you told her not to give material to the royal commission as it was closing down, did you not?

Mr SMALL: She asked for my advice about matters relating to paedophilia which would have had to have been investigated by the Child Protection Enforcement Agency and at that time the commission had announced it was closing and in that context I told her that any matters of a criminal nature should be referred to us.

The Hon. C. J. S. LYNN: Did you ever tell Mrs Arena the purpose for which you were making a tape of your conversation?

Mr SMALL: No. However, before the tape was made I had the tape on the table and I asked Mrs Arena if she had any objection to the interview being taped.

The Hon. C. J. S. LYNN: What was your purpose in making the tape?

Mr SMALL: I was aware of the political sensitivities that were around at the time with regard to paedophile allegations and Mrs Arena's role—and I don't mean that in a derogatory way, I am just saying—and the public interest in the matter and I was concerned to ensure that at the end of the day I had an accurate recollection, or an accurate record, of what was said at the meeting and what action would need to be taken, so there was no misunderstanding.

The Hon. C. J. S. LYNN: What were the circumstances that caused you to be relaying the thrust of Mrs Arena's concerns to the royal commission?

Mr SMALL: There were, I suppose, two separate issues. One was that without approaching the royal commission there was simply no way of finding out whether or not the royal commission had, in fact, referred all relevant material to the Police Service on paedophilia. And if I may just finish with that part

first. Mr Finnane agreed that there had been no formal advising to the Police Service at that time as to whether or not all matters that the royal commission held had been referred to the Police Service, and the only way we would get that undertaking was to approach Mr Crooke on behalf of the commission and ask them directly what the situation was. That was one part.

The second part that was of considerable concern to me was that—and I make this interpretation as a lay person, not as a lawyer—that the extent of the allegations were so serious involving politicians and members of the judiciary that if the allegations were to have been made public, irrespective of whether they were true or not at that time, but had they been made public that the furore that would have followed could well have caused serious political implications at both State and Federal level, if not constitutional issues would have, could have arisen, and, frankly, I thought that was too big an issue to be left sitting on my shoulders, and I discussed the matter with Mr Finnane, who also agreed.

The view clearly was that if the royal commission had relevant information that required criminal investigation of the matters referred to by Mrs Arena we should act immediately to investigate, in proper cases prosecute or in other cases clear people if they were false, so that there was clearly a decisive action that had to be taken, and Mr Finnane agreed with that decision.

The Hon. C. J. S. LYNN: Who was Finnane QC representing at the meeting?

Mr SMALL: The New South Wales Police; sorry, he was the New South Wales police representative, or counsel, at the royal commission.

The Hon. C. J. S. LYNN: Was it your choice to attend the meeting with the royal commissioner's officers?

Mr SMALL: Yes, with Mr Finnane.

The Hon. C. J. S. LYNN: Did you feel at all uncomfortable in disclosing confidential matters which Mrs Arena had discussed with you?

Mr SMALL: No, because there was no other reasonable way that the matters raised could be pursued. I mean, I had to, if I was to pursue the matters I had to discuss them with people.

The Hon. C. J. S. LYNN: Did you receive any information from the royal commissioner concerning the progress of investigations concerning “**Judge G**” or “**Judge E**”?

Mr SMALL: I do not think I was given any advice specifically about those matters. However, in more general terms we were informed that the royal commission was in the process of reviewing all its holdings on paedophilia allegations and that all relevant material was being progressively handed over to the Police Service and that, in fact, some of that material had been already referred to the CPEA for investigation. We were not told at that time exactly what material was and wasn't held by the royal commission.

CHAIRMAN: Mr Lynn, are you aware of the Committee's resolution that questions would only be asked relating to part V?

The Hon. C. J. S. LYNN: As I said, I am relaying the questions that Mrs Arena asked.

CHAIRMAN: I will rule them out of order if they do not relate to part V.

The Hon. C. J. S. LYNN: Okay. Well, I will ask them and you can make a ruling. Did you receive any information from the royal commission concerning the progress of investigations concerning [*evidence suppressed*].

CHAIRMAN: I rule that out of order.

The Hon. C. J. S. LYNN: Were you expecting to receive any information from the royal commission about their inquiries?

CHAIRMAN: Ditto.

The Hon. C. J. S. LYNN: Did you ever ask the royal commissioner—commissioners—about their inquiries?

CHAIRMAN: Ditto.

The Hon. C. J. S. LYNN: That is all the questions I have. Thank you.

CHAIRMAN: Does the Committee have any other—?

The Hon. FRANCA ARENA: We have more questions, Madam Chair.

CHAIRMAN: You have more questions?

Reverend the Hon. F. J. NILE: Can you look at your letter to Mr McGeoch, attached, dated 26 November 1997?

CHAIRMAN: What? Where? Sorry, what are you referring to? Do we know?

The Hon. FRANCA ARENA: It is an exhibit you gave us, Madam Chair.

Reverend the Hon. F. J. NILE: There are a series of questions that relate to the letter, I assume?

CHAIRMAN: Is the question arising out of this document related to part V?

The Hon. FRANCA ARENA: It is the only chance we have to ask some questions of the Commander. It arises from a letter that you gave us, Madam Chair, in evidence. So we won't have another opportunity. You gave us that letter. I wouldn't have got it any other way.

CHAIRMAN: The way to deal with this, because the problem is, Mrs Arena, we actually can't be hearing you at the moment because we are in the middle of questioning Commander Small, is I suggest we—I am sorry to do this, Commander—go into a very short deliberative session to see how to deal with this. If the lawyers could give all their questions to us, so that we can see whether they fall within our terms of reference of our resolution about today's witness.

(Short adjournment)

CHAIRMAN: The Committee has decided to permit the following questions, which Mr Nile will ask you.

Mr SMALL: Thank you.

Reverend the Hon. F. J. NILE: Commencing at question 23, Mr Small: when you receive allegations of paedophilia do you take them seriously?

Mr SMALL: Yes, I do.

Reverend the Hon. F. J. NILE: If you have allegations of paedophilia and satanic cults—rather, abuse and satanic cults—brought to you, do you take them seriously?

Mr SMALL: Yes, I do.

Reverend the Hon. F. J. NILE: Continuing the questions supplied by Mrs Arena's lawyers, would you take satanic abuse allegations even more seriously if the treating psychiatrist supported the honesty and truthfulness of the victim?

Mr SMALL: Yes, I imagine I would.

Reverend the Hon. F. J. NILE: Are you aware of the New South Wales Government Report entitled "Ritual Abuse: Information for Health and Welfare Professionals" which was reprinted in 1994 by the New South Wales Sexual Assault Committee—and, I gather, produced in 1993?

Mr SMALL: No, I wasn't aware of it.

Reverend the Hon. F. J. NILE: Are you aware that this Government report compiled by the New South Wales Sexual Assault Committee, which is comprised of representatives from the Department of Health, Office of the Director of Public Prosecutions, Attorney General's Department, New South Wales Police Service, Department of Community Services, Department of School Education, Department of Courts Administration, Child Protection Council and many other bodies, are you aware that they were—

Mr SMALL: No, I wasn't.

Reverend the Hon. F. J. NILE: In this report they have a number of findings, which I will quote. These are extracts from the report—which I imagine is asking are you aware of these extracts. So, I will read the extracts out to you: "To accept that people in this country are engaging in highly organised forms of abuse and torture whether in the name of Satan or some other entity is a difficult and frightening prospect. It is not surprising that people prefer not to know or believe. As one survivor aptly explained, such an admission challenges people's feelings of safety in the world."

Mr SMALL: I am not—sorry. Do you want me to say something?

Reverend the Hon. F. J. NILE: I suppose you will say you are not aware of it?

Mr SMALL: I am not aware of that specific allegation. I mean, I am aware of that general view, if I could put it that way.

Reverend the Hon. F. J. NILE: This is another quote, "However, the practises known to accompany the production of child pornography are not far removed from the practises being described by child and adult survivors of ritual abuse."

Mr SMALL: I am aware of that in general terms. I am not aware of that specific recommendation.

Reverend the Hon. F. J. NILE: Another quote: "Despite the official disbelief at many levels and the constant threat of ridicule, respected professionals around the world are beginning to speak out about ritual abuse. Both here and overseas they are finding that, much as they might wish, they are unable to disassociate or take refuge in denial."

Mr SMALL: Again, I am aware of the increasing public profile of that type of activity and the debate that surrounds it, in general terms.

Reverend the Hon. F. J. NILE: And the final quote from the report: "The victim's homes and families were meeting places for paedophiles of both sexes. They described how they were passed around adults, abused and tortured, sometimes daily, and how they were forced to watch the same things happening to siblings and cousins, and that types of abuse reported included being confined in a cage, threatened with murder, buried in boxes and coffins, water torture, injected with drugs, hung from hooks, tied to upside down crosses, perpetrators who wore masks, robes and carried candles, defecated and urinated upon, or forced to ingest faeces, or urine, animals tortured, fake operations, torture and abuse of others in victim's presence, babies and small children killed, carved up and parts eaten, and being taken to graveyards to be abused". That is the end of the quote from that report.

Mr SMALL: I am aware of those things having been reported in the media. No allegations of that type have been reported to me, and I am not aware of any specific cases that I would describe. I mean, I am aware in general terms of some horrible cases that would fall into that type of category you are describing there.

Reverend the Hon. F. J. NILE: Thank you. That is the last of the questions from Mrs Arena's lawyers.

The Hon. R. S. L. JONES: Have you ever, during your time in the Police Service, or any of your colleagues, ever come across such a case?

Mr SMALL: I certainly haven't, and I am not aware of the Police Service having come across a case to that extent. I am aware that the service has investigated a number of cases of allegations of that type and they have been found to be unfounded. That is not to say it hasn't occurred. I am just saying I am not aware of it, but I am aware that a number of cases have been found to have no support.

The Hon. A. B. MANSON: So those cases in which you found there was no support were baseless allegations?

Mr SMALL: Well, specifically, if I can refer to—I am aware of some cases in general terms, but specifically if I could refer to the instance that occurred during the royal commission where there was the instance—I can't recall the psychiatrist's name now—but where I think the royal commission

identified as clearly not—those sorts of allegations—clearly not being substantiated, and I think they related to the Wollongong area if my memory serves me correctly.

The Hon. JENNIFER GARDINER: Commander Small, if I could take you to the transcript of the meeting between Mrs Arena and yourself on 19 March, and I am going to refer to the very bottom of page 1 and the top of page 2.

Mr SMALL: Yes.

The Hon. JENNIFER GARDINER: This Committee has resolved not to make references to individuals and individuals cases, so I am not going to refer to individual cases, but I just want to clarify something. The last sentence on page 1 says, "At least if you could charge . . . they could go to trial to prove"—and we have agreed there is probably a word missing there—"so really something must be done, so I just don't know. Maybe you haven't got enough proof. I just want to let you know how concerned the community is. They lose complete faith in the justice system, our whole system"—I'll skip some words because it talks about a specific person—"they say that if he goes down others will go with him, and so people are very concerned." And then you say, "Yes, I understand that." Could you give us your understanding of what Mrs Arena, you thought, was getting at there?

Mr SMALL: Mrs Arena—my interpretation of what Mrs Arena was saying was that where serious allegations are made against a person they should be put on trial to allow the matters to be proven or disproved. In that way there is a very public display of what the Police Service or the Government or the authorities have done to investigate that matter. I can sort of understand that sentiment, but the fact of the matter is that where, in many cases, you have allegations against people not only in the child abuse area but across the whole gambit of activities that breach the law, where you may have very strong suspicions about a person's guilt, but simply not have enough evidence to charge them and to place them on their trial. So I can understand that whilst there might be a degree of community frustration where there are a lot of rumours floating around about a person who is not placed on their

trial, it may simply be the fact that there is simply not enough evidence to put them on their trial. Mrs Arena's view appeared to be that there needs to be a public display of resolution of the matter and, in a sense, I can understand that. But I just don't think it's practical. I don't know how we can resolve that issue.

The Hon. JENNIFER GARDINER: What about the words "If he goes down others will go with him, so people are very concerned"?

Mr SMALL: In that connection that specifically related to one person, and my understanding of that was that he knew quite a deal about the paedophile activities of a range of other people and certainly, in the context of the conversation we are talking about prominent people—whatever that means, but prominent people—and that if he were to be convicted that it is likely the activities of these other prominent people would be disclosed either through the proceedings or through the person himself exposing those people. And—so, I suppose at the end there were a couple of interpretations. One was: this person said, "If I go down I will take you down with me", type of thing. That is one interpretation; or, more generally, that a thorough investigation and the placing of this person on his trial would have exposed other people.

CHAIRMAN: Any further questions? Mr Primrose?

The Hon P. T. PRIMROSE: Yes, just to make it clear that what you have just described is your understanding of what Mrs Arena was saying?

Mr SMALL: That's correct.

CHAIRMAN: Any further questions? Mr Jones?

The Hon. R. S. L. JONES: Part (v) of the file note says there was an allegation that Carr met with Wood and states:

There was an agreement in the following terms—Carr says If you don't name the politicians, we won't name Judges.

Did you take that seriously?

Mr SMALL: No. Sorry, when I say no, I took it seriously to this extent, that Mrs Arena had made an allegation to me which was of a most serious kind and, yes, I was bound to take the allegation seriously. So, the answer to the question is, in that sense, yes. However, given the whole context of all of the allegations surrounding the alleged meetings and those sorts of things and the royal commission, I had some difficulty seeing how you, any intelligent person, could reasonably expect to hold such a conspiracy together without it coming apart. So, there was a sense in which I thought, here is an allegation which has to be taken seriously and something has to be done about it, and that was taken very seriously and it would have been done, whatever was required would have been done. On the other hand, at another level you would say this is a very grand conspiracy involving a whole lot of people and any intelligent person would understand there are going to be leaks. You could never hold it together, I would have thought. So, that made it more difficult at one level to accept.

The Hon. R. S. L. JONES: Do you think Messrs Finnane, Crooke and Bergin regarded that theory as serious? What was your impression when you talked with them about this?

Mr SMALL: I think it is fair to say I had a fairly lengthy discussion with Mr Finnane before we went to the royal commission because there were a whole range of consequences in it. I suppose we both had the same view that they were very serious allegations that had to be resolved, but we came back to this proposition, how could you expect to hold a conspiracy of this type and size together? It would fall apart. I mean, someone was going to talk, someone was going to leak information. It involved too many people to be successful.

The Hon. R. S. L. JONES: So there was no serious investigation of that allegation?

Mr SMALL: We certainly never conducted—when I say we, I am talking about the New South Wales police—so far as I know. I certainly never conducted any particular investigation of that matter.

The Hon. R. S. L. JONES: Because you thought it had no credibility?

Mr SMALL: Because it was linked into a number of other matters relating to paedophilia generally within the royal commission and we had taken all of these concerns to the commission. Mr Crooke explained the process the commission was going through in terms of handing material over to the police, and that clarified some issues, and had in fact denied—I suppose you could argue why would you take Mr Crooke's word, and I mean no disrespect Mr Crook—and had indicated that there had been no such agreement. But we certainly did not investigate it.

Reverend the Hon. F. J. NILE: Just to clarify what's in the now typed copy we have got of the part that wasn't recorded. Your brief notes have:

Theory: don't mention Members of Parl. We won't mention Judges.

And when it is in the file note it sort of becomes a more definite statement.

Mr SMALL: Yes.

Reverend the Hon. F. J. NILE: It says;

She alleges that later that week Carr met with Wood and there was an agreement in the following terms—Carr says If you don't name the politicians, we won't name the judges.

In fact, there is no reference there to theory. In other words, wasn't Mrs Arena saying as if "I've heard people say", "I've heard the suggestion", like it was an expression that could be used for members of Parliament somehow—"Don't mention members of Parliament, we won't mention judges"—without necessarily saying that she heard Bob Carr say it or that he literally used those words?

Mr SMALL: Yes. On the 19th when I spoke to her, that would have been her word, "theory". My recollection is that she put it, "This is a theory"—a theory. It wasn't, if you like, an assertion of fact. What we had was a series of what I took to be facts asserted to me, that is, the newspaper article, the meeting, the meeting even with the royal commissioner, with Mr Carr, or that even that that sort of meeting could well have occurred. The point, the conspiracy part, if you like, was put as a theory.

Reverend the Hon. F. J. NILE: She never used the word "conspiracy"?

Mr SMALL: No, I am sorry. That was the consequence of everything that was said, however, that there had to be a conspiracy to do these things. If you say, "We won't mention judges if you don't mention members of Parliament", there is an agreement, there is a conspiracy if that occurred. The word "conspiracy" is mine that I am using here. Mrs Arena put it as a theory and that is also probably—and I would have used that word in speaking with the royal commission. And that is also probably—whilst I cannot say it was not fact, it is also probable that the matter played on our minds as to what we would or would not do about it.

Reverend the Hon. F. J. NILE: My concern was in point (v) in the PAB file note. It seems or it almost sounds as if there is no reference to conspiracy or even to theory. She alleges that later that week—this is the notes, not your words; this is what the people you were speaking to thought you were saying, as if they took it in a stronger way than in fact Mrs Arena in the first place said it or the way in which you understood it, but by the time it got to the royal commission people their notes say:

She alleges that later that week Carr met with Wood and that there was an agreement in the following terms—Carr says If you don't name the politicians we won't name Judges.

That seems to be a far stronger belief by the royal commission staff than what you were reporting to them of what Mrs Arena had reported to you.

Mr SMALL: Yes.

Reverend the Hon. F. J. NILE: It was almost becoming stronger or more exaggerated or concrete. The next person hearing it would say that she heard Mr Carr say it, if you read that.

Mr SMALL: I suppose the difficulty is that my notes are shorthand. The word "theory" was certainly one used by Mrs Arena because it is not one that I would have written in a shorthand way.

Reverend the Hon. F. J. NILE: I was not criticising you because "theory" is what you had. It is just that The royal commission file note seems to become as if, by the way you spoke to them, you conveyed it in stronger terms or they took it in a stronger way.

Mr SMALL: I would have been referring to my handwritten notes and run through those points when I spoke to the commission. I suppose the difficulty is that whenever you write an abridged version of a conversation something is left out or an interpretation can be given that is not there. That is all I can say about it.

The Hon. R. S. L. JONES: Can you recall the last point in part (v) where it says:

Franca also claimed all credit for anything that has happened in the last three months in the Royal Commission.

There is nothing about that in the transcript. Where would that have been?

Mr SMALL: No, sorry; if my memory serves me correctly on that particular point, that refers to the second- or third-last line of my notes, which was that the royal commission was going to close and then the Yeldham matter was mentioned, and that mention was made by Mrs Arena, and what she was in effect saying was that if she had not raised the Yeldham matter—

Reverend the Hon. F. J. NILE: It reactivated the whole thing.

Mr SMALL: It reactivated—

Reverend the Hon. F. J. NILE: Which it certainly did. Do you agree, Mr Small, that if a victim makes a complaint of sexual abuse against a particular individual and can supply details of the place, approximate date and the particular abuse, that that complaint is sufficient evidence to warrant charging the person? Did this not occur in relation to some of the matters referred to you by Mrs Arena?

Mr SMALL: I suppose there are several parts to that. Yes, a number of people were charged as a result of the information Mrs Arena provided, and in some cases people she referred to were already the subject of police investigations and they were charged also. That is not necessarily the direct result of any information that Mrs Arena brought forward. But certainly she had mentioned a number of people that she had concerns about and she directly and indirectly contributed to their arrest, put it that way.

The first part, however, though, I do not think I can answer in such a clear-cut way. Notwithstanding that a person makes an allegation, claims to nominate a particular time, date and place, and all those sorts of things, would not necessarily result in a person being charged, because the matter would have to be investigated to see things like how long ago it was, was there corroboration of any other sort for the story, could any other evidence be found? Even to the extent, I suppose, of saying was the person who was alleged to have committed it in the country on the day? So I would have expected people to make a lot of further inquiries before a charge was preferred.

CHAIRMAN: I want to have it noted that that was Mrs Arena's question.

Reverend the Hon. F. J. NILE: Yes, that was Mrs Arena's question, another one of Mrs Arena's questions from her lawyers. Following up the matter I have asked you already about the theory and the conspiracy terminology, might you have misunderstood Mrs Arena? She might have only been suggesting a lawful agreement to confine the royal commission to restrict its terms of reference to deal only with paedophilia involving police corruption, rather than investigating paedophilia generally. She might not have been suggesting a conspiracy at all.

Mr SMALL: No. I would not have accepted that. Certainly, given my notes and the context, it was fairly clear—not fairly, it was clear—that what was being suggested was improper activity.

CHAIRMAN: Any further questions? Thank you very much, Commander.

Mr SMALL: Could I ask something, Madam Chair?

CHAIRMAN: On the record?

Mr SMALL: Yes. In the documents I have presented there are a number of names that have been referred to. I simply ask that if this is to make its way into any public record, whether those names might at least be checked for appropriateness or otherwise as to whether they should go in. In most cases I would think not. A number of people are before courts at the moment.

CHAIRMAN: I know. Commander, we have been very, very assiduous in keeping names out of the transcript and also any material which could be seen as operational police matters. We will be very, very careful, I assure you.

(The witness withdrew)

FRANCA ARENA, member of the Legislative Council, on former oath:

The Hon. FRANCA ARENA: Can I make a short statement?

CHAIRMAN: No, this is a statement I will make to you. Does your statement relate to proceedings?

The Hon. FRANCA ARENA: Yes, Madam Chair.

CHAIRMAN: To procedural matters?

The Hon. FRANCA ARENA: Yes. I want to register my strongest objection to the decisions of this Committee to (a) ignore Superintendent Woodhouse's letter that he was content for certain parts of his evidence to be publicly disclosed; and (b) to prevent many of my questions from even being asked of witnesses let alone be answered when those witnesses gave relevant evidence to the Committee, and the questions relate directly to that evidence. This unfairness will be revealed one day, Madam Chair. How can you regard it as appropriate to take evidence on a range of matters but prevent me from asking questions on all but one matter is really beyond me.

You have called Assistant Commissioner Small to give evidence of my beliefs and motives about Mr Carr and Justice Wood in a conversation on 19 March 1997, as this might assist the Committee—as if this might assist the Committee—in determining my beliefs and motives in giving my parliamentary speech six months later on 17 September 1997. I have already said my motives and belief are irrelevant. In any case, my motives in saying one thing to Clive Small in March 1997 are not relevant to my motives in saying another thing to Parliament in September 1997. To say otherwise is absurd.

However, as you have decided to persist in this tactic, it is only fair that you receive other evidence of what I said to other persons about my belief of the agreement between Carr and Wood during this six-month period. There are a number of people with whom I have discussed this matter and next week I will provide you with a statement on this matter. I note that the Committee never asked me in evidence about my conversations with others on this matter. Madam Chair, I would invite the Committee to ask Mr Gross, QC, whether in order to be fair to me the Committee should receive evidence from myself and others with whom I have discussed this same matter in the six months from March to September 1997.

I have no doubt that he will tell you that to call one witness on the matter but to exclude my own testimony and other witnesses on the same point is grossly unfair. Finally, Madam Chair, I will need to put in a further instalment of my final submission on my conduct, now that the Committee has reopened the matter and has heard, and should continue to hear, further evidence.

CHAIRMAN: Thank you, Mrs Arena. We are going into a deliberative session but I do want you back to hear what I have to say to you.

(Short adjournment)

CHAIRMAN: Mrs Arena, we invite written submissions from you and any further statements from witnesses that you wish to provide in writing—

The Hon. FRANCA ARENA: I am sorry, I missed that first word.

CHAIRMAN: We are inviting written submissions from you and further statements from witnesses that you want to put before the Committee, and if both of those could be put to or supplied to the Committee by Wednesday at 5 o'clock. But, as on previous occasions, there is some flexibility but we are trying to get this inquiry finished. The Committee would like to say something to you on the record. The Committee is concerned about your press releases and public utterances. There is a belief that you have committed contempt of the Committee on occasions. In particular, we are concerned about [*evidence suppressed*]. The Committee believes that [*evidence suppressed*] in the public transcript. This would constitute a severe contempt of the Committee. We ask that you refrain from any public statements without both your lawyers screening them beforehand. Will you please give an undertaking that you will do so.

The Hon. FRANCA ARENA: I did not identify [*evidence suppressed*] I will certainly undertake a commitment that I will screen any future press releases with my lawyers, relating to this Committee naturally.

CHAIRMAN: Thank you.

(The witness withdrew)

(The Committee adjourned at 4.02 p.m.)

23 June 1998

**MR PHILIP TAYLOR
LEGAL ADVISER TO MRS ARENA**

PRESENT

The Hon. Dr Meredith Burgmann, MLC (Chair)

The Hon. Jennifer Gardiner, MLC
The Hon. John Johnson, MLC
The Hon. Richard Jones, MLC
The Hon. Anthony Kelly, MLC
The Hon. Charles Lynn, MLC
The Hon. Andrew Manson, MLC
The Revd the Hon. Fred Nile, MLC
The Hon. Peter Primrose, MLC

PHILIP THOMAS TAYLOR, Barrister, 36/52 Martin Place, Sydney, sworn and examined:

CHAIR: In what capacity are you appearing before the Committee?

Mr TAYLOR: I have been summonsed by the Committee and I am the legal adviser to Mrs Arena.

CHAIR: So you received a summons issued under my hand in accordance with the provisions of the Parliamentary Evidence Act 1901?

Mr TAYLOR: I did.

CHAIR: Are you conversant with the terms of reference of the inquiry?

Mr TAYLOR: I am.

CHAIR: This evidence is being taken in camera. The Committee has resolved that your evidence will be taken in camera and is for the information of members of the Committee only. Under no circumstances will the evidence be made public, except in the report of the Committee. Would you like to address the Committee?

Mr TAYLOR: Yes, thank you, Madam Chair. If I might say that I do not wish, and I would seek to avoid repeating matters in the earlier submissions. The Committee has five submissions from Mrs Arena of 29 January, 16 February, 6 May, 22 May and 3 June and to the extent that any members of the Committee might not have had the opportunity, I would respectfully urge them to read those five submissions. If I can take the Committee to just two minor matters in the terms of reference of the Committee, the terms of reference provide in 3(b) that the Commissioner of Police is to lodge a report of his assessment of the special branch files with the Clerk of the House as soon as is practicable, and that was to be considered by this standing committee.

We are not aware of any such report being lodged. I do understand that the commissioner has given evidence before the Committee, but to the extent that that particular term has not been finalised, I would urge the Committee to adopt what is required in that term. Secondly, and this is the basis of what I wish to talk to the Committee about today, paragraph 1(a) of the terms of reference, as the Committee obviously well knows, requires the Committee to inquire and report into the statements made by Mrs Arena on 17 September, 1997, in the Legislative Council.

I propose in the time that the Committee has allowed me to particularly draw the Committee's attention to the words that were used by Mrs Arena in that speech on 17 September. I have arranged for, and I hope each member of the Committee has been given, a copy of the speech. No doubt it has been read before, but given that the preliminary findings or the findings that have been provided to Mrs Arena seem to conflict substantially with the various submissions that Mrs Arena has put in about what she meant in her speech, I do wish to take a little bit of time to seek to persuade the members of the Committee as to how they should understand what is said in the speech and what it properly means.

If I might be able to direct the Committee's attention to page 3 of the speech, at the foot of page 3 there is a reference to the oft quoted *Sun Herald* article by Mr Alex Mitchell, and members of the Committee will see that Mr Mitchell wrote:

Prominent People to be Named - Pedophile bombshell.

At least two MPs, a judge, several senior police officers, lawyers, doctors, a socialite businessman and priest will be exposed . . . The allegations are so grave that they will send shock waves through State Parliament.

The next paragraph:

. . . it has the potential to oust the Carr Government which is in office by a majority of just one seat.

Then on the next page there is a reference to Mr Carr having invited the Opposition leader, Peter Collins, to a private meeting. Two further paragraphs down it reads:

The impending revelations, as well as the alarm bells from the March 2 federal election, have propelled Mr Carr into a pro-active damage control mode.

Then what follows appears to be Mr Mitchell's view of what is damage control, including two paragraphs further on, Mr Carr having held detailed talks with Clover Moore:

He promised to consider her nine-page "wish list" and to hold regular consultations during the year.

Then it reads:

By wooing Ms Moore and Manly Independent Peter Macdonald, Labor strategists are hoping for their support in the event of losing an MP as a casualty of the royal commission.

Might I respectfully suggest that this damage control that is obvious on the face of Mr Mitchell's article is what he is referring to when he speaks of damage control. Then the article goes on about the Liberals fear that they may suffer a casualty. Then if I can take the Committee over the page, at the end of that article the important words which have led to this inquiry and the Nader inquiry occur when Mrs Arena says:

Did that not give us a lot of hope that things would change? But what happened? The next day Bob Carr's office denied that such a meeting was ever going to take place".

Just stopping there, that is factually correct what she has said. Mr Carr denied that such a meeting, namely a meeting to consider the paedophile inquiry, was ever going to take place. She continues:

But it is fair to assume that a meeting did indeed take place when the furore had died down.

Can I say that is the last reference to the meeting between Mr Carr and Mr Collins other than to identify when the Premier met with Justice Wood, which occurs in the next paragraph where you will see a reference to Peter Collins. Other than that chronological reference, there is nothing

more said about that meeting. So, I would submit to members of the Committee that it follows that what is said is that Mrs Arena has made an assumption. It was a fair assumption in the sense that it was based upon the idea that a meeting had been arranged according to the newspaper, and the newspaper made significant allegations and she had made an assumption that such a meeting would occur.

But the most important thing about what she has said is that as far as she has gone, she has merely alleged a meeting that has already been alleged by Mr Mitchell in the article. It is not, in my respectful submission, proper to read into what she has said anything else other than that she has assumed that a meeting, the substance of which was alleged by Mr Mitchell, did take place. It follows that what she has alleged certainly can be no graver allegation than that which is made by Mr Mitchell.

Her words go on:

There was also another meeting which took place here at Parliament House late the following Sunday between Bob Carr; the General Secretary of the Australian Labor Party, John Della Bosca; party president, Terry Sheahan; and other important figures in the ALP. Are these people going to deny the meeting took place?

Before Nader, of course, they did. Then she says:

I had confirmation by security officers and others unable to talk about it publicly who could testify to it but are in fear of losing their jobs.

The "it" in that sentence can only refer to the meeting between Mr Carr, Mr Della Bosca, Mr Sheahan and other important figures in the ALP, because in the first place that is where it occurs, immediately after that meeting. She has said that there is an assumption of a meeting between Carr and Collins. Here she is talking about confirmation of "it". The confirmation cannot be about what she has assumed, but rather the meeting she has alleged between Mr Della Bosca, Mr Carr and Mr Sheahan. That is important because in the next sentence you will see she refers to it again:

... I believe it was all to organise damage control.

In other words, the meeting between Mr Carr, Mr Della Bosca and Mr Sheahan and not the assumed meeting between Carr and Collins was all to organise damage control. The Committee has inquired as to whether there was a proper basis for her to make that claim and the Committee has received her submission that there was one security officer who she declined to name and a former ALP member of Parliament who she declined to name, but she also referred to the article of Mr Mitchell, which is quoted earlier, and if I can just take you back to the page before, page 4, half way down the page, I can read again the comment that:

Labor strategists are hoping for their support in the event of losing an MP as a casualty of the royal commission.

It is certainly being alleged that Labor strategists are engaged in this damage control to deal with the problem that might arise should a Labor member of Parliament be named. The same point is

made by the Michael Dwyer article which each member of the Committee should have where he makes a similar point to Mr Mitchell——this is in the fourth paragraph of that article:

Senior Labor strategists are worried that the ALP member of the New South Wales Legislative Assembly likely to be named will resign from Parliament, triggering a by-election which the ALP may lose because of adverse public reaction.

The only other reference to damage control that is found in the speech is the damage control that is referred to in Mr Mitchell's article. The damage control that he speaks about is this idea of looking after the Independents so that in the event that a Labor member of Parliament loses his seat, that that will not bring down the Government. That is the same thing as Michael Dwyer presumably is talking about when he is talking about them being worried. It is, in my respectful submission, the only sensible way to read what Mrs Arena has said when she says, "I believe it", the Della Bosca, Carr and Sheahan meeting, "was all to organise damage control", namely, to work out, to prepare some sort of contingency plan or work out some arrangement with the Independents so that Government could be preserved if the ALP lost a seat.

That is the last reference to that meeting in Mrs Arena's speech. It cannot be, then, that it is appropriate to interpolate into those words which make perfect sense as they appear all sorts of sinister connotations about suppression of names or criminal conspiracies when they just do not appear there. The words make perfect sense as they are, and when read in context with what she has quoted and what appears in Michael Dwyer's article, she has made no more significant allegation than what Michael Dwyer and Alex Mitchell have made, namely that Labor Party strategists did the appropriate thing and worked out what they should do in the event that a Labor member of Parliament was named.

Moving on, the next reference in the speech is that of the Premier meeting with Justice Wood. She says she did not know what happened at the meeting. Then she goes on to say, and I might respectfully suggest to the Committee that the following sentence is the only sentence which should give the Committee any real concern about what it is that Mrs Arena is alleging and whether it is a substantially adverse allegation against a member of Parliament. She says:

... but I am bold enough to presume that an agreement was reached to ensure that people in high places would not be named as it would have been too traumatic for the community ...

And so on. So the claim that she has made in relation to the Premier and Justice Wood consists of three elements: a meeting, an agreement and a purpose, that it was to avoid trauma to the community. The reference to trauma to the community has been dealt with repeatedly in the submissions that have been handed to the Committee and is repeated in the next paragraph where she says:

I believe that this is due to the fact that it was decided too damaging for the community to have members of Parliament and judges exposed.

The fact that there was a meeting of itself does not take the Committee any where. Mr Carr and Justice Wood have admitted before Mr Nader that they met in February, May and October and

they may have met on other occasions and, with respect, that they happened to meet, of course, is no cause for concern at all. The matter which may be of significance is that there is an allegation of an agreement to ensure that people in high places would not be named. Now, the Committee has at least tentatively, if not more so, decided that an agreement to ensure that people in high places would not be named is a criminal conspiracy, but with respect, that does not follow.

If two people agree not to name people in high places, that does not constitute anything criminal. What may be criminal is if either one of those persons has a duty to reveal those people in high places. If Justice Wood and the Premier agreed that people in high places would not be named, then it may be criminal. In fact, it probably would be criminal if Justice Wood were obliged to do that. Was he obliged to do that? The only way you can determine if he was obliged to reveal people in high places is to consider what his terms of reference were.

Did his terms of reference oblige him to inquire into paedophiles in high places, to investigate them, to focus on those people holding positions of responsibility? If he was not obliged to look into those areas, then an agreement that he would not is no different from an agreement that he would not look into murder or sedition or rape or any other criminal conduct that was decided politically to be not the appropriate part of this royal commission. Justice Wood said on 19 March, 1996:

It is silly to focus on those who are perceived as holding positions of responsibility.

It is not my purpose to investigate and bring to justice paedophiles in high places.

He did not regard it as part of his terms of reference to investigate paedophilia generally, to investigate paedophiles in high places, but only to investigate paedophilia so far as it concerned police corruption and public officers, as his extended terms of reference say. So that to say that the allegation of an agreement between Justice Wood and Mr Carr involved an allegation of a criminal conspiracy is saying, effectively, that they decided that notwithstanding the terms of reference, Justice Wood would not do what he was obliged to do. In other words, it was irrelevant to him what the terms of reference provided because he was not going to reveal these high profile paedophiles.

That interpretation simply cannot stand with what Mrs Arena has said in her speech. The next three pages of the speech detail the fact of the problems with the terms of reference. Perhaps I should take members to that. She says at the bottom of page 5, "I have no doubt there has been a massive cover-up". That is the first reference. Then on page 6, the end of the first paragraph:

I know that I will be strongly criticised for making these statements but I believe it is my duty to put them on the parliamentary record.

The next paragraph:

It is imperative for me to discharge my responsibilities as a member of Parliament. I have my responsibilities to the community. There has always been a reluctance on the part of the powers that be to extend the royal commission's terms of reference in a way that was needed.

Now, if there is an agreement to subvert the terms of reference, then whatever the terms of reference are is irrelevant because the allegation is that the Premier and Justice Wood are not abiding by them. But if, as Mrs Arena has said and as I submit to you today that the allegation is that there was an agreement to limit the terms of reference, to have a limited inquiry into paedophilia, then it becomes crucial what the terms of reference are and whether they allow the inquiry or not. After she speaks of the need and the reluctance to extend the terms of reference, she refers again at the bottom of that paragraph:

It was a once-in-a-lifetime opportunity to look in depth at the question of paedophilia. However, this opportunity has been lost and we have seen a massive cover-up as far as important people in our community are concerned.

Now the reference to massive cover-up there cannot refer to anything else but the failure to extend the terms of reference. I mean, it is plain as a pike staff that that is what it is referring to and if that is what she is talking about when she is talking about a massive cover-up, then it is appropriate for the Committee to read "massive cover-up" on the bottom of page 5 in the same light. You will see that the terms of reference consume the next two pages of the speech and criticism about the procedure, how Caucus voted to extend the terms but that was not adopted at the end of the day, and at the top of page 8, end of the first paragraph:

For this reason the royal commission received the terms of reference issued by the Premier, which were more restrictive and did not reflect the will of caucus.

In the next paragraph she says:

I will never know why the Premier did not want an extensive inquiry into all aspects of paedophilia. He claimed that Justice Wood was not prepared to hold such an extensive inquiry and, in effect, Justice Wood used the terms of reference issued by the Premier on 22 October as a shield . . .

Later there is the comment by Mr Whelan that, "Well, if Justice Wood does not want extensive terms of reference, we will be able to get another judge":

The royal commission proceeded with terms of reference acceptable to both the Premier and Justice Wood. These terms of reference, I emphasise again, were not as extensive as the community wanted . . .

In my respectful submission it must be the case that the continued reference to the terms of reference and Justice Wood, that he used them as a shield, that he was not prepared to hold an extensive inquiry, that he does not want extensive terms of reference, that she has identified the difficulty with what Justice Wood has done, what the Premier has done, namely that they have come to an agreement in relation to restrictive terms of reference, she has perceived to be worthy of criticism. The same issue occurs on the bottom of the third last paragraph on page 8:

. . . the royal commission was a unique opportunity to look at the issue of paedophilia and a unique opportunity to deal with it in depth. Why were the terms of reference not as extensive as we wanted them? Why was the issue of paedophilia not dealt with in depth by the Wood royal commission . . . Why was the lid kept on this important issue?

another suggestion of a cover-up:

We have never been given an answer. But let me say that many of us have a fair idea why.

I think it is open to the Committee to conclude that that is a reference to the suggested trauma to the community that Mrs Arena has twice said earlier. Then at the bottom of that page she says:

. . . I feel that we have lost a golden opportunity. Who is responsible for the loss of this unique opportunity? I leave that for the community to judge.

On the next page:

. . . there are people who will have to answer to future generations as to why important people such as judges and members of Parliament were given protection.

The reference to judges and members of Parliament is a reference back to the same thing she had said in the second last paragraph on page 5, that it was too damaging for the community to have members of Parliament and judges exposed, yet the comment at the bottom of page 8 and on to page 9 can only be read as referable to a criticism of the narrow terms of reference. I do not wish to take up the time of the Committee but I have provided the Committee with a copy, I understand, of pages 568 to 572 of Justice Wood's report. He details there what occurred in relation to the extension of the terms of reference and explains the reasons he gave for not having a wider inquiry than that which he ultimately agreed with the Premier.

So, the point of this is to illustrate to members of the Committee that without the interpolation of words into Mrs Arena's speech, words like criminal, conspiracy, sinister, suppression, secretive and so on, the speech does have a plain meaning and it refers to an agreement to have a limited inquiry which she thought was terribly wrong and voiced strong opposition to, but it nevertheless does not approach an allegation that Justice Wood acted contrary to the oath he took to investigate matters in accordance with his terms of reference.

The fact that the terms of reference do not specifically exclude high profile paedophiles is not to the point. If paedophilia which is not relevant to police corruption is not investigated, it follows that high profile paedophiles are not investigated and the result is achieved. The Committee will have received, and have previously received, a copy of a letter from Mrs Arena's solicitors of 24 September in the week following the speech to the Sydney Morning Herald which had alleged that she had alleged a criminal conspiracy. You will see in that letter that there is a reference to the assertion by the paper of allegations of high level criminal conspiracy:

There has never been any assertion of criminal conspiracy by our client in respect of the Wood Royal Commission.

She said it from the very first when her words got misinterpreted. She has repeated almost ad nauseum throughout this Committee's inquiries that there was no allegation of criminal conspiracy, that Justice Wood did not do something criminal and she did not get the opportunity to explain what some might say were ambiguities in her speech on 17 September because nobody took a point of order in her speech and no opportunity was given to her to explain what she had said.

What she has said in that particular paragraph about being bold enough to presume that an agreement was reached that people in high places would not be named at the very least is ambiguous. At the first available opportunity she has cleared up what she meant and it follows that the Committee should assess what she has said and done in accordance with her explanation of it. For those reasons I urge the Committee to revisit any findings that it has made on what she has meant and said in her speech.

The second point I wish to talk about is sanctions. If I might first go to the Commonwealth Joint Select Committee Report on Parliamentary Privilege in October 1984, the Committee has seen a copy of this or at least some of the comments of this Committee in an earlier submission that has been provided to the Committee, but if I might have the opportunity to just take the Committee to some of the comments that the Commonwealth Committee made in looking at parliamentary privilege. You will see at page 41 that this Committee, and it is a unanimous report of a multi-party Committee state, "We believe it to be beyond contest that this freedom is a privilege of necessity."

We believe it to be beyond contest that this freedom [of speech] is a "privilege of necessity". Without this fundamental right, Members would fear to express themselves with the bluntness and directness parliamentary life so frequently demands, and Parliament would become a shell devoid of content or meaning. If what was said or done by Members in debates and proceedings in Parliament could be called into question outside of Parliament, we would be taking a giant step backwards to the days of the Fourteenth Century and executive ascendancy.

And at the bottom of that page they say it:

... is not intended to inhibit the most trenchant criticism of the political process. It is a cardinal feature of our democratic system that such criticism should be made. We believe there are two bedrock elements to a democratic parliamentary system. Firstly, absolute protection must be given to a Member for his participation in debates and proceedings in Parliament—protection in the sense that what he says or does in those debates and proceedings can never be the subject of any challenge by the courts, or by the executive, or by any other authority. Secondly, the most complete freedom to criticise the actions of Governments, Parliament itself, political parties represented within Parliament, and Members.

If I can take the Committee forward some pages to page 53, they look at the question of misuse of parliamentary privilege, which may be what the Committee feels it is looking at here. At about point 2 towards the top of the page:

Here is to be found a clear conflict of public policy: between on the one hand Parliament's rights to, and its need of, the fearless, open and direct expression of opinions by its Members, and on the other the citizen's right to his good reputation. All of us are familiar with the claims that Members of Parliament misuse the privilege of freedom of speech by making groundless attacks on others.

And about five lines beyond that:

Of those who gave oral evidence, most conceded that there were periodic instances of misuse of privilege.

And at the bottom of that paragraph:

But it must be acknowledged that the very great privilege or immunity for what is said by a Member in Parliament carries with it the inherent dangers of misuse, and that in any robust assembly there will be instances of real misuse of this privilege.

And then in the next paragraph about half way through it:

... it has always been open to Parliament to question the conduct of Members in debate. Ordinarily, this takes the form of an exchange in the House.

Which did not occur here——

Both Houses have been exceedingly cautious of taking matters further, for if it became the practice to formally examine——as by a reference to the Committee of Privileges——

Like what happened here——

what Members say in a House, the essential freedom could be endangered.

And then they look at means to deal with the problem. On the next page at 5.38:

Freedom of speech in Parliament has never been considered to "involve unrestrained licence of speech within the walls of the House".

Leaving two sentences:

By standing orders, Members are prohibited from using offensive words against other Members. A Member who wishes to make serious charges against another Member should do so only by way of a substantive motion, although we must concede that there are many instances when this practice is not followed.

And at the bottom of the page:

But if anything is to be done, we think it of fundamental importance to keep in mind the paramountcy of Parliament's claim to the full, free and untrammelled expression of opinions by its Members. Nothing should be done to erode this freedom and if this claim of paramountcy, which is made by Parliament on behalf of all Australians, conflicts irreconcilably with the right of members of the public to their good reputations, and as a corollary, the right——which in principle they should have——not to be unfairly attacked, in our view Parliament's claim must prevail.

The Committee then goes on to consider a proposal by Mr Anthony that where a Member makes an imputation of misconduct against another Member he should produce *prima facie* evidence, and, if not, the Member could be named, almost like, I suppose, a first step to being censured. The committee's response to that is found about five lines into paragraph 5.41 on page 55:

... in our view there would be occasions——when the public interest requires that a particular matter be raised, and when the Member raising it may lack *prima facie* evidence, although convinced of the accuracy of his material and the need to make it public, or may feel morally constrained not to reveal the nature of that evidence.

And that, with respect, is what happened here:

The latter could happen when a Member obtains information on the understanding that he will not reveal, directly or indirectly, the identity of his informant. Secondly, who is to judge what constitutes *prima facie* evidence? Thirdly, what sorts of rules are to be applied . . . Fourthly, if procedures were established to give effect to . . . the routine demand for evidence and its assessment could impede the progress of debates and be used deliberately as a means of obstruction.

And then:

Lastly, if Mr Anthony's proposal was adopted, we believe there is a very real danger that it could lead to an erosion of freedom of speech.

And the committee goes on to consider about how Members often do not have the time to fully investigate matters and concludes:

Examples of difficulties could be multiplied, but in short, to put Members under such constraints would in a very real sense trammel freedom of speech.

If I can just take the Committee further to page 59 there is a reference to the way the Committee believes the problem should be dealt with about half way down the page:

We believe the safeguarding of this privilege and the continuing demonstration of its necessity and its proper use is a duty of each Member. In the end, the real answer to the problem of misuse of the privilege lies in the care and responsibility of Members, their recognition of the legitimate rights of others, and the development of what one witness called a "corporate conscience".

And then they have a recommendation where there is at the commencement of each session a statement of principle effectively reminding Members of the need to bear in mind the interests of those who they may make allegations about. And also at paragraph (b) on page 60 empowering the Presiding Officers to draw the attention of the House to that resolution. So that is the way that the Commonwealth committee thought that the problem could best be dealt with: to remind Members of their obligations but not to put them under onerous obligations about satisfaction or proof of the truth of what they wish to speak about. And the committee says in paragraph 5.46:

. . . each House has the undoubted capacity, where appropriate, to investigate and take any necessary action to deal with abuses such as the which wilful and reckless misuse of privilege by a Member.

And so on. Reference to the wilful and reckless misuse of privilege by a member is a reference to conduct or saying things by a member which are dishonest or malicious, which is the sort of conduct which caused Mr Price, I believe, in 1917 to be expelled. That has not been found by the Committee on its preliminary findings here. There are not any findings, nor should there be, of any dishonesty or maliciousness.

If there is no dishonesty or maliciousness, then the extent of the findings of the Committee are that whatever Mrs Arena has said—and I have made submissions about what she has said — she may not have done proper investigations; she may have been negligent; she may have been grossly negligent, but that in any robust assembly, as the Commonwealth says, is going to happen—the answer to that is not to seek to sanction Mrs Arena for doing that, if that is what the Committee finds, because to do that creates a greater evil than what Mrs Arena has done.

The evil that it creates is to trammel, reduce, the freedom of speech which a member has in the Parliament, which in all of this material and in material which I will take the Committee to in a moment is regarded as the fundamental abiding principle of a Parliament.

Could I just while I am on this report quickly take the Committee to two other pages of it? At page 96 there is a reference to the Mahon decision, which is the only time the Commonwealth House saw fit to expel a member, and there is a reference there at 7.19 to the decision being made on party lines, and “it is a decision we find troubling”. And the Committee goes on to recommend, and in fact that recommendation was adopted, that the Commonwealth relinquish the power it had to expel a member.

Perhaps while I am talking about expulsion, the Committee has received a report from Mr Evans that contemplates expulsion as a possible remedy, and I do not suggest that it is at the forefront of the Committee's thoughts, but I want to make a submission that the Committee has no power to expel a member.

If you look at the test of what powers the Committee has, they are those powers which are reasonably necessary for the performance of the functions of the House. That is the test because, unlike the House of Commons and unlike the other States of Australia which have adopted the powers of the House of Commons, this State does not have those powers expressly; it only has those powers which it obtains inherently by reason of its being a Parliament.

It has those functions—and no doubt Mr Evans and Mr Gross will confirm this—which are reasonably necessary for the fulfilment of its functions as a house of Parliament. Certainly *Armstrong v Budd* would suggest that the power of expulsion in certain circumstances did exist in 1969 in the House, but since the Commonwealth has abolished the power of its Houses to expel a member, in my submission it is very difficult to argue that it is inherently reasonably necessary for a House to have such a power because the Commonwealth has decided that it still functions as Houses of Parliament without the power and, if it can function without the power being reasonably necessary, then it simply does not get implied as part of the powers of a House of Parliament.

So even though the position may have been different in 1969, the conduct of the Commonwealth in the 1980s has made it plain in my submission that a House of Parliament does not in any sense need the power of expulsion. So it is, in my submission, unlikely that it would persist by implication when the Commonwealth has found that it does not need it.

Can I take the Committee to a report of this Committee differently constituted in 1989 concerning Reverend the Hon. Fred Nile? I think the Committee has been provided with pages 26 to 31, which are the conclusions and findings of the Committee, and you will find that these conclusions are on all fours with the policy which is adopted by the Commonwealth committee, namely the pre-eminence of the principle of freedom of speech for members. If you look at paragraph 53 on page 26 of that report, the Committee refers to a House of Commons committee which held that:

... although some of the language used might be held to reflect on Members of the House, neither document can properly be considered to damage or obstruct the work of the House and so to amount to a contempt of the House.

That is the test: does it damage or obstruct the work of the House? And in my respectful submission it is drawing an extremely long bow to say that what Mrs Arena had said on 17 September does that. The report of that committee at the foot of page 26 records that:

... it is the duty of the House to deal with such reflections upon Members as tend, or may tend, to undermine public respect for and confidence in the House itself as an institution. But they think that when the effect of particular imputations is under consideration, regard must be had to the importance of preserving freedom of speech in matters of political controversy and also, in cases of ambiguity, to the intention of the speaker ... the law of parliamentary privilege should not, except in the clearest case, be invoked so as to inhibit or discourage the formation and free expression of opinion outside the House by Members equally with other citizens in relation to the conduct of the affairs of the nation.

And might I say, more strongly, it should not except in the clearest case be invoked so as to inhibit or discourage the free expression of opinion inside the House by members. And at paragraph 55:

... some strong opinions ... could offend the sensibilities of members ... [but] that may not necessarily be a contempt of Parliament.

On page 28, paragraph 57:

Your Committee endorses the view of the House of Commons ... which suggests that the House, in the interests of freedom of expression, should exercise its jurisdiction as sparingly as possible and only when it is satisfied that to do so is essential to provide reasonable protection for the House ... from such improper obstruction ... as is causing, or is likely to cause, substantial interference with the performance of their respective functions.

And paragraph 59 at the bottom of the page:

... the nature of the contempt power is to preserve the safeguard the dignity and honour of the House and the proper conduct and exercise of its powers and duties, and is not to be used to protect the sensitivity of members.

And that is repeated in paragraph 60 in the final sentence in that paragraph:

... parliamentary privilege should not ... be invoked in such a way as to inhibit or discourage the free expression of opinion or criticism, outside the House by Members equally with other persons, however prejudiced, uninformed or exaggerated it may be.

And the findings in paragraph 64 on page 30:

Although the Reverend Nile may have been intemperate or unwise ... and may have reflected on the motives of [certain] Members ... this does not meet the test of contempt ...

In paragraph 65:

... contempt of Parliament should not be used to restrict criticism of Parliament in such a way that the ability of citizens to be informed of the proceedings of Parliament can be jeopardised.

And at the foot of paragraph 67:

It is only in cases of substantial interference with the performance of the functions of Parliament that the contempt power should be invoked . . .

And there is a reference to the Parliamentary Privilege Act 1987 of the Commonwealth, which makes plain that merely because words are defamatory or critical of a member does not make that an offence against the House.

So it is my submission to the Committee that when the Committee weighs up the importance of preserving the freedom of speech and taking such action which reinforces that principle in the Parliament, that in relation to a speech which is honestly given, and whether the Committee agrees with its content or not, the Committee should endorse the principle of freedom of speech above the idea of criticising a member because the member may have said something which the Committee views as incorrect.

Finally, can I just say a little about what matters the Committee should take into account in determining what, if any, action the Committee thinks is appropriate for what Mrs Arena has said.

Mrs Arena has in challenging the Nader legislation incurred legal fees in excess of \$100,000 as a result of the Nader inquiry, and as a result of this inquiry she has been ridiculed in the media. She has had the stress of continued appearances before this Committee, which have contributed adversely to both her health and that of her husband. She has not been found on the findings of the Committee to have acted with malice or with any dishonesty.

The Committee has heard evidence, which has not been in any sense contradicted, from Commissioner Small that a number of persons have been charged as a result of her information and she has directly and indirectly contributed to their arrest and from Superintendent Woodhouse that three likely prosecutions would result from her material and further investigations were continuing involving public figures.

The simple fact is that the disenfranchised people in the State come to Mrs Arena because she offers support to them, and to deny her the opportunity to voice her opinions honestly held denies these people the right to a voice in Parliament and it prevents justice being done; it prevents the prosecutions that Commissioner Small and Superintendent Woodhouse have talked about because if she is unable to speak honestly, as she has in the past, and if the Committee condemns her for that, it is a natural consequence that the people that regard her as someone they can confide in and receive support from will not feel that way.

In my submission the only sanction which would be appropriate, given the words of policy of both this Committee and the Commonwealth committee is to recommend that Mrs Arena withdraw or clarify those allegations which have found their way into the media which she has from the beginning distanced herself from, said that she did not make them, denied that they were part of her speech. That is in accordance with the explanations she has given this Committee.

This Committee has a unique opportunity to be a voice for free speech. Alternatively, it can crush an isolated representative of the electorate. It has a unique opportunity to confirm the hopes of the community that the upper House, this House of Parliament, will continue to be a check on the excesses of government, it can contribute to this House being seen as a mere appendage of the Executive.

This House last week argued before the High Court that it was the function of this House to scrutinise the Executive. That argument rings hollow if this Committee penalises a member who has honestly voiced her criticisms of the Executive. You may not agree with them. They may have been badly worded. But in order to preserve the reputation of this House you should do no more than insist that the explanations Mrs Arena has already given be given to the House. That is my submission.

CHAIRMAN: Thank you very much Mr Taylor. Mr Taylor, members might have questions although we will keep it short. When you were talking you referred to the fact that the Committee did not have the power to expel because it did not have a punitive power. We think that what you meant was that the House did not have the power to expel. Would you like that changed in the record?

Mr TAYLOR: I am sorry, I would. I was speaking of a recommendation from the Committee about expulsion, and it is my submission that it would effectively be fruitless if the House, the upper House, or indeed either House, does not have the power to expel. I think I have given my reasons for why I think the House may no longer have that power.

CHAIRMAN: So do you want the record to show that basically you were saying——

Mr TAYLOR: If I have said something about the Committee not having the power to expel, I certainly intended to say that the House did not have that power.

CHAIRMAN: That is what we will do. We will have it recorded that way. Are there any other questions?

Revd NILE: Just to clarify that point in the investigation of the Committee into Mrs Arena's speech, it seems from the terms of reference that we had a duty to examine whether the allegations were in fact true that there had been meetings, and we have been unable to find any evidence of the meetings that you refer to by Mrs Arena. That seems to be the central matter, not the question of whether there was some information that she has pointing to paedophilia activity. We have not investigated whether there is paedophilia activity, and obviously there is, but we have been investigating specifically whether the allegations could be substantiated that there had been meetings held. There is a blur occurring quite often on that issue.

Mr TAYLOR: Can I say this: that I think Mrs Arena would accept that the Committee has no evidence of a meeting between Mr Carr and Mr Collins in the way she assumed in her speech. She made an assumption. That assumption may have been mistaken. That is the first meeting.

As to the second meeting, my submission is that the Committee does not have any evidence other than what is contained in Mrs Arena's statement, but the Committee has not taken any real steps to investigate whether in fact any such meeting occurred or not. The Committee does have the claims of Michael Dwyer and Mr Alex Mitchell, which suggest that that was a concern of senior Labor strategists, and the Committee has not taken any steps to identify from Mr Dwyer who he was referring to with those senior Labor strategists, or whether Mr Della Bosca, Mr Carr or Mr Sheahan shared the concerns of which Mr Dwyer spoke. So in my submission that is a matter which has not been the subject of any investigation by this Committee.

As to the third matter, the meeting between Mr Carr and Justice Wood: the Committee has not received any other evidence. I assume it is simply adopting whatever Mr Nader found in his inquiry, but can I say that it is one thing to talk about the meetings, whether a particular meeting occurred. That, of itself, gives rise to no adverse matters about the participants in a meeting.

If Mr Della Bosca, Mr Sheahan and Mr Carr met, nobody would suggest that that is inappropriate. One can only assume that they regularly meet. The point is, rather, what it is alleged that they did at such a meeting, and I have already explained that so far as the first meeting, the Carr and Collins assumed meeting or the second meeting, the Della Bosca-Sheahan-Carr meeting, what is alleged to have been done in that meeting is nothing the least bit worthy of criticism.

The third meeting, which produced an agreement between Mr Carr and Justice Wood has been criticised, not because it was criminal but because it was wrong. So, in my submission, it is a matter of focusing not on the meetings but on what was achieved by means of the meeting, whether they occurred in person or by some other means of communication.

CHAIRMAN: Are there any further questions? Thank you very much for attending Mr Taylor.

(The witness withdrew)

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