

10 September 2009

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Ms Caroline Le Couteur MLA
Chair
Standing Committee on Public Account
ACT Legislative Assembly
GPO Box 1020
CANBERRA ACT 2601



Dear Ms Le Couteur

Adverse reflection – Seeking comment

Thank you for your letter of 28 August 2009 on behalf of the Assembly's Standing Committee on Public Accounts (the Committee).

I appreciate you bringing to my attention certain statements put before the Committee and for the opportunity for me and my organisation to respond. I am also responding on behalf of our Chairman, Mr John Mackay, to whom you addressed a similar letter.

The extracts you have forwarded to me from submissions before your Committee do contain very serious assertions and implications which reflect most adversely on me, my Chairman and my organisation. They contain implications of collusive conduct, cronyism, secret understandings, and contempt for proper process. These assertions are all unsubstantiated by evidence for the very good reason that they cannot be since they are entirely false.

Let me take one example. It is asserted that "The government had 'given' prime land to the proponents without any discussion with the community." The clear implication of this is that we received land for nothing or virtually nothing. In fact it was made clear that if any land were to be received, it would be based on the normal process whereby three external valuations would be done by competent firms and the highest of those three valuations would be the price. If the relevant government agency was not satisfied with those three valuations, it could require more until it was. So much for being "given" land.

Another example is the assertion that the Chief Minister knew as early as February 2008 that the downscaling of the proposal was inevitable. This would have been quite an achievement on the Chief Minister's part since the prospect of downscaling the proposal was not even contemplated let alone decided by the proponents until late April/May. Yet another conspiracy theory falls apart.

I do not propose to go through all the assertions. The wild nature of the allegations, the intemperate language, the sweeping indiscriminate cast of allegedly guilty parties, the lack of supporting evidence in the extracts you have passed to me, all seem to me to be clear signs of how much worth should be attached to the statements. Yet worthless or not, they are seriously damaging to both my reputation and the reputation of my organisation, because of the propensity of the many to believe the worst, particularly of large organisations and their executives.

I recognise that it is important for parliament to be able to assure citizens that if they put their views before that parliament, parliamentary privilege will apply to what they say. I also recognise that it is important for parliament to be able to make those views available publicly under privilege when it considers that to be in the public interest. I recognise that you have a difficult task in balancing the desirability of making such material available on the public record under privilege as against the rights of other citizens who believe such material adversely reflects on them and is without foundation.

In the end of course, privilege is an attribute of a parliament not an attribute of the citizen and is designed to ensure that a parliament is able to operate without fear or favour. I recognise, therefore, that in weighing your decision, the needs of the Assembly will be paramount in your mind. I have every confidence that any decision you make, whatever it might be, will be only after the most careful deliberation.

Yours sincerely

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke at the end.

Michael Costello
Chief Executive Officer