

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

**SENATE SELECT COMMITTEE ON
MATTERS ARISING FROM PAY TELEVISION
TENDERING PROCESSES**

SECOND REPORT

TERMS OF REFERENCE PART (1) (b)

DECEMBER 1993

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TERMS OF REFERENCE

- (1) That a select committee, to be known as the Select Committee on Matters Arising from Pay Television Tendering Processes be appointed to inquire into and report upon the following matters:
 - (a) the extent to which the Minister for Transport and Communications discharged his ministerial responsibilities in relation to satellite and MDS tender processes having particular regard to the appropriate contemporary definition of ministerial responsibility and including any different responsibility which might attach to the role of a Minister during the caretaker period of an election; and
 - (b) the adequacy of action taken by the Minister and the Department of Transport and Communications to rectify any problems identified in the reports by Professor Dennis Pearce tabled in the Senate on 20 May 1993 and 26 May 1993 respectively, including but not limited to the following matters:
 - (i) tendering arrangements for price-based licensing allocations;
 - (ii) understanding of administrative and commercial law;
 - (iii) proper management of documents, files and records; and
 - (iv) public service accountability.
- (2)
 - (a) The inquiry into the matters described in paragraph (1)(a) shall commence forthwith for report to the Senate by 2 September 1993; and
 - (b) the inquiry into the matters described in paragraph (1)(b) shall commence on receipt of reports by the Minister for Transport and Communications and the Secretary of the Department of Transport and Communications on those matters, or on 6 September, whichever is the sooner, for report to the Senate by 25 November 1993.

MEMBERSHIP OF THE COMMITTEE

Senator Barney Cooney (Chairman), ALP Victoria

Senator John Tierney (Deputy-Chairman), LP New South Wales

Senator Richard Alston, LP Victoria

Senator Vicki Bourne, AD New South Wales

Senator Stephen Loosley, ALP New South Wales

Senator Jim McKiernan, ALP Western Australia

SECRETARIAT

Elton Humphery, Secretary

Winifred Jurcevic, Executive Assistant

The Senate
Parliament House
Canberra ACT 2600

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RECOMMENDATIONS

The Committee recommends -

1. That the Department of Transport and Communications continue legal awareness training for its staff through the conduct of seminars and workshops on a regular basis. In conducting this training the Department should make provision for more intensive legal training for staff at the ASO4 and above levels, and particularly for the Senior and SES officer levels.
2. The Department of Transport and Communications expedite the finalisation of the Guidelines for Price - Based Allocation Processes and revise these if necessary when the satellite and MDS tendering processes are finalised.
3. That the Management Advisory Board and Public Service Commission be made aware of the guidelines and seminar programs developed to meet the problems identified by Professor Pearce. These bodies should consider the application of this material for service wide use.