

APPENDIX A

TERMS OF REFERENCE

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- (1) That a select committee, to be known as the Select Committee on Certain Aspects of Foreign Ownership Decisions in relation to the Print Media, be appointed to inquire into and report, on or before 28 February 1994, on the following matters:
 - (a) the origin and basis of decisions in 1991 and 1993 to increase the permissible percentage of foreign ownership of newspapers, and, in particular:
 - (i) whether those decisions were influenced by considerations relating to the content of newspapers including any requirement for "balanced" coverage; and
 - (ii) whether the contents of newspapers were influenced by those decisions or the prospect of those decisions; and
 - (iii) the procedures followed by the Foreign Investment Review Board and the extent to which any of its deliberations or recommendations were taken into account in the making of those decisions; and
 - (iv) whether the Prime Minister influenced or sought to influence those decisions, and, if so, the basis on which and the extent to which he did so; and
 - (b) the significance and effectiveness of the guidelines of the Foreign Investment Review Board; and
 - (c) the views expressed to Mr Conrad Black by the Leader of the Opposition, Dr Hewson MP, on foreign ownership in the print media in Australia.

- (2) That the committee consist of nine senators, as follows:
 - (a) four nominated by the Leader of the Government in the Senate; and
 - (b) four nominated by the Leader of the Opposition in the Senate; and
 - (c) one nominated by the Leader of the Australian Democrats.
- (3) That the committee may proceed to the dispatch of business notwithstanding that all members have not been duly nominated and appointed and notwithstanding any vacancy.
- (4) That:
 - (a) the chair of the committee be elected by the members of the committee from the members nominated by the Leader of the Opposition;
 - (b) in the absence of agreement on the selection of a chair, duly notified to the President, the allocation of the chair shall be determined by the Senate;
 - (c) the deputy-chair of the committee be appointed by the chair from the members of the committee immediately after the election of the chair;
 - (d) the deputy-chair act as chair when there is no chair or the chair is not present at a meeting; and
 - (e) in the event of the votes on any question before the committee being equally divided, the chair, or the deputy-chair when acting as chair, have a casting vote.
- (5) That the quorum of the committee be five members.
- (6) That the committee and any subcommittee have power to send for and examine persons and documents, to move from place to place and

to sit in public or in private, notwithstanding any prorogation of the Parliament or dissolution of the House of Representatives.

- (7) That the committee have power to appoint subcommittees consisting of three or more of its members, and to refer to any such subcommittee any of the matters which the committee is empowered to consider, and that the quorum of a subcommittee be a majority of the Senators appointed to the subcommittee.
- (8) That, without limiting its power to pass procedural or other resolutions that are not inconsistent with this paragraph or these terms of reference, the committee observe the following procedures, namely, that:

Submissions and calling of witnesses

- (a) as a general principle, evidence be invited in the first instance in the form of written submissions and following examination of submissions, the committee decide which witnesses are to be called for examination; and
- (b) subject to any contrary order in relation to a particular submission, the submission to the committee by a person of a statement relating to the inquiry be deemed to be the giving of evidence before the committee by that person in accordance with that statement; and

Evidence

- (c) evidence be heard in public session except in instances where the committee or a sub-committee resolves to hear evidence in camera; and

Statements to the media

- (d) the chair be authorised to make statements to the media on behalf of the committee concerning its activities; and

Broadcasts and re-broadcasts of public proceedings

- (e) the recording, broadcasting and re-broadcasting of public proceedings is authorised in accordance with the rules contained in the order of the Senate of 23 August 1990 concerning the broadcasting of committee proceedings; and

Release of evidence and documents

- (f) the secretary is authorised to supply for correction, copies of proof reports of both public and in camera proceedings to the witnesses whose evidence appears in those reports; and
- (g) subject to any contrary order in relation to a particular submission, each document submitted to the committee be published; and

Adverse Evidence

- (h) subject to any contrary order, evidence which adversely reflects on a person, be forwarded to that person inviting their response.
- (9) That:
- (a) the terms of reference of the inquiry be appropriately advertised in the media; and
 - (b) written submissions be sought and examined by the committee and oral evidence be heard, including oral evidence from the authors of the most important submissions.
- (10) That the committee be provided with all necessary staff, facilities and resources and be empowered to appoint persons with specialist knowledge for the purposes of the committee, with the approval of the President.

- (11) That the committee be empowered to print from day to day such documents and evidence as may be ordered by it, and a daily *Hansard* be published of such proceedings as take place in public.
- (12) That the committee may report from time to time its proceedings and evidence taken or any interim conclusions or recommendations arising from its inquiry, and may make regular reports on the progress of its proceedings.