

CHAPTER ONE

INTRODUCTION

1.1 The Senate Select Committee on Matters Arising from Pay Television Tendering Processes was established by resolution of the Senate on 27 May 1993. The Committee's terms of reference are printed on page iii.

1.2 The Committee presented its First Report to the Senate on paragraph (1)(a) of the terms of reference on 7 September 1993. The introduction to the First Report covered the background to the inquiry and the initial activities and hearings of the Committee. The report discussed matters relating to ministerial responsibility, caretaker conventions during an election period and the respective role and responsibility of the Minister for Transport and Communications, Senator Bob Collins and the Department of Transport and Communications in the satellite and MDS tendering processes. These issues were also addressed in a dissenting report by Senators Alston and Tierney.

1.3 Following the presentation of the First Report the Committee received some correspondence from the Department of the Prime Minister and Cabinet relating to the caretaker conventions during an election period. In order to complete the information on this area a copy of the correspondence is at Appendix 3.

1.4 In the First Report it was indicated that further material would be provided on the concept of ministerial responsibility. Interpretation of evidence relating to the concept was discussed in the First Report and Dissenting Report and was the subject of considerable debate when the First Report was tabled. A reference paper on the major issues associated with the concept of ministerial responsibility which were raised before the Committee or appear in the literature on the subject together with a bibliography are at Appendix 4.

1.5 Paragraph (1)(b) of the terms of reference require the Committee to inquire into the adequacy of action taken by the Minister and the Department to rectify problems identified in reports by Professor Dennis Pearce. These reports were "Independent Inquiry into the Circumstances Surrounding the Non-requirement of a Deposit for Satellite Pay-TV Licences, and Related Matters" (Pearce 1) and "Inquiry into Certain Aspects of the MDS Tendering Process 1992-93 Volume 1" (Pearce 2). Volume 2 of the second report consisted of reports prepared by Departmental Deputy-Secretaries, Mr M.J. Hutchinson and Ms C.M. Goode. Many of the problems referred to in paragraph (1)(b) were also considered by the Committee during the first stage of its inquiry.

1.6 The Committee received submissions in relation to matters in paragraph (1)(b) from Mr Graham Evans, Secretary to the Department of Transport and Communications dated 6 August 1993 and 1 October 1993 (DTC1 and DTC2) and from Ms Christine Goode, Acting Spectrum Manager, Spectrum Management Agency dated 6 August 1993 and 19 October 1993 (SMA1 and SMA2). Appendix 1 lists all individuals and organisations who provided written submissions or material to the Committee.

1.7 The Committee held a further public hearing with the Minister, Senator Bob Collins and officers from the Department in Canberra on 15 November 1993. Appendix 2 lists all individuals who appeared before the Committee at public hearings.

1.8 On 25 November 1993 the Senate agreed to extend the time for the presentation of the Committee's final report until 16 December 1993.

1.9 The Committee would like to acknowledge the co-operation it has received from Senator Collins and staff from his office and from Mr Graham Evans and officers from the Department during the course of the inquiry.