

**THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA**

**THE SENATE**

**COMMITTEE OF PRIVILEGES**

**PERSON REFERRED TO IN THE SENATE**

**(MR A. E. HARRIS)**

**(25TH REPORT)**

**OCTOBER 1990**

## **MEMBERS OF THE COMMITTEE**

**Senator Patricia Giles (Western Australia), Chair**

**Senator Vicki Bourne (New South Wales)**

**Senator Bruce Childs (New South Wales)**

**Senator John Coates (Tasmania)**

**Senator Barney Cooney (Victoria)**

**Senator Austin Lewis (Victoria)**

**Senator Baden Teague (South Australia)**

**The Senate**

**Parliament House**

**CANBERRA ACT 2600**

## REPORT

1. On 15 August 1990 Mr A. E. Harris, A.C., wrote to the President of the Senate, Senator the Honourable Kerry W. Sibraa, seeking redress under the Resolution of the Senate of 25 February 1988 relating to the protection of persons referred to in the Senate (Privilege Resolution 5). The letter referred to remarks made by Senator MacGibbon in the Senate during debate on 25 May 1990, which followed the Senate's adoption of the Committee's 23rd Report recommending that an earlier response from Mr Harris to remarks made by Senator MacGibbon be incorporated in Hansard. On 23 August, the President, having accepted Mr Harris' letter as a submission for the purposes of the Resolution, referred the letter to the Committee of Privileges.
2. On 31 August the Secretary wrote to Mr Harris informing him that the Committee would meet on 12 September. The Committee met in private on that day, and decided, pursuant to paragraph (3) of Privilege Resolution 5, to consider the submission from Mr Harris.
3. In considering the submission, the Committee did not find it necessary to confer with either Mr Harris or Senator MacGibbon. After deciding to recommend to the Senate that an agreed statement be incorporated in Hansard pursuant to paragraph (7) of Privilege Resolution 5, the Committee contacted Mr Harris on 4 October, following his return

from overseas. The statement at Appendix 1 has been agreed to by Mr Harris and the Committee in accordance with Resolution 5(7)(b).

4. The Committee recommends:

**That a response by Mr A. E. Harris, A.C., in the terms specified at Appendix 1, and agreed to by Mr Harris and the Committee, be incorporated in Hansard.**

**Patricia Giles**

**Chair**

**RESPONSE BY MR A. E. HARRIS, A.C.  
AGREED TO BY MR HARRIS  
AND THE COMMITTEE OF PRIVILEGES  
PURSUANT TO RESOLUTION 5(7)(b)  
OF THE SENATE OF 25 FEBRUARY 1988**

I object most strongly to the further attacks made on May 25, 1990 by Senator MacGibbon with the benefit of the full protection of Parliament. The right of freedom of speech of members of Parliament, to which Senator MacGibbon referred, carries with it special responsibility to ensure that the privilege is not abused.

It is intolerable that any citizen should be the subject of repeated unsubstantiated allegations made under the protection of Parliament and, more particularly, when the allegations are repeated and expanded upon in the context of a recommendation by the Committee of Privileges that a response to earlier remarks be incorporated in Hansard.

I categorically deny:

1. That I set out to intimidate, bully or to force Senator MacGibbon into silence;

2. That any part of my response to the earlier remarks of Senator MacGibbon was misleading, lacking in courtesy or dishonest.

In my first response, I did not seek to quote from the second or third letters which Senator MacGibbon received because he had previously tabled those in Hansard. I incorporated the first letter in my response because Senator MacGibbon had referred to it in his remarks about me but declined to table the letter.

I reject the further allegations made by Senator MacGibbon about me in my capacity as Chairman of the Australian Sports Commission and I will continue to discharge my obligations of public office by seeking explanations whenever and from whomsoever it is appropriate to do so.