

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

THE SENATE

COMMITTEE OF PRIVILEGES

PERSON REFERRED TO IN THE SENATE

(DR ALEX PROUDFOOT, FRACP)

(33RD REPORT)

SEPTEMBER 1991

MEMBERS OF THE COMMITTEE

Senator Patricia Giles (Western Australia), Chair

Senator Austin Lewis (Victoria) Deputy-Chairman

Senator Vicki Bourne (New South Wales)

Senator Bruce Childs (New South Wales)

Senator John Coates (Tasmania)

Senator Barney Cooney (Victoria)

Senator Baden Teague (South Australia)

The Senate

Parliament House

CANBERRA ACT 2600

REPORT

1. On 19 August 1991 Dr Alex Proudfoot 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 Reynolds in the Senate on 30 May 1991, and to a question on notice, a response to which was published in *Hansard* on 14 August 1991. Dr Proudfoot's letter indicated that, while he was not mentioned by name, he was mentioned in such a way as to be readily identified, for which paragraph (1) of the Resolution makes provision. The President, having accepted Dr Proudfoot's letter as a submission for the purposes of the resolution, referred the letter to the Committee of Privileges on 21 August 1991.
2. The Committee met on Thursday 22 August 1991 and decided, pursuant to paragraph (3) of Privilege Resolution 5, to consider the submission from Dr Proudfoot. In considering the submission, the Committee did not find it necessary to confer with either Dr Proudfoot or Senator Reynolds. After deciding to recommend to the Senate that an agreed statement be incorporated in *Hansard*, the Committee contacted Dr Proudfoot and the statement at appendix 1 has been agreed to by Dr Proudfoot and the Committee in accordance with Resolution 5(7)(b).
3. The Committee recommends:

That a response by Dr Alex Proudfoot, in the terms specified at appendix 1, and agreed to by Dr Proudfoot and the Committee, be incorporated in *Hansard*.

Austin Lewis
Acting Chairman

**RESPONSE BY DR ALEX PROUDFOOT, FRACP
AGREED TO BY DR PROUDFOOT
AND THE COMMITTEE OF PRIVILEGES
PURSUANT TO RESOLUTION 5(7)(B) OF THE SENATE OF
25 FEBRUARY 1988**

This is a submission under the Senate's Resolution 5 of 25 February 1988.

I have been referred to in the Senate by Senator Reynolds on 30 May 1991 (Hansard, page 3943) and in a question on notice (no. 994) published in Hansard 14 August 1991 on page 369.

Although Senator Reynolds did not mention my name, I am readily identified from the details given, my case against the Human Rights and Equal Opportunity Commission (HREOC) having been reported in the media on several occasions.

On 30 May 1991 Senator Reynolds described my action against the HREOC as an "unfortunate dispute".

I took the action in accordance with my rights under statute, with the aim of forcing the HREOC to entertain my complaint of sex discrimination. More than two months before Senator Reynolds' remarks, the Federal Court had given judgment in my favour (Proudfoot v Human Rights and Equal Opportunity Commission, 100 ALR 55').

I have been adversely affected by Senator Reynolds' references to me, as follows:

The reference on 30 May 1991:

People (including my superiors within the Australian Public Service (APS)) may be led to believe that my court action was frivolous or vexatious, and that I lack judgment. Such a belief would be damaging to my reputation and to my ability to perform my duties as a senior administrator within the APS.

Part (4) of question on notice no. 994:

People (including drug companies with whom I deal as a therapeutic goods administrator, patients' advocates with whom I deal in the same capacity, and patients whom I treat in the course of approved patient care work outside the APS) may be led to believe that I am biased against women, that I regard fairness as unimportant, or that I lack objectivity in dealing with particular groups.

I regard part (4) of Senator Reynolds' question as a personal slur. I believe that the implication is that since I have complained of discrimination against men, I must be biased against women and cannot be trusted to adopt an impartial approach if in the course of my official duties I am called upon to deal with anything which relates to women.

I believe that I have never acted with less than scrupulous impartiality in the performance of my duties.

Alex Proudfoot, FRACP