

DEPARTMENT OF THE SENATE
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THE SENATE
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PAPER

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

THE SENATE
COMMITTEE OF PRIVILEGES

POSSIBLE UNAUTHORISED
DISCLOSURE OF SENATE
COMMITTEE REPORT

(20TH REPORT)

DECEMBER 1989

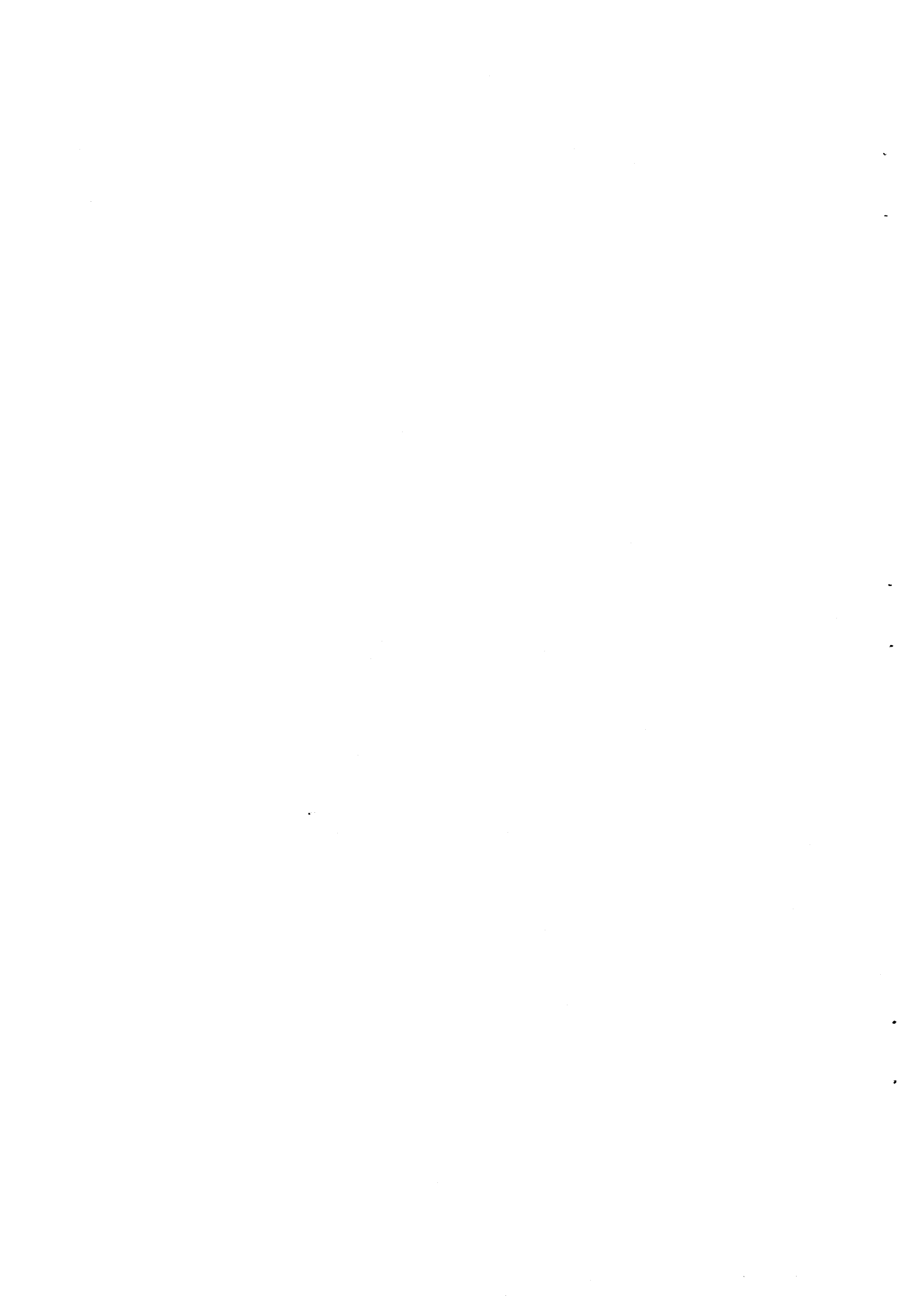
MEMBERS OF THE COMMITTEE

Senator Patricia Giles (Western Australia), Chair
Senator John Black (Queensland)
Senator Bruce Childs (New South Wales)
Senator John Coates (Tasmania)
Senator the Honourable Peter Durack, Q.C. (Western Australia)
Senator Janet Powell (Victoria)
Senator Baden Teague (South Australia)

The Senate
Parliament House
CANBERRA A.C.T. 2600

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REPORT

CHAPTER ONE: REPORT ON REFERENCE

Introduction

- 1 On 18 August 1989 the following matter was referred to the Committee of Privileges:

Whether there was an unauthorised disclosure of the report of the Standing Committee on Foreign Affairs, Defence and Trade on visiting nuclear powered or armed vessels, and whether a contempt was committed by a person who made such an unauthorised disclosure.

- 2 The statement by the President of the Senate when he determined on 17 August to give precedence to the motion is at Appendix A to this report. The possible matter of privilege was raised with Mr President on 16 August by three members of the Foreign Affairs, Defence and Trade Committee, Senators Hamer, Teague and Newman. On that day, Senator Teague also made a statement, by leave, to the Senate drawing attention to newspaper reports purporting to disclose the contents of the Standing Committee report and advising that the matter had been raised with the President. Following the President's determination to give the motion precedence, Senator

Teague gave a notice of motion, and the motion was moved the next day by Senator Hamer on behalf of Senator Teague and agreed to without debate.

Conduct of Inquiry

3. On 1 September, the Committee wrote to the Chairman of the Foreign Affairs, Defence and Trade Committee, Senator G.R. Maguire, following an authorisation sought and received from the Senate by the Committee of Privileges for the Chairman of the Standing Committee to appear before the Committee of Privileges and to produce such documents and to disclose such information as the Chairman, and this Committee, thought fit. The Committee asked Senator Maguire for details of any newspaper articles which had given rise to the reference to the Committee of Privileges, together with any comments he and other members of the Committee might wish to make as to whether those articles did in fact reflect the contents of the Committee's report. The Committee also sought advice from the Chairman as to whether any such publication amounted to an unauthorised disclosure of the report of the Committee.

4. The Chairman of the Standing Committee responded to the Privileges Committee in the terms outlined at Appendix B to this report. The Chairman's letter included the following:

"According to our information, three newspapers carried stories on the morning of 16 August, the day the Report was tabled. Copies of these press articles are attached for your information. The articles appear to represent unauthorised disclosure of the contents of the Report."

5. Following this confirmation from the Chairman that the articles appeared to represent unauthorised disclosure of the content of the report, the Committee then wrote to each member and the Secretary of the Standing Committee requesting written submissions concerning the circumstances giving rise to the unauthorised disclosure of the report. Specifically, the Committee also asked the members and Secretary to state whether they, or any of their staff, had disclosed the content of the report in advance of its tabling in the Senate. Seven members of the Standing Committee personally, the Private Secretary to Senator Irina Dunn, who responded to the Committee of Privileges during Senator Dunn's absence from the Senate on personal business, and the Secretary to the Committee, advised that neither they nor their staff were responsible for the unauthorised disclosure. The letter from Senator Dunn's Private Secretary included the following comment:

"However, because the tabling [of] the Senate Committee Report was unexpectedly postponed for a week, it is possible - although unlikely - that press releases and extracts from the Report could have been sighted by members of the Parliamentary Press Gallery or other persons".

6. The Committee, having considered all the responses, wrote again to Senator Dunn, in the terms set out at Appendix C. Senator Dunn's response is at Appendix D.

Issues for determination

7. As the President stated when advising the Senate of his determination:

"The unauthorised disclosure of a document confidential to a committee, which includes a report not yet presented to the Senate, is declared by the Senate's resolutions to be a matter which may be treated as a contempt. [Paragraph 6(16) of Privilege Resolutions of 25 February 1988.] The Senate has in the past treated such unauthorised disclosures of committee documents as a contempt. There is no readily available other remedy." (Hansard, 17 August 1989, p. 228)

8. The Committee is required under the Privilege Resolutions to take the following criteria into account when inquiring into any matter referred to it:

(a) The principle that the Senate's power to adjudge and deal with contempts should be used only where it is necessary to provide reasonable protection for the Senate and its committees and for Senators against improper acts tending substantially to obstruct them in the performance of their functions, and should not be used in respect of matters which appear to be of a trivial nature or unworthy of the attention of the Senate;

(b) the existence of any remedy other than that power for any act which may be held to be a contempt; and

(c) whether a person who committed any act which may be held to be a contempt:

(i) knowingly committed that act, or

(ii) had any reasonable excuse for the commission of that act.

9. As the President observed, the criterion in paragraph 3(b) was inapplicable in that there was no readily available remedy other than the Senate's power to deal with contempt. As in previous matters, however (see reports Nos 17 and 18), the Committee of Privileges decided that the other criteria were relevant and took them into consideration in making its findings on this reference.
10. The Committee, at paragraph 30 of its 18th Report, tabled in the Senate on 16 June 1989, emphasised that it, and the Senate, may find that a contempt has been committed even in the absence of any intention on the part of the person or persons to commit any act which may be held to be a contempt. The Committee continues to be of the view that such a finding of strict liability would be justified only in exceptional circumstances. The damage to the Senate and its committees resulting from any such acts would need to be of a most serious kind. For reasons which are discussed at paragraphs 22 to 24 below, the Committee concluded that this matter did not warrant being considered with a view to such a finding.

Unauthorised disclosure

11. The first question for the Committee to determine was whether any unauthorised disclosure had occurred. The Committee established to its satisfaction, through correspondence with the Chairman of the Standing Committee and an examination of the newspaper reports which were published on the morning of 16 August, some

"The final report on Nuclear Warship Visits to Australia has been in print since early June. The full text of the Report has existed in draft form for even longer".

16. So far as the Committee of Privileges has been able to ascertain, the report was not tabled in June owing to pressure of other business before the Senate at that time. The Committee was further advised, and the Order of Business for the first sitting day of the budget sittings confirms, that the report was originally scheduled for tabling on Tuesday, 15 August, but again, owing to pressure of other business in the Senate, the tabling of the report did not occur on that day.
17. The report was finally tabled by the Chairman, with leave of the Senate, on Wednesday evening, 16 August. As noted by the Leader of the Opposition in the Senate (Senator Chaney) at the time, the tabling of the report occurred by leave "because there have been some leaks from it" (Hansard, p. 200). Thus, while in the event the report was tabled under unusual circumstances, this resulted from other matters intervening during Senate sitting days, rather than from its being withheld for further deliberations.
18. It may be noted that the Chairman of the Standing Committee advised the Committee of Privileges in responding to its letter of 1 September that:

"On this occasion, I do not believe that the premature release of the report impeded or had the potential to impede the committee's work as the final report of the committee had been agreed to on 13 April 1989."

Whether contempt has been committed

- 1). The Committee, having determined that Senator Dunn had disclosed the contents of the report without authority, turned its attention to paragraph 3(c) of the Privilege Resolutions, to establish whether the requisite intention was present in the commission of the act.
- 2). Senator Dunn knowingly committed the act of briefing the media, without authorisation from either the Standing Committee or the Senate, before the report had been tabled, and to this extent her actions come within the ambit of sub-paragraph 3(c)(i). She has informed the Committee that she did not distribute any material to the media, although she indicates that copies of the material "may have been taken from my office under the impression that it was for immediate distribution". To this extent, the unauthorised disclosure of the content of the report through the distribution of materials was not knowingly made and thus paragraph 3(c)(i) was not applicable to this element.
- 3). The question for the Committee, so far as the oral briefings were concerned, was whether under sub-paragraph 3(c)(ii) Senator Dunn had any reasonable excuse for committing the act. The Committee has concluded that Senator Dunn did not have such an excuse, in that she knowingly gave unauthorised access, by an oral briefing of the media, to information, albeit limited, relating to the content of the report of the Standing Committee.
- 4). In determining whether it should make a finding that Senator Dunn's action constituted a contempt, the Committee draws attention to a number of circumstances.

The Committee has already pointed out the delays in the presentation of the report (see paragraphs 15 to 17) and later in this report makes some general observations which if its suggestions are adopted should result in an alleviation of the problem. It also makes the point that, if Senator Dunn had intended improperly to obstruct the Standing Committee or the Senate, she could have taken the opportunity to do so at any time during the committee's deliberations or once the report was finalised on 13 April 1989.

23. Finally, the Committee draws particular attention to the last two paragraphs of Senator Dunn's letter as follows:

"I in no way intended any disrespect whatsoever to the Standing Orders of the Senate and regret that it may possibly have been through my office that members of the media may have obtained information about the Report. If members of the media published information from the Report derived from my briefings it was contrary to my explicit directions.

"I make full apology to the Committee if this is the case as I fully appreciate the need for members of the Senate to agree and hold to a common set of rules. It was certainly not my intention to break the rules of the Senate for which I have great respect.",

and is of the view that the apology should be accepted by the Senate, as it has been by the Committee.

24. In this regard, the Committee draws attention to a similar apology, made under comparable circumstances, by

the Chairman of the Senate Standing Committee on Social Welfare in 1978. It is to be noted that, following that apology, the Senate took the matter no further.

Findings

25. (1) The Committee has concluded that, while it is open to the Committee, and the Senate, to find that a contempt has been committed, in the light of all the circumstances, as outlined above, such a finding should not be made.

(2) Thus, although a premature briefing of media representatives was given, and the possibility of premature access to embargoed media releases and extracts of the report, including the dissenting report, of the Senate Standing Committee on Foreign Affairs, Defence and Trade on Visits to Australia by Nuclear Powered or Armed Vessels cannot be dismissed, under the circumstances of the present case no further action should be taken.

Recommendation

26. The Committee draws attention to its comments at paragraph 13 and recommends that the President draw paragraph 6(16) of the Privilege Resolutions, and Standing Order 308 (new Standing Order 37), to the attention of all Senators.

CHAPTER TWO: OBSERVATIONS ON REFERENCE

Cortempt in relation to unauthorised disclosure of reports

27. Having so concluded, the Committee considers it opportune to make some comments on the issues raised by the reference of this matter. As indicated by the letter from the Chairman of the Standing Committee (see paragraph 18), in this case the premature disclosure of the content did not in fact obstruct the operations of the particular committee, but in other cases it may have the capacity to do so. For example, if a committee were at an early stage of its deliberations and the content of the report were disclosed deliberately in order to affect the decisions of a committee, this committee, if the matter were referred to it, would regard the question with great seriousness. Indeed, even if disclosure at an early stage were inadvertent, this Committee would wish to take into account the effect on the operations of the specific committee and any question of negligence by the person who had so disclosed.

Procedures for tabling reports

28. The circumstances giving rise to the delayed tabling, both in June and in August, caused this Committee to give attention to practical solutions to the problem which arose in this present case. An important reason for either a Chairman of a committee, acting on behalf of and with the authority of the committee, or another member of the committee, particularly one who might have included a dissent to a report, to brief the media is to ensure that appropriate coverage is given to the content

of the report within a time frame relevant to its release and media deadlines.

21. Even under normal programming arrangements, particularly taking into account matters such as discussion on matters of public importance and debate on urgency motions, and consideration of Government papers, which are placed before the presentation of committee reports in the Senate's daily routine of business, committee reports are usually tabled late in the day. When other uncertainties are added to these structural difficulties, the dangers of premature disclosure of reports' contents are substantial, particularly since, as previously indicated, an embargo cannot be enforced. The unpredictable nature of proceedings in the Senate, as also indicated by the present case, has the capacity to give rise to inadvertent disclosure, including by the media, on the assumption that a report has been tabled. In addition the Committee points out that fairness demands that all media have the same access to reports, and abide by the same rules concerning publication of the reports. Anticipatory briefings, even if authorised by a Committee, tend to be selective, and the temptation by the few to "scoop" other media representatives cannot lightly be dismissed.
20. This Committee appreciates that one reason for reluctance, particularly by Government, to make time available for the presentation of reports, especially during the latter part of sitting periods, tends to be the open-ended nature of debate that flows from a substantial report, but draws attention to the Standing Orders, which are predicated on the assumption that reports are not intended for immediate debate. Thus, while a report of a committee is tabled as of right and a motion that the report be printed may also be moved as

of right, the normal motion on which the debate on reports ensues - that the Senate take note of the report or, in rare cases, that the report be adopted - is permitted to be moved without notice only by leave of the Senate, although such leave is rarely refused.

31. While, at present, committee reports are permitted to be tabled at any time when there is no other business before the Senate, custom and sessional orders have placed the tabling of reports at a particular stage in the routine of business each day on the assumption that debate will follow immediately. As earlier indicated, this has led to the present unpredictability in the actual time that the report is presented. If, however, the tabling of the report were separated from the debate, some degree of predictability and accessibility to reports at an early stage of a Senate sitting day would be engendered and thus anticipatory briefings would not need to be contemplated.

32. The Committee proposes for consideration a procedure whereby Committee reports may be tabled at an early stage in the proceedings on those days on which the Senate meets in the mornings (at present, Wednesdays, Thursdays and Fridays). It suggests that the Chairman of a Committee which takes advantage of this procedure should have the opportunity to speak for five minutes on tabling the report, with other members of the Committee speaking as of right for three minutes, with a maximum period for debate on each Committee report at this stage being 15 minutes. Such time limits could, of course, be extended by leave and by arrangement in the case of significant or complex reports for which the suggested time limits would be inadequate. Other Senators with an interest in a Report would have the opportunity to examine it before debate was called on at the normal

time for consideration of Committee reports. The Committee recommends that this proposal be referred to the Procedure Committee for consideration.

33. As far as the matter of completing reports towards the end of a sitting period, or during a long adjournment, is concerned, the Committee draws attention to the procedure often adopted by committees which minimises the danger of disclosure of reports while the Senate is not sitting, and that is the practice of committees seeking the prior permission of the Senate for the presentation of a report to the President of the Senate, and its circulation, during periods while the Senate is adjourned. While there can be disadvantages in this practice, in that by the time the report is tabled in the Senate by the President issues which it has raised might well have been canvassed without the opportunity for individual Senators to make a contribution to debate, at least any danger of unauthorised disclosure would be lessened. It is not clear to this Committee why that procedure was not followed in the present case, but this is beyond its terms of reference to determine.

Reference of matters to the Committee of Privileges

34. The present reference has given the Committee the opportunity to consider procedures relating to the reference of matters of this nature to the Committee. In this instance, the Committee received the reference, as is proper, after a determination by the President that a motion should have precedence, in that the matter raised came within the criteria which the President is required to consider. It may be noted, however, that, although the matter was raised by members of the Standing Committee and that when the Committee of Privileges consulted the Chairman of that Committee he reiterated


the concerns which gave rise to the reference of the matter, at no stage did the Committee as a whole give consideration to the question whether a matter of privilege was involved.

35. The process in this case contrasts with the procedures followed in relation to three matters referred to the Committee of Privileges during 1989. The first two matters involved possible interference with witnesses, and in accordance with paragraph 1(18) of the Privilege Resolutions each Standing Committee reported its conclusions and concerns to the Senate. Following those reports, the Committee of Privileges was required by the Senate to investigate the matters which were the subject of concern. The third matter, which is the most recent matter referred to the Committee, also involves the question of unauthorised disclosure of a committee document, and was referred after formal consideration by the committee concerned.

36. Given that procedures relating to the protection of witnesses are covered by the Privilege Resolutions, this Committee makes the suggestion that procedures relating to other committee matters might similarly be considered for inclusion in those Resolutions. While the Committee recognises that it is within the province of any Senator to raise matters under the Privilege Resolutions, in cases on which a committee wishes action to be taken, such as unauthorised disclosure of committee documents, it appears to this Committee that the following procedures would be appropriate:
 - (a) the Committee affected by any unauthorised disclosure should seek to discover the source of the disclosure, with the Chairman of the Committee writing to all members and staff

asking them if they could explain the disclosure;

- (b) the Committee concerned should come to a conclusion as to whether the disclosure had a tendency substantially to interfere with the work of the Committee or of the Senate, or actually caused substantial interference;
- (c) if the Committee concludes that there has been potential or actual substantial interference it should report to the Senate and the matter should be raised with the President by the Chairman of the relevant Committee, in accordance with the Privilege Resolutions.



PATRICIA GILES
Chair

21/12/89



APPENDICES A TO D

17 August 1989 SENATE 227

PRIVILEGE

The **PRESIDENT**—Pursuant to the procedures provided by the resolutions of the Senate of 25 February 1988, Senators Hamer, Teague and Newman have written to me raising a matter of privilege. The matter raised is an alleged unauthorised disclosure of a report of the Standing Committee on Foreign Affairs, Defence and Trade before the presentation of the report to the Senate.

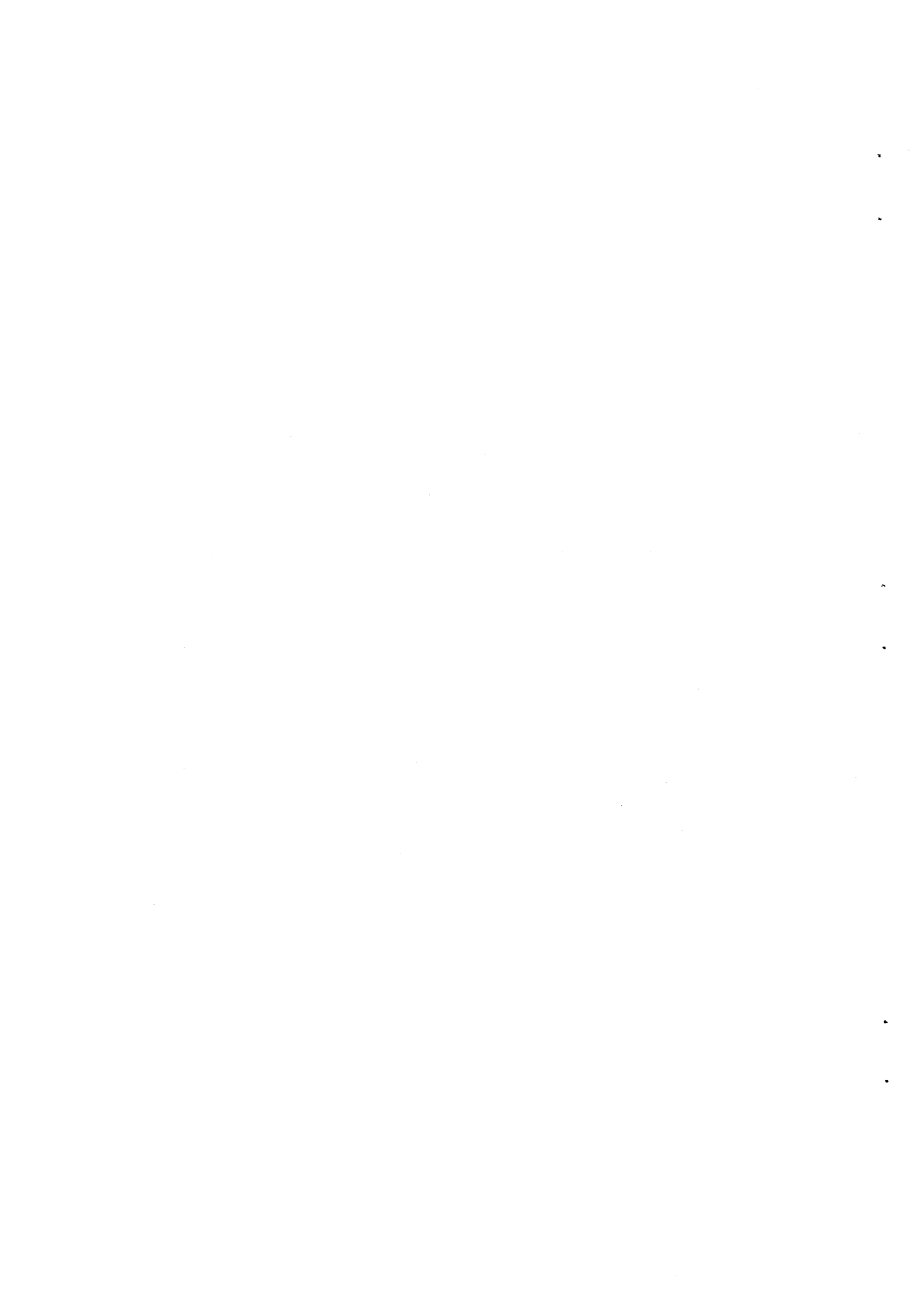
Under the Senate's resolutions, I am required to determine whether a motion to refer the matter to the Committee of Privileges should have precedence over other business. In making this determination I am required to have regard to the following criteria:

- (a) the principle that the Senate's power to adjudge and deal with contempts should be used only where it is necessary to provide reasonable protection for the Senate and its committees and for senators against improper acts tending substantially to obstruct them in the performance of their functions, and should not be used in respect of matters arising which appear to be of a trivial nature or unworthy of the attention of the Senate; and
- (b) the existence of any remedy other than that power for any act which may be held to be a contempt.

In making determinations in the past, I have indicated to the Senate the way in which I have interpreted and applied these criteria. I have given precedence to motions relating to matters which are capable of being regarded by the Senate as meeting the criteria in paragraph (a), provided that there is no readily available other remedy.

The matter raised is clearly capable of being regarded by the Senate as meeting those criteria, if the facts are as alleged. The unauthorised disclosure of a document confidential to a committee, which includes a report not yet presented to the Senate, is declared by the Senate's resolutions to be a matter which may be treated as a contempt. The Senate has in the past treated such unauthorised disclosures of committee documents as a contempt. There is no readily available other remedy.

I have therefore determined that a motion to refer the matter to the Committee of Privileges should have precedence over other business. Any of the honourable senators who wrote to me may now give a notice of motion.



AUSTRALIAN SENATE
CANBERRA, A.C.T.

STANDING COMMITTEE ON FOREIGN AFFAIRS, DEFENCE AND TRADE

PARLIAMENT HOUSE
CANBERRA, A.C.T. 2600
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10 September 1989

Senator P Giles
Chairman
Senate Privileges Committee

Dear Senator Giles

I refer to your letter of 1 September 1989.

According to our information, three newspapers carried stories on the morning of 16 August, the day the Report was tabled. Copies of these press articles are attached for your information. The articles appear to represent unauthorised disclosure of the contents of the Report.

The final Report on Nuclear Warship Visits to Australia has been in print since early June. The full text of the Report has existed in draft form for even longer.

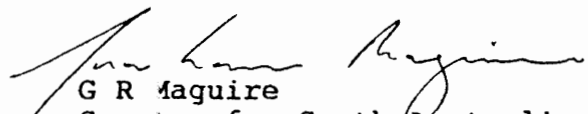
The security measures available to Senators, the Committee Secretariat and AGPS are probably not sufficient to guarantee full protection of the committee's report for such a long period of time.

Nevertheless, it is of note that the Committee's findings were not reported in the Press until the day after the tabling of it was originally scheduled in the Senate Program of Business.

I was advised on 16 August that the premature release of the committee's findings in this instance was probably not serious enough to warrant further action by the Privileges Committee. I note in this regard paragraph 3(a) of the Privilege resolutions of 25 February 1988 that the Senate's power to deal with matters relating to contempt should be used only to provide protection against improper acts tending to substantially obstruct Senators or committees in their functions. On this occasion, I do not believe that the premature release of the report impeded or had the potential to impede the committee's work as the final report of the committee had been agreed to on 13 April 1989.

At the same time, I share the concerns of some of my colleagues on the Senate Committee on Foreign Affairs, Defence and Trade about the need for media editors to respect the legal rules and conventions with respect to matters of parliamentary privilege.

Yours sincerely


G R Maguire
Senator for South Australia
Chairman

Ban nuke ships in Brisbane - report

NUCLEAR-powered ships may be banned from Brisbane, Townsville and four other Australian ports.

An investigation by the Senate standing committee on foreign affairs, defence and trade, has called for a temporary nuclear-ship ban at the two Queensland ports as part of sweeping recommendations to govern visits.

The committee has concluded the ships should not be allowed at Fisherman Islands, at the mouth of the Brisbane River, or approved alternative berths closer to the city until comprehensive plans have been drawn up for the protection of nearby people in the event of an accident aboard a visiting nuclear ship.

It also recommends the ships be prohibited from Townsville until an investigation has established whether recent land-use changes in the area have affected the port's previously assessed suitability for the visits.

In other findings of 39 recommendations in a 670-page report, the committee:

- Rejects Hobart — which currently is approved for nuclear-ship visits — as permanently unsuitable for the dockings.

- Recommends bans on nuclear-powered ships at Darwin, Port Adelaide and the New South Wales port of Jervis Bay pending further investigation of safety provisions.

- Says nuclear ship visits should not be allowed at any Australian port unless safety plans for the ports have been approved as adequate and tested in an exercise immediately before the visit.

- Calls on the Federal Gov-

From PAUL WILLOUGHBY in Canberra

ernment to block nuclear ship visits to any State or Territory which has drawn up contingency plans for the visits and refuses to make the plans public.

The report was an investigation into the adequacy of contingency planning by Federal and State authorities to deal with accidents from visiting nuclear ships.

Labor and Liberal MPs joined forces to endorse implicitly the controversial ship visits.

But it includes a dissenting finding from NSW anti-nuclear MP, Senator Dunn, who rejects the majority report as inadequate and calls for a total ban on all nuclear-ship visits to Australia.

The report is expected to be tabled in the Senate today by the committee's South Australian chairman, Senator Maguire.

Government MPs are expected to hail the report as a comprehensive and landmark investigation into all matters associated with the safety of nuclear ship visits.

The peace movement is almost certain to attack it as a whitewash which avoids questioning the alliance between Australia and the United States.

In commenting on Fisherman Islands, the report says nuclear ship visits should be prohibited "until adequate, documented provisions" are made for the evacuation of port workers, tourists and other people in the vicinity or "for avoiding the presence of such persons".



IAN Grey ... family's spirits lifted.

Jailed To

MAPUTO.— Toowoomba missionary Mr Ian Grey, jailed in Mozambique for having worked with the rebel movement Renamo, may be freed under a government amnesty.

The amnesty covers prisoners sentenced by a revolutionary military tribunal set up under State security laws in 1979.

Government sources said Grey and Briton Mr Finlay Hamilton were eligible and could be freed this week after administrative formalities were completed, including

Firms fail 'fair go' deadline

FIVE Queensland companies have failed to submit reports to the Affirmative Action Agency by its May 1 deadline.

The agency has warned the companies they will be named in Federal Parliament if they do not submit affirmative action reports within 28 days.

Last year three Queensland companies failed to submit reports and were named in Par-

liament on November 9. Two of the companies subsequent submitted reports.

This year 39 of 489 Australian companies failed to submit reports.

"Some people say the agency is a toothless tiger but companies today take their public images very seriously and it is a powerful weapon we have," an agency spokesman said.

'Rainforest nym



N-ship inquiry rejects Hobart

By PAUL WILLOUGHBY

HOBART should not host nuclear-powered ships, a major parliamentary inquiry has found.

The four-year investigation into nuclear ship visits by the powerful senate standing committee on foreign affairs, defence and trade calls for the withdrawal of approval for nuclear ships to berth in Hobart.

The committee, in a 670-page report, says the port is unsuitable because the Royal Hobart Hospital is only about 900 metres from the approved berth at the Macquarie wharves.

It casts doubt on the effectiveness of a contingency plan to protect people in the hospital in case of a nuclear accident and says there is no arrangement to evacuate fully the hospital after an accident.

The committee says approval for nuclear ship visits to Hobart should be rescinded.

There is no shortage of approved or suitable anchorages elsewhere in Australia, it says, incurring the extra risk, small though it may be, in allowing visits to an berth or anchorage where a major hospital lies [nearby].

The finding on Hobart is one of

39 recommendations from the committee.

It also recommends temporary bans on nuclear ship visits to Brisbane, Townsville, Darwin, Port Adelaide and the NSW coastal port of Jervis Bay, pending further investigation of safety provisions.

The committee also:

● Says nuclear ship visits should not be allowed at any Australian port unless safety plans have been approved and tested in an exercise immediately before a visit.

● Calls on the Federal Government to block nuclear ship visits to any state or territory which refuses to make public its contingency plans.

The committee's report — the result of its investigation into the adequacy of current contingency planning by federal and state authorities to deal with accidents on visiting nuclear ships — sees Labor and Liberal MPs joining forces to endorse the controversial visits.

But it includes a dissenting Senator Irina Dunn, who rejects the majority report as inadequate and calls for a ban on all nuclear ship visits to Australia.

The report is expected to be tabled in the Senate today by the

committee's chairman, Senator Graham Maguire, of South Australia.

Government MPs are expected to hail the report as a comprehensive and landmark investigation.

However, the peace movement is almost certain to reject it as a whitewash which does not question the alliance between Australia and the US or the Government's policy of allowing nuclear ships to visit Australian ports.

Referring to the Brisbane port of Fisherman Islands, the committee says nuclear ship visits should be prohibited "until adequate, documented provisions" are made for the evacuation of port workers, tourists and other people in the vicinity or "for avoiding the presence of such persons during a visit".

It says the approved alternative berth up-river also should not host nuclear ships until similar provisions are established.

No nuclear ships should visit the approved berths in Darwin until the Darwin Port Safety Plan includes provisions for evacuation of nearby areas if

Changes in land use have "raised questions" as to allowing nuclear ships to visit Townsville, and no visits should be allowed until the matter has been investigated, it says.

Ban nuclear ships from Adelaide, says inquiry

From PAUL WILLOUGHBY

CANBERRA: Nuclear-powered ships should be banned from Port Adelaide and five other Australian ports, according to a major four-year parliamentary enquiry into nuclear ship visits.

An investigation by the powerful Senate Standing Committee on Foreign Affairs, Defence and Trade has called for a temporary nuclear-ship ban at Port Adelaide as part of sweeping recommendations to govern the controversial visits.

It says the ships should not be allowed at Port Adelaide until an investigation has established whether recent land-use changes in the area have affected the port's previously-assessed suitability for the visits.

In other findings among 39 recommendations in a 670-page report, which has been obtained exclusively by *The Advertiser*, the committee:

REJECTS Hobart — which now is approved for nuclear-ship visits — as permanently unsuitable for the dockings.

RECOMMENDS bans on nuclear-powered ships at Brisbane, Darwin, Townsville and the NSW port of Jervis Bay pending further investigation of safety provisions.

SAYS nuclear-ship visits should not be allowed at any Australian port unless safety plans for the ports have been approved as adequate, and tested in an exercise immediately before the visit.

CALLS on the Federal Government to block nuclear-ship visits to any State or Territory which has drawn up contingency plans for the visits and refuses to make the plans public.

EXCLUSIVE

US warships regularly visit Australia as part of the defence alliance between the two countries but both governments consistently refuse to say whether the ships are nuclear-powered or nuclear-armed.

The report, an investigation into the adequacy of current contingency planning by federal and State authorities to deal with accidents from visiting nuclear ships, sees Labor and Liberal MPs join forces to implicitly endorse the controversial ship visits.

But it includes a dissenting finding from NSW anti-nuclear MP Senator Irma Dunn, who rejects the majority report as inadequate and calls for a total ban on all nuclear-ship visits to Australia.

The report is expected to be tabled in the Senate today by the committee's South Australian chairman, Senator Gramam Maguire.

The report identifies South Australia as one of three States — along with Victoria and NSW — which have not drawn up emergency plans for an accident aboard a nuclear ship in their waters.

It says the Premier, Mr Bannon, wrote to the committee saying that "the establishment of appropriate safety arrangements for visits had not been proceeded with in South Australia."

Commenting on Port Adelaide, the report says it is aware that changes in land use have "raised questions as to the continuing validity of the original (positive) berth assessments."

It says the same situation applies at Townsville in Queensland.

"The committee recommends that no visits by nuclear-powered vessels take place to either Port Adelaide or Townsville until the berths have been reassessed to ensure that changed land use has not affected their status," the report says.

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ADU 16/8/89

Ban nuclear ships: report

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The committee rejects Hobart, Fisherman Islands, at Brisbane, Jervis Bay, south of Sydney, and Darwin as ports for visits by nuclear ships.

It says that approval for nuclear-ship visits to Hobart should be rescinded and makes no provision for it to be reinstated.

The Royal Hobart Hospital is only about 900 metres from the approved berth at Macquarie Wharves and the committee

casts doubt on the effectiveness of a contingency plan to protect people in the hospital in the event of a nuclear accident.

Last night the mayor of Port Adelaide, Mrs Julie Dearing, said the city had adopted a nuclear-free policy.

But she said she had not seen the report and it would be inappropriate to comment before she had.

A spokesman for the Premier, Mr Bannon, said he was not aware of the report's recommendations.



AUSTRALIAN SENATE
CANBERRA, A.C.T.

COMMITTEE OF PRIVILEGES

PARLIAMENT HOUSE
CANBERRA, ACT 2600

4 December 1989

Senator I. Dunn
Parliament House
CANBERRA ACT 2600

Dear Senator Dunn

I refer to my letter to you of 25 October, relating to possible unauthorised disclosure of a report from the Standing Committee on Foreign Affairs, Defence and Trade, and the response dated 1 November from your private secretary. The Committee received that letter as evidence at a meeting held on 29 November.

The Committee notes that you intend to confirm the substance of the letter, and would appreciate such a confirmation as soon as possible.

The Committee has also asked for clarification of matters raised in the second paragraph, that is, Ms Williams' comment that "it is possible - although unlikely - that press releases and extracts from the report could have been sighted by members of the Parliamentary Press Gallery and other persons". The Committee specifically seeks from you more detailed advice concerning in what way such sightings were "possible" and an explanation of why they were "unlikely".

Your early advice would be appreciated on this matter also.

Yours sincerely,

(Patricia Giles)
Chair

