THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

THE SENATE

COMMITTEE OF PRIVILEGES

PERSONS REFERRED TO IN THE SENATE

(MS MARGARET PIPER, MS EVE LESTER AND MR SETH RICHARDSON)

40TH REPORT

DECEMBER 1992

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The Senate
Parliament House
CANBERRA ACT 2600

REPORT

1. On 9 December 1992 Ms Margaret Piper of the Refugee Council of Australia, on her own behalf and on behalf of Ms Eve Lester and Mr Seth Richardson, wrote to the President of the Senate, Senator the Honourable Kerry Sibraa, referring to remarks made by Senator McKiernan in the Senate on 7 December 1992. Ms Piper requested that the matter be referred to the Committee of Privileges. The President, having accepted Ms Piper's letter as a submission for the purposes of the Resolution of the Senate of 25 February 1988 relating to the protection of persons referred to in the Senate, referred the letter to the Committee of Privileges on 14 December 1992.

2. The Committee met in private session on 15 December 1992 and, pursuant to Privilege Resolution 5(3), decided to consider the submission from Ms Piper and her colleagues. In considering the submission, the Committee did not find it necessary to confer with either Ms Piper or Senator McKiernan. After deciding to recommend to the Senate that an agreed statement be incorporated in *Hansard*, the Committee contacted Ms Piper and the statement at Appendix 1 has been agreed to by Ms Piper and the Committee in accordance with Resolution 5(7)(b).

3. The Committee recommends:

That a response by Ms Margaret Piper, Ms Eve Lester and Mr Seth Richardson, in the terms specified at Appendix 1 and agreed to by Ms Piper and the Committee, be incorporated in *Hansard*.

Baden Teague
Acting Chairman

17 December 1992

RESPONSE BY MS MARGARET PIPER, MS EVE LESTER AND MR SETH RICHARDSON AGREED TO BY MS PIPER AND THE COMMITTEE OF PRIVILEGES PURSUANT TO RESOLUTION 5(7)(b) OF THE SENATE OF 25 FEBRUARY 1988

I wish to avail myself and my colleagues of the provision that exists for the Senate Committee of Privileges to examine remarks made by Senator Jim McKiernan in the Senate on 7 December 1992 relating to:

- Ms Margaret Piper, Executive Director of the Refugee Council of Australia (RCOA);
- Ms Eve Lester, Co-ordinator of the Refugee Advice and Casework Service (RACS) Victoria;
- Mr Seth Richardson, Co-ordinator, RCOA Port Hedland Project.

It is our belief that many of the remarks made by Senator McKiernan were inaccurate and that they impugn our reputation and that of the organisations we represent. To answer specific points raised:

1. **"... the Refugee Advice and Casework Service, which includes the Refugee Council of Australia" (Hansard p4307)**

Mr Richardson and Ms Piper are members of RCOA; Ms Lester is Co-ordinator of RACS. It is inaccurate to say that the Refugee Advice and Casework Service includes the Refugee Council. RCOA is an umbrella organisation; RACS is one of the services operated by RCOA.

2. **"Eve Lester, Ms Margaret Piper and Mr Seth Richardson earned the accolade of being perhaps the worst set of witnesses that have ever appeared before a parliamentary inquiry. They did not want to answer any questions ... we did not get direct answers to our questions." (*Hansard* p4307).**

These comments imply that in our evidence to the Joint Standing Committee on Migration Regulations we were being purposely evasive and trying to disguise the truth. We attempted to answer as accurately as possible, and to the best of our knowledge, the questions that were put to us. There were times, however, that their questions appear to us to be vague or misdirected.

3. **"... they purported to be experts in the area."** (*Hansard* p4307)

In response to the question from the Acting Chairman about the capacity in which we were appearing, Ms Lester advised that she was present in her capacity as Co-ordinator of the Refugee Advice and Casework Service. Neither Mr Richardson nor I was given the opportunity to answer this question because the Acting Chairman asked an unrelated question; the original question was not returned to.

4. **"We were insulted on a number of occasions ..."** (*Hansard* p4307)

We believe that we did not insult the members of the committee and we cannot find what could be described as an insult in the *Hansard* record. On the contrary, we found that the method of questioning was at times aggressive and with frequent interruptions.

There was also an occasion when Senator McKiernan made a direct attack on Ms Piper's integrity and that of RCOA on the basis of a misinterpretation of a previous remark. Ms Piper's efforts to correct Senator McKiernan's perception of what she said were interrupted.

5. **"Ms Margaret Piper is doing herself and her organisation a great disservice in making such statements** (referring to a quotation from evidence to the inquiry) **on the record. ... The conditions in Port Hedland are nowhere near what they are in Hong Kong or in many of the other refugee camps around the world."** (*Hansard* pp2307-2308).

Senator McKiernan has failed to recognise that Ms Piper's remarks related not to the nature of the buildings but to what happens there. A facility that is appropriate for short term accommodation for workers is not necessarily appropriate for long term detention of men, women and children, especially when one considers the fact that they are locked in behind barbed wire fences and under 24 hour a day guard.

6. **"... We asked direct questions of Mr Richardson and Ms Piper in this Committee to ascertain how much they were getting out of the public purse. Organisations such as theirs do have a vested interest because they exist on government funding. The initial answer to our questions on the matter of funding was that it was $55,000. Through persistent further questioning we got agreement that the funding was in the region of half a million dollars." (*Hansard* p4308)**

The answer $55,000 (plus $30,000) was the correct answer to the question asked ie the amount of money received by RACS. Our attempts to explain the difference between the funding allocations to RACS and RCOA were interrupted by further questions. It was never our intention to disguise the figures and in fact we had brought the figures to the inquiry (as evidenced by their presentation) in case we were asked for them.

7. **"... what a difficult task the Standing Committee had in trying to elicit accurate and factual information from this body." (*Hansard* p4309)**

If Senator McKiernan was concerned about the accuracy of the evidence we presented to the inquiry, he could have approached us directly or taken more formal measures. Instead he has made these very serious accusations under the privilege of parliament.

8. **"I also doubt very much whether they are getting the proper legal service that they should be getting." (*Hansard* p4309)**

This is a particularly serious accusation impugning the competence and professional ethics of the lawyers involved in the projects, including Ms Lester and Mr Richardson. Senator McKiernan presented no evidence to substantiate these comments.

It is relevant to note that:

- there have been no complaints made by the Department of Immigration, Local Government and Ethnic Affairs (DILGEA) about the quality of the legal advice offered to the asylum seekers;

- the asylum seekers have made no complaints about their legal advice from RCOA and RACS;

- The lawyers' actions with respect to their client have been vindicated by the results of judicial action thus far, in particular the High Court decision of 8 December 1992;

- DILGEA has recently awarded a contract following the first tendering process to RCOA for the provision of legal advice to the Romanian asylum seekers in Port Hedland. If there were concerns about the quality of the advice we were offering, it is reasonable to assume that they would not have awarded us this contract.

If Senator McKiernan has grounds for these remarks, he may take his complaints to the appropriate bodies, namely the Law Institute and the Law Society. To our knowledge, he has not done so.

Conclusion

We are submitting this document in an effort to put on the public record the facts as we see them in the hope that the issue can be addressed constructively and we can proceed towards finding a resolution to the very serious problems that exist in the area of refugee determination.

Margaret Piper
Executive Director
also on behalf of Eve Lester
and Seth Richardson