

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

THE SENATE

COMMITTEE OF PRIVILEGES

PERSON REFERRED TO IN THE SENATE

(MR R.S. LIPPIATT)

(41ST REPORT)

MAY 1993

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The Senate
Parliament House
CANBERRA ACT 2600

REPORT

1. On 19 January 1993 Mr Richard Lippiatt wrote to the Committee of Privileges, enclosing a final submission under Resolution 5 of the Privilege Resolutions of 25 February 1988 referring to remarks made by Senator Bell in the Senate during the adjournment debates on 3 June and 13 October 1992. Mr Lippiatt had initially written to the Committee concerning remarks made on 3 June and, with the concurrence of the President of the Senate, the Committee decided to treat that correspondence as a submission under Resolution 5. The Committee was, however, unable to make contact with Mr Lippiatt for some months; in the meantime the Committee noted, and ultimately drew to his attention, the further comments by Senator Bell of 13 October.
2. The Committee has met a number of times to consider the submission, culminating in its further consideration of the matter during three meetings in the present Parliament. Of particular concern to the Committee was the possibility that, in attempting to rebut the matters placed on the public record by Senator Bell, Mr Lippiatt might have revealed matters, acquired in the course of his duty, which might have impinged on the privacy of the person the subject of Senator Bell's speeches. Accordingly, the Committee wrote to Mr Lippiatt to seek an assurance that there were no difficulties in this regard.
3. The Committee is, of course, aware that it is not bound by the privacy and secrecy provisions of the relevant Acts, in that the Parliament is not specifically bound by any such provisions, and that Mr Lippiatt, in making his submission, is similarly exempt. It considers, however, that in cases such as these it should not be party to any revelation of information acquired by an officer in the performance of his or her duties which would otherwise be taken to breach privacy and secrecy provisions.
4. In response, Mr Lippiatt advised that he had taken legal advice that he could not take the matter further, on the grounds that there were no "Exception - waiver" provisions in the privilege resolutions. The Committee having informed him that the advice was inaccurate, and that it was operating under

a self-denying ordinance rather than because of legal prohibitions, suggested a revised response which indicated Mr Lippiatt's concerns while at the same adhering to privacy principles. The Committee wishes to point out, therefore, that statements in the response such as "I regret that considerations of the client's privacy inhibit my placing the facts on the record..." do not represent any attempt on Mr Lippiatt's part to avoid the issue, but rather are a response to the Committee's concerns.

5. The statement at Appendix 1 has been agreed to by Mr Lippiatt and the Committee in accordance with Resolution (5)(7)(b). The Committee did not find it necessary to consult Senator Bell on this matter.

6. The Committee recommends:

That a response by Mr Richard Lippiatt, in the terms specified at Appendix 1 and agreed to by Mr Lippiatt and the Committee, be incorporated in *Hansard*

Patricia Giles
Chair

APPENDIX 1

**RESPONSE BY MR RICHARD LIPPIATT
AGREED TO BY MR LIPPIATT
AND THE COMMITTEE OF PRIVILEGES
PURSUANT TO RESOLUTION 5(7)(B) OF THE SENATE OF
25 FEBRUARY 1988**

I wish to make the following rebuttal statement in relation to the inaccurate and extremely damaging remarks made by Senator Bell in the Senate in which he personally named me (*Hansard* Wednesday 3 June 1992 - page 3461). My reputation has been adversely affected and I have suffered professional injury and stress.

I was required to administer the *Commonwealth Employees' Rehabilitation and Compensation Act 1988* as are my counterparts in Telecom and Comcare. I was responsible for ensuring any determination I issued under the CERC Act 1988 had considered all the evidence, including medical evidence. I was required to approve the entitlements on Retired Cases, the category into which Mr Y falls. Retired Cases are very difficult and time consuming and require compassion and the need for considerable experience and knowledge of the Act and Regulations, quite out of keeping with an alleged vigilante attitude.

There are several inconsistencies between my knowledge of the facts of the individual case and Senator Bell's statement to the Senate initially on 3 June 1992 and again on 13 October 1992. For privacy reasons, however, it is not appropriate for me to give details to refute the assertions made. I do, however, wish to make the following points:

- I know of no woman employed by Australia Post in this State who was subjected to 50 alleged separate medical reviews.
- Senator Bell's alleged lack of co-operation by myself is unsupported as he has never personally contacted me either in writing or orally.
- The Commonwealth Ombudsman's report as outlined on 13 October 1992 is not his final findings. It should be noted that I have not had any contact from the Commonwealth Ombudsman and feel this is a denial of natural justice provisions.

- I consider it most reprehensible for a Senator to use the privilege of the Senate in naming someone without firstly obtaining the other side of the story.

I am concerned about the damage done to my professional reputation and integrity and the suffering it has caused both in terms of stress and the loss of career prospects. As has been said, Senator Bell has used unsubstantiated information, and I regret that considerations of the client's privacy inhibit my placing the facts on the record to answer the accusations.

Richard S. Lippiatt