

# **ADDITIONAL COMMENTS FROM SENATORS PAYNE AND COONAN**

## **GOVERNMENT SENATORS**

### **The inquiry**

The inquiry by the Senate Legal and Constitutional References Committee in response to the reference from the Senate of 13 May 1999 into the operation of Australia's refugee and humanitarian programme has been a lengthy and detailed examination of the issues raised by the Terms of Reference.

Government Senators note that the transcripts of evidence and indeed the extensive nature of the report itself are testament to the considered and thorough examination by the Committee of these important issues. As noted in the majority report, the evidence of many witnesses, including Commonwealth Departments, greatly assisted the Committee in forming its views and making considered recommendations in response to the Terms of the inquiry. Government Senators support the vast majority of the Committee recommendations.

### **Recent events**

Since the Committee began its inquiry in May 1999, a great deal of public attention has been focussed on immigration and refugee matters. In many ways this has made the Committee's task more complex. Government senators recognise that the decision for Australia to participate in the Kosovar Safe Haven operation, and then the East Timor Safe Haven operation, placed exceptional demands on the operation of the Department of Immigration and Multicultural Affairs. Government Senators are grateful to those members of the Department who, notwithstanding those demands, continued to assist the Committee in its deliberations.

In recent months, large numbers of unauthorised boat arrivals have also placed new demands on the operation of the Department. The Committee has considered many aspects of the handling of previous occurrences of this nature as required by the Terms of Reference. Government Senators observe that some of the concerns raised by the specific examples in the Terms of Reference seem to have been addressed in the current practices and policies of the Department. The Committee's recommendations in this area are intended to ensure that the refinement of practices and procedures continues.

### **Recommendations**

Government Senators support the majority of the Committee's recommendations in this inquiry. We note that many of the recommendations seek the production of better

communication tools for the information of individuals operating within the system, including decision makers, practitioners, applicants and non citizens who have arrived on our shores.

Certain others of the recommendations seek detailed analyses of the weight of demands placed on the refugee system, to be conducted variously by the Australian National Audit Office, the Australian Law Reform Commission and the Department of Immigration and Multicultural Affairs itself. It is envisaged that these inquiries will assist the Department in particular, and policy makers in general, to determine whether current practices and procedures are effectively and efficiently meeting Australia's needs in the current pressured refugee handling environment.

In relation to recommendations in Chapter 6, Judicial Oversight of Administrative Decisions, Government Senators do not support Recommendation 6.4. As the Report notes, parliamentary debate is currently occurring on the question of judicial review of migration and refugee decisions. In that context, Government Senators support the progress of that Parliamentary discussion and await its outcome in preference to the time consuming and costly commissioning of a separate study whose relevance may be marginalised by the results of parliamentary consideration of the issues.

### **Conclusion**

Government senators note in conclusion that this has been a demanding and challenging inquiry process. The Report reflects that process. Government Senators wish to record their appreciation for the efforts of the Chair Senator McKiernan and other Committee members and in particular the significant efforts of the Committee Secretariat for ensuring the report and recommendations form a considered and comprehensive examination of the very wide-ranging Terms of Reference.

**Senator Marise Payne**

**Deputy Chair**

**Senator Helen Coonan**