

# Report

1.1 On 22 August 2017, the President of the Senate, Senator the Honourable Stephen Parry, received a submission from Ms Jane Carrigan 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).

1.2 The submission referred to a report tabled in the Senate by the Minister for Employment (Senator Cash) on 15 March 2016. The President accepted the submission and referred it to the Committee of Privileges.

1.3 The committee met on 7 September 2017 and, pursuant to paragraph (3) of Privilege Resolution 5, considered the submission. In doing so, it noted that Ms Carrigan's delay in approaching the President for redress was explained by her unsuccessful efforts to find a legal remedy. The committee has previously noted the difficulties that arise when a lengthy period elapses between the action occurring and the Senate considering any recommendation to redress the matter. The committee accepts that the legal processes necessitated the delay in this instance.

1.4 The committee also considered whether the resolution relating to the protection of persons referred to in the Senate extended to the case where the person was referred to in documents tabled in the Senate. In this context the committee noted that the document is a report that was prepared for the purposes of advising the Parliament as to whether there was a reasonable basis to consider requesting the Governor-General to remove a now former Vice President of the Fair Work Commission from his position on the grounds of misbehaviour or incapacity. Ms Carrigan had made a formal complaint about the Vice President and this complaint was considered during the inquiry. It was prepared for the purposes of transacting the business of the Senate and was tabled in the Senate and is therefore part of the Senate's proceedings. In this instance the committee has agreed that Privilege Resolution 5 applies.

1.5 Following this deliberation, the committee resolved to recommend that the response be incorporated in *Hansard* without change. Senator Abetz, a member of the committee, recused himself from these deliberations at the request of Ms Carrigan.

1.6 The committee draws attention to paragraph 5(6) of the resolution which requires that, in considering a submission under this resolution and reporting to the Senate, the committee shall not consider or judge the truth of any statements made in the Senate or in the submission.

1.7 The committee **recommends**:

That a response prepared by Ms Jane Carrigan in the terms specified at Appendix 1, be incorporated in *Hansard*.

Senator the Hon Jacinta Collins

**Chair**

