

Senate Standing Committee on Legal and Constitutional Affairs (Legislation Committee)

Attorney-General's Department

Hearing date: 23 April 2021

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Question type: Spoken

Kim Carr asked the following question:

Senator KIM CARR: Were you also asked to conduct an investigation into the former High Court Justice Dyson Heydon in relation to conduct while he was a royal commissioner at the Trade Union Royal Commission?

Mr Perry: I believe there was an investigation conducted by a different part of the department into those allegations, yes.

Senator KIM CARR: I have a media report here to that effect from 28 June 2020. Was that investigation ever concluded?

Mr Perry: I'd have to take that on notice. As I said, it's a different area of the department that's involved in that.

Senator KIM CARR: Are you able to tell me how many complaints there were in regard to Mr Heydon from his time as a royal commissioner?

Mr Perry: I'm not able to—

Senator KIM CARR: Will you take that on notice, please?

Mr Perry: We will take that on notice.

Senator KIM CARR: The ABC reported that the department's report was handed to Mr Porter's office on 25 February 2021. Can you confirm that?

Mr Perry: I can't confirm that, but I can take that on notice.

Senator KIM CARR: Can you confirm the date on which Mr Porter responded?

Mr Perry: Again, it's a different area of the department than the one I'm representing.

Senator KIM CARR: Can you confirm that he did respond?

CHAIR: Senator Carr, can I just ask you to hold for a moment. This is an inquiry into the private senator's bill. I appreciate your interest in these matters, but I would just ask you to remain relevant to our inquiry into this bill.

Senator KIM CARR: It is very relevant, because I'm trying to go to the issue as to whether or not this bill is necessary. We have a specific case before us. Has Senator Cash responded to the inquiry?

Mr Perry: Again, I'd need to take that on notice.

Senator KIM CARR: Thank you. Perhaps you could outline for this committee what other work the department is doing to finalise the matter?

Mr Perry: I can certainly take that on notice.

Senator KIM CARR: Is it the case that you're looking at Mr Heydon being charged? Is there a prosecution pending?

Mr Perry: I would have to take that on notice. I'm not aware.

Senator KIM CARR: Can we have the detail of the recommendations of the review?

Mr Perry: Again, I'd need to take that on notice.

The response to the Senator's questions is as follows:

1. The department has conducted an internal investigation into the allegations of sexual harassment at the Royal Commission into Trade Union Governance and Corruption. A submission was provided to the former Attorney-General's office on 25 February 2021.

During the course of the investigation, two individuals contacted the department to make relevant disclosures. Both former staff members made these disclosures in confidence to the department, stating that they did not want the department to take any further action. They both requested their privacy and confidentiality be maintained, which the department will do.

2. The Attorney-General noted the department's submission detailing the outcome of the investigation on 21 April 2021.
3. The recommendations of the investigation, agreed to by the Acting Secretary, were for the department to:
 - conclude its investigation
 - consider re-opening the investigation should there be further contact from former employees
 - continue to provide wellbeing support to affected individuals
 - review appointment documentation for royal commissioners and

- provide specialised training for staff and managers in future royal commissions.
4. The investigation did not make any recommendations regarding potential charges.