

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

**Inquiry into the Judges' Pensions Amendment (Pension Not Payable for Misconduct) Bill 2020**

**Attorney-General's Department**

**Hearing date:** 23 April 2021

**Hansard page:** 14

**Question type:** Spoken

**Kim Carr asked the following question:**

Senator KIM CARR: I thank the officers for coming today. I know you had enormous choice in the matter! I'm just wondering if you could help me with a few matters. Has the current Attorney-General or former Attorney-General, Christian Porter, ever asked the department to provide any advice about setting up an independent judicial commission at the Commonwealth level?

Mr Perry: Yes, the former Attorney-General has sought that advice from the department.

Senator KIM CARR: When was that?

Mr Perry: The exact date, I would have to take on notice.

Senator KIM CARR: Yes, please do, but can you just remind me when that was roughly?

Mr Perry: It was prior to my being in this position. I would have to take that on notice, I think.

**The response to the Senator's question is as follows:**

1. On 1 September 2020, the former Attorney-General, the Hon Christian Porter MP, requested that the department seek legal advice on the establishment of an independent judicial complaints body.

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**Kim Carr asked the following question:**

Senator KIM CARR: In terms of establishing an independent judicial commission, where are we at within the department itself? What's the position at the moment?

Mr Perry: The department sought legal advice on that to examine the permissible scope of extending the existing judicial complaints processes, noting that there's a need to respect the independence of the judiciary.

Senator KIM CARR: So, you've got independent legal advice. Have you received it?

Mr Perry: We have not received that. We've sought that advice.

Senator KIM CARR: When did you seek that advice?

Mr Perry: I'd need to take that on notice. I haven't got the precise date in front of me.

Senator KIM CARR: Can you advise the committee as to when you'll be in a position to advise the government on this matter?

Mr Perry: I can't give you that advice. We expect to receive the legal advice shortly. I would think that whatever advice we provide to government would be informed by the nature of that advice, and it's a bit difficult to speculate.

**The response to the Senator's question is as follows:**

1. The department sought legal advice on establishing an independent federal judicial commission on 19 January 2021.