

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
ATTORNEY-GENERAL'S PORTFOLIO

Program: Australian Human Rights Commission

Question No. AE17/010

Senator Macdonald asked the following question at the hearing on 28 February 2017:

CHAIR: Professor Triggs, I thank you for answering these questions. Last time we asked similar questions you claimed that there was a sub judice rule. Is the court case that you claimed last time made this discussion sub judice, or whatever the technical term might be, still going?

Prof. Triggs: The decision is still going but, after the previous Senate estimates hearing when this matter was raised and I was unable to deal in detail with the QUT case, the Attorney answered my letter of request as to whether a public interest immunity claim should be made. His response to my query as to whether that claim should be made was that that was a matter for me as president. I then sought some legal advice from the Australian Government Solicitor and for various legal reasons I made a decision that it was now possible for me to release the details, because I can readily understand that it is in the public interest that that particular case be better understood on the facts. I did so partly also of course because I wanted to be able to ensure that the freedom of speech inquiry was as well informed about the matter as it could be.

CHAIR: Thank you for that. Can you tell me the date that you made your decision?

Prof. Triggs: I would have to take that on notice. It was after I received the advice from the Australian Government Solicitor.

ANSWER PARTLY PROVIDED:

Mr Edgerton: I understand that a decision was made in the week prior to the president giving evidence to the Parliamentary Joint Committee on Human Rights on the last occasion, which was 17 February 2017, so it was during that week.

The answer to the honourable senator's question is as follows:

On 15 February 2016, the Commission decided that it would not make a claim for public interest immunity in relation to the questions asked by Senator Paterson about the Commission's handling of the complaint to the Commission made by Ms Cynthia Prior.

The Commission communicated that decision to the Parliamentary Joint Committee on Human Rights on 16 February 2016.