

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

Program: Australian Human Rights Commission

Question No. AE17/012

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

CHAIR: It is not your call. Order, Senator McKim! I just wanted to pursue that, Professor Triggs, because Ms Prior was apparently so offended by this post that it took her six months even to complain to the university. Didn't that ring a warning bell in the mind of the commission that this may not have been a serious complaint?

Prof. Triggs: I really cannot answer questions about what her motives were, but I understand—

CHAIR: No, I am asking what the commission's view was. Didn't it occur to the commission that she was so offended by this post that it took her six months even to let the university know, let alone the Human Rights Commission—taking one day shy of 12 months. Didn't that ring—

Prof. Triggs: I think the underlying premise of your question is not correct; that is that I think she approached the university relatively quickly at an informal level.

CHAIR: I thought Mr Edgerton said it was six months.

Mr Edgerton: I might have misled you. She approached the university—

CHAIR: You did say it was December.

Mr Edgerton: I said that in December, she invoked the university's formal grievance procedures. But she had approached the university within one or two days after the posts initially went up.

CHAIR: So you are saying it was within two days? You know that as a matter of fact?

Mr Edgerton: That is right. And then when she was complaining to the university using the grievance procedures, that was largely about her concerns about how the university had dealt with that initial complaint. She was not satisfied with how her complaint had been dealt with by the university—a complaint that she had made contemporaneously with the posts going up, and so she invoked the formal grievance procedures of the university in December 2013.

CHAIR: Is her complaint to the commission a public document? Can we get a copy of that?

Mr Edgerton: It is; it is also on the court file. We are happy to provide a copy to this committee.

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

On 17 March 2017, the Commission wrote to the Committee to clarify the evidence given above.

The Commission noted that, although the complaint made by Ms Prior to the Commission was filed along with her originating application to the Federal Circuit Court, this did not mean that the complaint to the Commission became a public document.

The Commission wrote to Ms Prior and asked whether she has any objection to her complaint being provided to the Committee. Ms Prior replied, saying that she does not consent to the Commission releasing a copy of her complaint. Ms Prior referred to a large volume of hostile messages directed to her in blog posts and on social media in relation to her complaint. She said that she was concerned that publication of her complaint to the Commission would lead to a further round of similar messages.

Given that the request for a copy of the complaint followed a question about whether it was a public document, the Commission has assumed that the Chair only sought a copy of the complaint if it was a document that was already public.