

The Senate

---

Committee of Privileges

---

Person referred to in the Senate

Father Frank Brennan SJ AO

155th Report

December 2013

© Parliament of the Commonwealth of Australia 2013

ISBN 978-1-74229-932-7

*This document was produced by the Committee of Privileges, and printed by the Senate Printing Unit, Parliament House, Canberra*

## MEMBERS OF THE COMMITTEE

Senator Jacinta Collins (**Chair**) (Victoria)

Senator Anne Ruston (**Deputy Chair**) (South Australia)

Senator the Hon John Faulkner (New South Wales)

Senator Scott Ludlam (Western Australia)

Senator the Hon Ian Macdonald (Queensland)

Senator Bridget McKenzie (Victoria)

Senator Dean Smith (Western Australia)

Senator Anne Urquhart (Tasmania)

The Senate  
PO Box 6100  
Parliament House  
CANBERRA ACT 2600

Telephone: (02) 6277 3360  
Facsimile: (02) 6277 3199  
Email: [priv.sen@aph.gov.au](mailto:priv.sen@aph.gov.au)  
Internet: [www.aph.gov.au](http://www.aph.gov.au)



# Report

1.1 On 10 December 2013 the President of the Senate, Senator the Honourable John Hogg, received a submission from Father Frank Brennan SJ AO 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 speech made by Senator Brandis in the Senate on 4 December 2013. The President accepted the submission as a submission for the purposes of the resolution and referred it to the Committee of Privileges.

1.3 The committee met on 12 December 2013 and, pursuant to paragraph (3) of Privilege Resolution 5, decided to consider the submission. The committee resolved to recommend that the response be incorporated in Hansard without change. In considering the submission, the committee did not find it necessary to confer with the person making the submission.

1.4 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.

1.5 The committee **recommends:**

That a response by Father Frank Brennan SJ AO, in the terms specified at Appendix 1, be incorporated in *Hansard*.

Senator the Hon Jacinta Collins  
**Chair**



# Appendix

## Response by Father Frank Brennan SJ AO

Pursuant to Resolution 5(7)(b) of the Senate of 25 February 1988

Reply to statement by Senator the Hon George Brandis

(4 December 2013)

I claim to have been misrepresented and wronged by Senator the Hon George Brandis QC. I ask that this matter be referred to the Senate Privileges Committee.

Senator the Hon George Brandis QC told the Senate (Hansard 4/12, p.44) in a Ministerial Statement on National Security that on the evening of 3 December 2013 “rather wild and injudicious claims were made ...disappointingly, by Father Frank Brennan, that the purpose for which the search warrants were issued was to somehow impede or subvert the arbitration”.

I am Fr Frank Brennan SJ AO, professor of law at the Australian Catholic University, and adjunct professor at the Australian National University.

Attached please find the transcript of my interview on the ABC 7.30 program on 3 December 2013, and an article from *The Guardian* dated 3 December 2013 entitled “Timor-Leste spy case: ‘witness held, and lawyer's office raided by ASIO’” which formed the only basis for Senator Brandis’s adverse remarks about me.

On the evening of 3 December 2013, I did not claim “that the purpose for which the search warrants were issued was to somehow impede or subvert the arbitration”. I did not imply this in what I said. No reasonable listener would infer this from what I said. I do concede that many listeners being acquainted with the fact that raids had occurred and with the timing of the raids might have made presumptions about the likely effect of the raids on any pending arbitration. Some might even have speculated about the purpose of those who instituted the raids. But I made no claims about the intent to impede or subvert any arbitration. A statement of fact that raids had occurred and that arbitration was pending could not be classified as a “wild and injudicious claim” unless of course the raids did not occur or the arbitration was not pending. Senator Brandis admits that the raids occurred and that the arbitration was pending.

The assertion by Senator Brandis, garnished with a loose characterisation of my remarks as “rather wild and injudicious claims”, may reflect adversely on my character and standing as a professor of law, Catholic priest, and public advocate for social justice who studiously and professionally avoids making wild and injudicious claims.

I seek the right of reply. I claim to have been misrepresented by Senator Brandis. I have had the opportunity for a frank and amicable discussion with the Senator and I am satisfied that he had absolutely no intention of impugning my character. We have known each other for decades and we are well used to robust, respectful public discussion.

Please be assured my availability to assist the Committee in any way possible. I look forward to a prompt resolution of this matter.