

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

Group: 2

Program: Other Agency

Question No. SBE14/018

Senator O'Sullivan asked the following question at the hearing on 20 November 2014:

Mr Moraitis: For the sake of the Hansard, the reference to the department is not a reference to the Attorney-General's department, it is the Department of Immigration and Border Protection.

Senator O'SULLIVAN: I should have clarified that because I would have thought that myself. So we need to get this body of material—any personal file notes that you have in relation to this, to put it within a time frame; discussions that have been minuted or recorded; any correspondence or exchanges internal or otherwise between the commissioners and staff, staff and commissioners. Can you take on notice to provide them for the period commencing 1 July 2012 through to the date that the inquiry is called in February 2014.

Prof. Triggs: I would be very happy to provide whatever evidence we have.

Senator O'SULLIVAN: This was not my question—it was communications that have any reference whatsoever to support your contention. This has been a difficult passage and I do not want anyone to draw any inferences other than from what they have seen and forming their own views, but I am not going to leave the description of what I want to chance. I am looking for anything that would support your assertions particularly with respect to dates, including any correspondence between your commission and any government agency, not just the department of immigration or Attorney-General's, that has any reference to this whatsoever, even remotely—in pencil, I do not really care—so that we can establish, after this litany of questioning, what date you formed in your mind a view to hold an inquiry at another time—that being, we now know, February of 2014.

Senator Brandis: Senator O'Sullivan, can I just clarify? You said correspondence or communications. Do you mean to include within that internal records of the Human Rights Commission such as file notes—

Senator O'SULLIVAN: Yes.

Senator Brandis: minutes of meetings—

Senator O'SULLIVAN: Yes.

Senator Brandis: agenda, internal memoranda?

Senator O'SULLIVAN: Yes, everything; every record.

Senator Brandis: So not just the communications between the commission and external entities or persons, but anything within the commission as well?

Senator O'SULLIVAN: Even a phone log where they have phoned someone and put in it that I rang to talk about the inquiry. Every single record.

Senator Brandis: So any relevant document

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

Please see Attachments (A), (B), (C), and (D) connected to chronology listed below.

Date	Events	Documents	Tab
30 July 2012	Professor Triggs commenced as President of the Commission		
April 2013	Immigration detention, asylum seekers and refugees program workplan for 2013-14 developed. It included a 'state of the system' report to be released in October following the election, and a 10 year review of <i>A last resort?</i> Draft project plan for 10 year review of <i>A Last Resort?</i> developed	<ul style="list-style-type: none"> • <i>Immigration detention, asylum seekers and refugees program Workplan 2013-14</i> (draft) (April 2013)[irrelevant information redacted] • <i>CPRT: Immigration detention, asylum seekers and refugees program, New project plan: Ten year review of A Last Resort? National Inquiry into Children in Immigration Detention</i> (draft) 	1 (A)
May 2013	Draft project plan for 10 year review of <i>A last resort?</i> circulated to Commission staff for peer review	<ul style="list-style-type: none"> • Internal email from CPRT Manager to CRT Manger with response, <i>Subject: Planning Documents</i>, dated 1 May 2013 • Internal email from CPRT Manager to Commission Managers and response from Director of Legal, <i>Subject: Input into CPRT planning documents</i>, dated 13 May 2013 	2 (A)
26 June 2013	Commission Executive approved the Commission-wide Workplan for 2013-14 'on the understanding that it will be reviewed and adjusted as necessary'. The Commission Workplan included a project titled 'ten year review of <i>A last resort?</i> ', with a snapshot summary of proposed project.	<ul style="list-style-type: none"> • Minutes of the Commission Meeting, 26 June 2013, with attachment Commission Meeting Paper No 063/13, dated 17 June 2013, <i>Subject: 2013-14 Commission Workplan</i> 	3 (B and C)
4 November 2013	Commission officer sent request for statistics on children in detention to Department of Immigration for purposes of planning detention visits as part of the 10 year review of <i>A last resort?</i>	External email chain – initial email from Acting Principal Adviser, Civil and Political Rights Team to First Assistant Secretary, Community Programmes and Children Division, Department of Immigration and Border Protection, <i>Subject: statistics</i> , dated 4 November 2013. Final email in chain <i>Subject: RE: statistics</i> , dated 12 December 2013 [information provided in confidence redacted]	4 (D)

19 November 2013	President met with the Hon Scott Morrison MP, Minister for Immigration and Border Protection. Briefing notes sent to the Minister's chief of staff include as a point for discussion 'the 10 year anniversary of <i>A Last Resort? National Inquiry into Children in Immigration Detention</i> ', and notes of meeting include line 'GT: advised Minister of 10 year review of <i>A Last Resort?</i> '	External email from Acting Principal Adviser, Civil and Political Rights Team to Chief of Staff, Office of the Minister for Immigration and Border Protection, <i>Subject: RE: meeting with Minister on 19 November 2013</i> , dated 15 November 2013 Confidential notes from meeting with Minister Morrison, 19 November 2013 [Document not attached: contains material obtained in confidence]	5 (D)
20 November 2013	President met with Secretary of Department of Immigration and Border Protection Martin Bowles. President advised that the Commission was planning to mark the 10 year anniversary of <i>A last resort?</i> by conducting a review.	Memo from Acting Principal Adviser, Civil and Political Rights Team to President, <i>Re: Suggested items for discussion in meeting with DIAC Secretary, Martin Bowles, 20 November 2013</i> , dated 19 November 2013 [Irrelevant information redacted]	6 (D)
27 November 2013	President attended high level meeting regarding asylum seekers, refugees and immigration detention with heads of key stakeholder groups. Meeting minutes record that the President 'referred to their snap report that details the facts and law at the moment along with the 10 year review to launch a full inquiry next year.'	Minutes from high level meeting: Asylum seekers, refugees and immigration detention, Wednesday 27 November 2013 [Document not attached: contains material obtained in confidence]	
12 December 2013	Commission Meeting held- Policy report submitted to the meeting includes the finalised project plan for 10 year review of A Last Resort? National inquiry into children in immigration detention . (Timeframe: December 2013 and end in September 2014). Commission Executive 'approved project in principle'.	Minutes of the Commission Meeting, 12 December 2013 with attachment Commission Meeting, <i>Subject: Policy Report</i> , dated 3 December 2013 Internal email from Adviser to the President to Padma Raman, CEO, <i>Subject: Commission Meeting 12/12/13 – Summary of decisions</i> , dated 16 December 2013	7 (D)
20 January 2014	Commission staff discussed review/Inquiry in teleconference with senior staff of Department of Immigration and Border Protection	Confidential DIAC teleconference 20 January 2014, Internal notes- not for distribution [irrelevant information redacted]	8 (D)
22 January 2014	President wrote to the Minister for Immigration and Border Protection, the Hon Scott Morrison MP, advising of the Commission's decision to	<ul style="list-style-type: none"> • Letter from President to the Hon Scott Morrison MP, Minister for Immigration and Border Protection dated 22 January 2014 • Letter from President to Martin Bowles, Secretary of Department 	9 (D)

	<p>conduct an inquiry, with copy of Terms of Reference attached.</p> <p>President wrote to Martin Bowles, Secretary of Department of Immigration and Border Protection advising of the Commission's decision to conduct an inquiry, with copy of Terms of Reference attached.</p> <p>President wrote to Attorney-General Senator the Hon George Brandis QC, advising of the Commission's decision to conduct an inquiry, with copy of Terms of Reference attached.</p>	<p>of Immigration and Border Protection, dated 22 January 2014</p> <ul style="list-style-type: none"> • Letter from President to Attorney-General Senator the Hon George Brandis QC, dated 22 January 2014 	
3 February 2014	President publically announced the National Inquiry into Children in Immigration Detention 2014		