



**Australian Government**  
**Department of Foreign Affairs and Trade**

13 September 2018

Ms Lyn Beverley  
Committee Secretary  
Senate Standing Committee on Foreign Affairs, Defence and Trade  
Parliament House ACT 2600

Dear Ms Beverley

I write in relation to the Department of Foreign Affairs and Trade's appearance on 31 May 2018 at the 2018-2019 Senate Budget Estimates before the Senate Standing Committee on Foreign Affairs, Defence and Trade Legislation Committee. In particular, the Committee sought advice on the circumstances surrounding the resignation from the department of former employee Dr Miranda Brown. The department has some additional information on this issue which may assist the Committee.

On 28 June 2011 Dr Brown requested the department to grant her a period of leave without pay for two years to enable her to take a position as Strategic Adviser to Dr Francis Gurry, Director General of the World Intellectual Property Organization (WIPO). This request was made towards the end of Dr Brown's diplomatic posting to the Australian Mission to the United Nations in Geneva during which she played a role in the Australian Government's campaign for Dr Gurry's election. On 30 June 2011 the department agreed to Dr Brown's request and granted her a period of leave without pay for two years.

When it receives applications for leave without pay, the department takes into account several considerations, including:

- the benefits of the proposed arrangement to the employee;
- the nature of any external work the employee will perform and any benefits such work would bring to the department; and
- the department's staffing requirements and operational capacity.

The department welcomed the fact Dr Brown had been asked to fill such a senior position at an important intergovernmental body. It saw the benefits to both her and the Australian Government the arrangement, and agreed readily to Dr Brown's request for leave without pay.

On 23 November 2012 Dr Brown resigned from her position in WIPO, with an effective date of 2 December 2012, and began employment with the Office of the United Nations High Commissioner for Human Rights (OHCHR) on 3 December 2012. With her two year period of leave without pay due to end on 21 June 2013, Dr Brown requested an extension of eighteen months to allow her to continue working at the OHCHR under a contract due to expire on 31 December 2014. Recognising the benefits to both Dr Brown and the department in Dr Brown's continued work with the OHCHR, on 24 June 2013 the department agreed to a further eighteen month extension of Dr Brown's period of leave without pay until 2 January 2015.

In October and December 2014 the department corresponded with Dr Brown to confirm arrangements for her return to duty in Canberra on 2 January 2015, in accordance with the agreed terms of her eighteen month period of additional leave without pay. In the course of those exchanges, Dr Brown advised that, although her contract with the OHCHR would end on 31 December 2014, she would be seeking a renewal. On 14 December 2014 Dr Brown formally requested a second extension to her period of leave without pay.

On 19 December 2014 the department informed Dr Brown that her request for a further period of leave without pay could not be accommodated. Factors taken into account in making this decision included:

- the length of Dr Brown's total period of leave without pay (three and a half years);
- critical staffing gaps the department was experiencing at the time in Canberra; and
- demands arising from the administrative changes as a result of the former AusAID's integration into the department.

The department offered to defer Dr Brown's start date in Canberra by two weeks to 19 January 2015 to provide her and her family with sufficient time to relocate to Australia.

There were several further discussions between Dr Brown and the department with respect to Dr Brown's intentions to return to Canberra. On 27 February 2015 Dr Brown e-mailed the department to advise that she was awaiting a possible contract renewal with the OHCHR in Geneva and, as the department had not granted a further extension of her period of leave without pay, offered her resignation from the department. The department accepted her resignation by email on 27 February 2015.

I can confirm that at all times up to the date of accepting her resignation, the department would have welcomed Dr Brown's return to work in Canberra and a position had been left open for her in accordance with usual arrangements for employees on leave without pay.

I trust this information is of assistance to the Committee.

Yours sincerely

James Larsen  
Chief Legal Officer