



8 December 2016

Ms Toni Matulick
Committee Secretary
Legal and Constitutional Affairs Legislation Committee
PO Box 6100
Parliament House
Canberra ACT 2600

By email: legcon.sen@aph.gov.au

Dear Ms Matulick,

Senate Legal and Constitutional Affairs Legislation Committee, Estimates hearing

I refer to your letter of 23 November 2016, attaching correspondence from Mr Anthony Morris QC dated 24 October 2016.

Mr Morris's letter refers to the following evidence given at the Estimates hearing on 18 October 2016.

CHAIR: ... I appreciate that it [the QUT case] is before the court, and it may curtail what you are able to tell me. But I was hoping that you could explain this to me. As I understand it—and I may be wrong, and you should correct me if I am wrong—students posted content on Facebook, including the words 'Just got kicked out of an unassigned Indigenous computer room. QUT stopping segregation with segregation'. There may have been other words, but I am not aware of them. Can you explain to me and to most Australians how that can possibly be the basis of a complaint under 18C or any other act or principle of the federal government?

Prof. Triggs: Senator Macdonald, I think as you are well aware, I cannot comment upon the facts or allegations of that case. But what I can do is to repeat what I think I have said now several times over the last seven hours. Under the statute of the Human Rights Commission I am legally bound to accept any written statement alleging a breach of human rights or antidiscrimination law. When that allegation is made in any legal form—a letter—I and the staff of the commission must proceed to investigate the matter and to seek a conciliation. We do that in all matters where we can proceed to conciliation.

I reject Mr Morris's allegation that my evidence was misleading. I did not convey any information about the facts of the QUT case.

Senator MacDonald framed his question to me by stating *'I appreciate that it [the QUT case] is before the court, and it may curtail what you are able to tell me.'*

I stated in my response to the question, *'I think as you are well aware, I cannot comment upon the facts or allegations of that [the QUT] case.'*

I then described the statutory requirements for making a complaint to the Australian Human Rights Commission:

- a complaint must be in writing and allege unlawful discrimination (section 46P *Australian Human Rights Commission Act 1986* (Cth) (AHRC Act));
- if a complaint is made to the Commission under section 46P, the President must inquire into and attempt to conciliate the complaint (section 46PF of the AHRC Act).

Yours sincerely,

Gillian Triggs
President