

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

Program: Australian Human Rights Commission

Question No. SBE16/110

Senator Moore asked the following question at the hearing on 12 December 2016:

Senator MOORE: We had a number of questions for Professor Triggs as well but we have covered that in the time. I just had a couple of questions about the youth commissioner's report. Ms Mitchell, I want to refer to your report that was released earlier this month—congratulations. I want to get some information from you about some of the recommendations in that report and also just to put on record where this report crosses over with the current royal commission. I know that your report was being prepared and worked on long before the royal commission was actually put in place. There is an overlap there and I just want to put on record exactly what the context is.

...

Senator MOORE: I have two questions because I know we are short of time. One is that you said you had got support from the various jurisdictions around the country. Were there any problems in getting information?

Ms Mitchell: The one jurisdiction that was not in a position to provide me with information directly was Western Australia.

Senator MOORE: The basis for that?

Ms Mitchell: It was not particularly clear to me in the letter that I received, which was a courteous letter. As I recall, and I can get back to you on this—

Senator MOORE: Yes, you might want to take it on notice.

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

The one jurisdiction that was not in a position to provide me with information directly was Western Australia.

The reason provided for this by the Western Australian Department of the Premier and Cabinet: Community and Human Services was that 'the issue of whether and when to ratify the OPCAT remains a matter of ongoing consideration by the Commonwealth Government in negotiation with the States and Territories.'

It was also stated that even when these negotiations are complete, ratification may take up to 18 months and establishment of the NPM a further three years.

Based on these issues the Western Australian Government informed me that it would be unable to provide a response to my request for information.

The full text of the Western Australian Government's response, along with all other government responses received, is available here: <http://www.humanrights.gov.au/children-s-rights-report-2016-government-responses-and-submissions-received>.