

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

Program: Australian Human Rights Commission

Question No. SBE16/111

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

Senator DI NATALE: So the two cases that have become almost a cause celebre for people who would like to see the Racial Discrimination Act amended or, potentially, abolished do not seem to really be consistent with the overwhelming majority of cases where people have walked through this process. Would you describe them as typical cases? How would you describe those, without giving any details about the individual cases? It seems to me they are not consistent with the vast bulk of inquiries and complaints that are lodged.

Prof. Triggs: No. I think that is a fair observation. If I can take the Leak case first: that of course was in a blaze of publicity. We try in the main to work with parties confidentially, but on occasions, rarely, one party will choose to deal with it in the public arena. But even with that publicity the commission has discontinued for different reasons each of the three complaints in the Leak case, and that has all occurred within 39 days. That is very consistent with the pattern of the commission of resolving matters under four months.

Senator DI NATALE: Is that because you deem them to be—what was the justification?

Prof. Triggs: The reasons were withdrawal by two parties, and I believe the third, which occurred only two or three days ago, was discontinued by us because we saw, I believe, no prospect of getting responses—it was going nowhere. If I may take that last part on notice and clarify exactly the reasons for the third of the complaints being discontinued. It is very, very typical that matters will start, but for various reasons, and perhaps in the Leak case because of the high level of public debate about it, the complainants, two of them, decided to withdraw...

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

The matter referred to above as the third complaint was closed in accordance with subparagraph 46PF(5)(a) of the *Australian Human Rights Commission Act 1986* on the basis that the President's delegate was satisfied that the complainant did not want to continue with the complaint.