

**Question on notice no. 10**

**Portfolio question number: SBE24-231**

**2024-25 Supplementary budget estimates**

**Legal and Constitutional Affairs Committee, Attorney-General's Portfolio**

**Senator Paul Scarr:** asked the Administrative Review Tribunal on 28 November 2024—

Senator SCARR: What are you reading from there, Registrar?

Mr Hawkins: From my notes—an email the president sent to me.

Senator SCARR: Can you table that, please?

Mr Hawkins: Sure.

Senator SCARR: Can you also provide, on notice, a copy of all correspondence which transpired between the president and the deputy president in relation to that matter?

Mr Hawkins: I'll take on notice whether it's appropriate to disclose correspondence between the president and a member, and, if it is, I will certainly do that.

Senator SCARR: It's a question of whether or not the minister or the government elects to take a public interest immunity claim.

Mr Hawkins: Correct.

Senator SCARR: I'll leave that to the minister. I'm quite happy for you to take it on notice. Can you take on notice to provide any other documents or records you might have in relation to that interaction between the president and the deputy president about her use of social media.

Mr Hawkins: I will.

**Answer —**

Please see the attached answer.

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RE: Publicity relating to past tweets by you [SEC=OFFICIAL]

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From Clare Thompson SC <[REDACTED]>

Date Thu 11/7/2024 3:04 PM

To Justice Kyrrou <[REDACTED]>

**OFFICIAL**

Dear Judge

I take on board your concern regarding the tweets, which I understand completely.

Last night I deactivated the other twitter account I operated, being for the Aboriginal Women's Legal Education Trust, simply because I took the view that it was better to be safe than sorry. There is nothing on it I am concerned about.

Kind regards

**Clare Thompson SC**  
**Deputy President (part-time)**  
**Administrative Review Tribunal**

E <[REDACTED]>

P <[REDACTED]>

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Administrative  
**Review Tribunal**



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**From:** Justice Kyrrou <[REDACTED]>

**Sent:** Thursday, November 7, 2024 7:34 AM

**To:** Clare Thompson SC <[REDACTED]>

**Subject:** RE: Publicity relating to past tweets by you [SEC=OFFICIAL]

Dear Clare,

Thank you for your email.

I acknowledge your confirmation that:

1. The Twitter account 'claret\_perth' is your account and that you are the author of tweets made from that account, including those that were tabled at the meeting of Senate Estimates on

Tuesday 5 November 2024.

2. You closed the Twitter account 'claret\_perth' between 18 months and 2 years ago, but possibly more recently, that is, 12-15 months ago. On this basis, the account was closed no later than November 2023.
3. Your current publicly available social media activity is limited to: Facebook and Instagram under the name 'crawleyfalcons', which posts innocuous material; Facebook and Twitter accounts you operate on behalf of the Aboriginal Women's Legal Education Trust, which posts benign material; and a LinkedIn account, which posts innocuous material.
4. Since your appointment to the AAT in July 2024 and the ART on 14 October 2024, you have taken steps to ensure that you do not say anything that may be regarded as controversial or damaging to the reputation of the AAT or ART, and will continue to be extremely careful about what you say and how you use social media.

You have given me an assurance that you will not use the sort of language that you used in the tweets that were tabled in Parliament, in any public or work setting, and that you will do your absolute best to not breach the social media policy, which you have read and understood.

Based on the information you have provided, the tweets that were tabled in Parliament were posted prior to the establishment of the ART on 14 October 2024 and the commencement of the Code of Conduct for Non-Judicial Members on that day. As the Code does not have retrospective effect in respect of conduct by a person prior to becoming a member of the ART, it does not apply to those tweets. It also follows that no action can be taken by me in relation to those tweets under section 203 of the ART Act.

However, I would like to emphasise that I regard the tweets that were tabled in Parliament as highly inappropriate and, had they been posted by you after 14 October 2024, I would have given consideration to whether they breached the Code.

I strongly advise you as follows:

1. As one of the most senior members of the ART, you should consider not having any publicly accessible social media presence.
2. If, contrary to this advice, you decide to have a publicly accessible social media presence, you should exercise a high degree of care and restraint in what you post. In particular, you should not post anything which includes offensive language, makes partisan political comments or is otherwise inappropriate. It goes without saying that you should not post anything that breaches the Code.

Kind regards,

**The Hon Justice Kyrou AO**

**President of the Administrative Review Tribunal**

Judge of the Federal Court of Australia

E [REDACTED]

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**From:** Clare Thompson SC <[REDACTED]>  
**Sent:** Wednesday, November 6, 2024 4:16 PM  
**To:** Justice Kyrrou <[REDACTED]>  
**Subject:** RE: Publicity relating to past tweets by you [SEC=OFFICIAL]

**OFFICIAL**

Dear Judge

I was made aware of the tabling of the tweets yesterday and subsequently the media team was contacted by an ABC journalist. I decided not to respond to media enquiries as I do not believe it is appropriate. I have only seen 2 of the tweets which were tabled and am not aware of the content of all of them, so cannot comment specifically on them.

I operated a personal Twitter account for many years (probably 12 + years) under the name claret\_perth, so it is very likely the tweets are mine. Anyone who knows me would be generally unsurprised at the language I have used in the two tweets I have seen.

My personal Twitter account was deleted some time ago, I cannot recall exactly when, but my best recollection is between 18 months and 2 years ago, although it is possible it was as recent as 12-15 months ago. I used it a lot to follow the commentary on the Robodebt Royal Commission, [REDACTED]. I decided to delete my Twitter account as I found the environment too toxic and was concerned about being further drawn into this environment, which I was on occasion.

I continue to use social media.

1. I have private (ie locked) Facebook and Instagram accounts which mainly post updates about activities I [REDACTED] eg outings, visits etc, although it also has some material which is solely about me. These posts are benign.
2. I have a private (locked) Threads account. I have posted twice since 1 July 2024. One was a post about the crawleyfalcons (see below), the other was the following, posted on 12 October 2024:

*Sitting in the QF lounge and the lady opposite me, about my age, chatting to a friend, telling a grandchild on the phone how to start her non-ev car ("it's not a Tesla") whilst solving today's wordle. Multitasking at its best. A joy to behold Womensupportingwomen*

A locked Threads account means I cannot comment on any posts from people who are not followers of mine. The account was locked in early July 2024, I am not sure of the date, but the last time I commented on a post was 4 July 2024 (the comment was benign). I can still "like" posts from other accounts which I do. These generally relate to feminist issues (including posts regarding the US election), travel, music and similar topics.

3. I have both Facebook and Instagram accounts under the name "crawleyfalcons" which posts pictures and some commentary of peregrine falcons which nest on a balcony at my home. These posts are benign, although some of the content can be gruesome eg showing prey being eaten. The accounts are open and widely followed and shared.
4. I am the primary operator of Twitter and Facebook accounts for the Aboriginal Women's Legal Education Trust.

On Twitter the account has posted a couple of times (including retweets) since 1 July 2024, all are benign. The account has liked a number of posts since 1 July 2024, all I consider to be benign. Since 14 October 2024 the account has liked numerous tweets from the account of Auschwitz Memorial, which aims to educate the public about the atrocities of the Holocaust, a tweet from the Nobel Prize account, a tweet from a Palestinian woman (not a controversial one), a tweet about the launch of a book by Rick Morton about Robodebt, a tweet by ABC journalist Matt Bevan about a political rally in the USA, and a tweet by Dr Tracy Westerman regarding an address she is giving at a conference. I do not believe any of these are controversial in any way.

The AWLT Facebook page has not posted since February 2024 when it posted a call for scholarship applications.



5. I have a LinkedIn account. With one exception, since 1 July 2024 I have only commented to congratulate people on their career achievements eg, new jobs, promotions etc. The only exception was a post by a woman I know regarding aged care, [REDACTED]  
[REDACTED] I routinely like posts about people's career advancement, Women Lawyers activities and similar things.

I am extremely conscious these days of what I say on social media and have at all times since my appointment in July taken steps to ensure that I don't say things that may be regarded as controversial, or damaging to the reputation of the ART, or the AAT.

My only formal political affiliation was membership of the Liberal Party for well over 20 years (until about 2005), including being a candidate and an office holder at branch level. I worked on dozens of State and Federal elections, for the Liberals or Nationals, commencing in 1970s in Broken Hill, and am in no way anti-conservative. There are a number of current Liberal and National politicians I have significant admiration for, at both State and Federal level, and many former ones. For the record, I assisted Kate Chaney (an independent) in her campaign in 2022 and donated to her as recently as March this year. In July I informed her campaign I could not assist in the future.

I do not believe I have any difficulties with being non-partisan in my role. I cannot see that there would be any occasion for me to have a partisan view on any question that came before me, but I am conscious of the need to not only be impartial, but appear to be so as well.

I will continue to be extremely careful about what I say and how I use social media, and I am committed to the values of the ART. I can assure you that I will not use the sort of language I used in those tweets which were tabled in Parliament in any public or work setting. I will continue to limit my social media engagement as I have described above, and I can assure you that I will do my absolute best to not breach the social media policy, which I have read and understood.

I also apologise to you and the other people in the ART whose time has been taken up having to deal with this issue.

**Clare Thompson SC**

**Deputy President (part-time)**

**Administrative Review Tribunal**

**E** [REDACTED]

**P** [REDACTED]

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**From:** Justice Kyrrou <[REDACTED]>  
**Sent:** Wednesday, November 6, 2024 9:31 AM  
**To:** Clare Thompson SC <[REDACTED]>  
**Subject:** Publicity relating to past tweets by you [SEC=OFFICIAL]

**OFFICIAL**

Dear Clare,

During Senate Estimates yesterday, Senator Cash referred to previous tweets by you which she described as inappropriate. Today, an article was published in the *Canberra Times* and a further article was published in the *Australian Financial Review* about the tweets.

The tweets were tabled in the Senate and are publicly available. Copies have been provided to me.

In order to assist me to decide what action, if any, should be taken in relation to the tweets, I would appreciate it if you could provide the following information:

1. Are you the author of the tweets?
2. If so, was the account or accounts from which the tweets were made current at the time the ART commenced on 14 October 2024? If the account or accounts were not then current, when were the account or accounts closed?
3. What is your present social media presence and practices, if any?

If the answer to question 1 is yes, the answer to question 2 may affect whether the ART code of conduct for non-judicial members is applicable in relation to the tweets.

If possible, I would appreciate a response today.

Kind regards,

**The Hon Justice Kyrrou AO**

**President of the Administrative Review Tribunal**

**Judge of the Federal Court of Australia**

E [REDACTED]

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**From:** [Justice Kyrrou](#)  
**To:** [Michael Hawkins AM](#)  
**Subject:** Tweets by DP Clare Thompson  
**Date:** Thursday, 7 November 2024 5:12:45 PM  
**Attachments:** [Outlook-v2pjueml.png](#)

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Set out below is a summary of my dealings with DP Clare Thompson in relation to the tweets that were tabled in Parliament on Tuesday 5 November 2024.

On Wednesday 6 November 2024, I wrote to DP Thompson and asked her to confirm whether she was the author of the tweets, whether the account from which the tweets were made was closed and, if so when, and the nature of her present social media presence.

DP Thompson wrote to me on the same day confirming that:

1. She did not check all of the tweets, but the two she checked were sent by her from the Twitter account 'claret\_perth' and it was very likely that all the others were also sent from her account.
2. She closed the Twitter account prior to November 2023.
3. Her current publicly available social media activity is limited, and she only posts innocuous material.
4. Since her appointment to the AAT in July 2024 and the ART on 14 October 2024, she has taken steps to ensure that she does not say anything that may be regarded as controversial or damaging to the reputation of the AAT or ART, and will continue to be extremely careful about what she says and how she uses social media.

She has given me an assurance that she will not use the sort of language that she used in the tweets that were tabled in Parliament, in any public or work setting, and that she will do her absolute best to not breach the social media policy, which she has read and understands.

Based on the information DP Thompson has provided, I formed the opinion that the tweets that were tabled in Parliament were posted prior to the establishment of the ART on 14 October 2024 and the commencement of the Code of Conduct for Non-Judicial Members on that day. As the Code does not have retrospective effect in respect of conduct by a person prior to becoming a member of the ART, it does not apply to those tweets. Accordingly, no action could be taken by me under the Code or the ART Act.

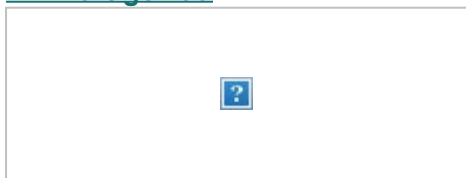
I informed DP Thompson of the above opinion.

I strongly advised DP Thompson to consider not having any publicly accessible social media presence and, if she decides to have such a social media presence, she should exercise a high degree of care and restraint in what she posts. In particular, she should not post anything which includes offensive language, makes partisan political comments or is otherwise inappropriate and, obviously, she should not post anything that breaches the Code.

**The Hon Justice Kyrrou AO**  
**President of the Administrative Review Tribunal**  
**Judge of the Federal Court of Australia**

E [REDACTED]

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**SUPPLEMENTARY BUDGET ESTIMATES 2024-2025**

**PA-Administrative Review Tribunal**

**SBE24-231 - Providing documents on notice regarding social media account**

**Senator Paul Scarr asked the following question on 28 November 2024:**

Senator SCARR: What are you reading from there, Registrar?

Mr Hawkins: From my notes—an email the president sent to me.

Senator SCARR: Can you table that, please?

Mr Hawkins: Sure.

Senator SCARR: Can you also provide, on notice, a copy of all correspondence which transpired between the president and the deputy president in relation to that matter?

Mr Hawkins: I'll take on notice whether it's appropriate to disclose correspondence between the president and a member, and, if it is, I will certainly do that.

Senator SCARR: It's a question of whether or not the minister or the government elects to take a public interest immunity claim.

Mr Hawkins: Correct.

Senator SCARR: I'll leave that to the minister. I'm quite happy for you to take it on notice. Can you take on notice to provide any other documents or records you might have in relation to that interaction between the president and the deputy president about her use of social media.

Mr Hawkins: I will.

**The response to the senator's question is as follows:**

A copy of the email the President, the Hon Justice Emilios Kyrou AO, sent to the Chief Executive Officer and Principal Registrar, Mr Michael Hawkins AM, is attached.

Also attached are copies of emails between the President and Deputy President Thompson, with redactions to information included in those emails that is not relevant to the question. This represents all the correspondence and all the records of interactions that occurred between the President and the Deputy President about this matter.

Generally, we consider correspondence between the President and other statutory office holders as held in confidence. The President and the Deputy President have no issue in releasing this correspondence and I consider it in the public interest to do so.