

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

**Group: 2**

**Program: Other Agency**

**Question No. AE15/096**

**Senator McDonald asked the following question at the hearing on 27 March 2015:**

CHAIR: Well, you have already told me that. I am after the 40 infractions.

Senator JACINTA COLLINS: That occurred during which period?

Ms O'Brien: When? Could you refer me—

CHAIR: You have spent simply weeks and months investigating this.

Ms O'Brien: Sorry, I just do not know the time frame or what 40 infractions you are referring to, Senator.

CHAIR: Well, tell me: have you heard of any 40 infractions that Mr Basikbasik has committed?

Ms O'Brien: At what point in time?

CHAIR: At any time.

Senator O'SULLIVAN: Oh, dear. This is starting to become farcical.

Ms O'Brien: I am sorry; you would have to make the question more specific so I could answer it, Senator.

CHAIR: You have never read a newspaper report or heard from anyone that there have been 40 infractions?

Ms O'Brien: Not that I can recall.

CHAIR: How long did you spend investigating Mr Basikbasik?

Ms O'Brien: The report was sent to the Attorney-General in June 2014.

CHAIR: That is not what I asked. How long did—

Ms O'Brien: I would have to take on notice the period of the inquiry.

CHAIR: Was it months, days, hours, minutes, years?

Ms O'Brien: Complaints are investigated through the investigation and conciliation section. When they cannot be resolved by conciliation and they think they may result in a breach of human rights they are then transferred through to the legal section.

CHAIR: Professor Triggs has issued the report. Perhaps she could help us with how long the assessment, the report, into this gentleman continued.

Prof. Triggs: Cases of this kind take many months, in part because we have to get the facts right and in part because we attempt to negotiate with the government.

CHAIR: Professor Triggs, that is an interesting comment. My question—you answer whatever question you like in your own time; in my time, please answer mine—is: what period of time did your investigation proceed over?

Prof. Triggs: I would have to take that on notice.

CHAIR: Well, can you give me a hint?

Prof. Triggs: I have just explained to you, Senator Macdonald—

CHAIR: Was it years?

Prof. Triggs: it would take months. I do not think it took years; it would take months. I have answered that question twice now. That is quite clear. The exact dates we will be very happy to give you. When we get back to the office, we can tell you when we received the complaint—

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

Mr Basikbasik's complaint was received by the Commission on 21 November 2011. The complaint was investigated by the Investigation and Conciliation Section of the Commission.

On 12 March 2013, the complaint was transferred to the Legal section for consideration of reporting to Parliament. On 31 March 2014, the President issued her Notice of Findings and recommendations in relation to the complaint.

In June 2014, the President finalised her report to the Attorney- General, incorporating the Commonwealth's response to her findings and recommendations.