

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

Program: 1.1

Question No. AE16/001

Senator Collins asked the following question at the hearing on 9 February 2016:

Senator Brandis: That is because a decision on the identity of the Sex Discrimination Commissioner was made by cabinet yesterday.

Senator JACINTA COLLINS: When was the decision made to establish an advisory panel?

Senator Brandis: That was made late last year. It might help, rather than beat around the bush, if I gave you the background.

Senator JACINTA COLLINS: It would help not to beat around the bush. It might have helped if you had done that in the first instance.

Senator Brandis: Please do not be impertinent. In September last year, I was about to take a name to cabinet. In the middle of September last year, as you know, there was a change of leadership of the Liberal Party, and a new government was sworn in on 21 September. It seemed to me at the time that it was appropriate to raise with the new Prime Minister the name that I had been about to take to cabinet in September. Mr Turnbull and I had a conversation, the outcome of which was that we decided that an arms-length process of selection should be adopted, and it was. That arms-length process of selection has resulted in the appointment that was decided upon by cabinet yesterday.

Senator JACINTA COLLINS: The discussion with the Prime Minister occurred after the discussion we had had at the last estimates but ahead of your statement to the Senate on 11 November?

Senator Brandis: I am not sure. I will have to check that.

Senator JACINTA COLLINS: That was on 11 November that an announcement would be made very soon.

Senator Brandis: I would have to check that.

Senator JACINTA COLLINS: Could you advise the committee when the decision to establish the advisory panel was made?

Senator Brandis: I will take that on notice. I cannot tell you. It was late last year, as a result of my conversation with Mr Turnbull.

Senator JACINTA COLLINS: You do not know what date that conversation took place?

Senator Brandis: No, I do not. I will check. I may or may not have a note of it. It was obviously after Mr Turnbull had become the Prime Minister, so it was after 21 September and it was obviously before the advisory panel was constituted.

Senator JACINTA COLLINS: It was reported in The Sydney Morning Herald that an advisory panel would be appointed on 11 December. It may be subsequent to 11 November, when you reported to the Senate on this matter.

Senator Brandis: If that is the case, then the conversation occurred some time between 21 September and 11 December.

Senator JACINTA COLLINS: You have taken that on notice, so you will advise.

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

The decision to establish an advisory panel was made on 26 November 2015.