

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
AUSTRALIAN HUMAN RIGHTS COMMISSION

Question No. AE16/003

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

Senator COLLINS: It may have been an oversight on the previous occasion. I will give you an opportunity to respond here. When I asked you about commissioners' travel, you outlined a range of that travel, but then Mr Wilson outlined some further travel that he himself had undertaken. Was there a reason you were not incorporating that travel within your own response? Prof. Triggs: I would really need to know the specifics of that particular matter before I could answer. If I may, I would like to take that on notice. There are occasions—and I am not saying it was in relation to Mr Wilson's travel—when a commissioner will come to me afterwards to get, in a way, ex post facto approval. It happens rarely, but it does on occasion happen. Also, of course, there is a wider opportunity for travel if the travel is not being funded through commission funds. Sometimes a commissioner is funded for international travel from another organisation. If that seems to me to be appropriate to their job, their portfolio, then I would approve their travel. If there were expenses from the commission, I would approve that Senator COLLINS: If you would not mind looking back over the Hansard at the discussion we had on the last occasion on that. As I said to you, the thought in my mind at the time was, 'Why was Professor Triggs not covering this travel, as indeed she was the rest of the commissioners' travel?' It may be it involved ex post facto. I think the trip itself involved some external sponsorship as well. But I was curious as to why it was not within your broader response. Indeed, to give Mr Wilson credit, he then proffered that there was this further travel that you had not indeed covered. Prof. Triggs: I will look at that example and get back to you as a matter of taking it on notice, to be precise as to the date on which that travel and additional funds were approved by me. ... Mr Wilson: No, because I took the time to recover in San Francisco. Senator BILYK: At a wedding. Mr Wilson: And I paid all costs incurred associated with attendance at the wedding. Senator COLLINS: Well, 'all costs' is the issue that perhaps, given your earlier evidence, I will pursue further with Professor Triggs, because the impression—and correct me if I am wrong—that you gave was that it was a hands-off arrangement with the Human Rights Commission and that you would meet any invoice that related to your personal business. Is that correct? Mr Wilson: Correct—and I have done so. Senator COLLINS: Well, I think that is a matter of further questions. Professor Triggs, how would the invoice have been calculated in these circumstances? Mr Wilson: I would have to take that on notice. The financial section of the commission will look at the various stages of a trip like that and work out, according to the rules, what days you can have off to recover, and all of those positions—what is personal, what is related to the portfolio responsibility or the invitation—and they will calculate what expenses are due. And within a reasonably fast period they will produce an invoice to have a recovery of any funds that should be returned to the commission. That is pretty much how the process works. Senator COLLINS: And looking at these dates—26 September—the answer to my earlier question may simply be that the travel was so proximate to that last round of estimates that it was not necessarily in your head at that point. Prof. Triggs: I think that is entirely possible, and I would like to have a look at the exact record to see how it happened and when the invoices were created. Senator COLLINS: Yes. Indeed, my question then is: did the last estimates trigger that invoice or was it just in the normal train of events? Prof. Triggs: I will make inquiries as to how and by what normal process that was triggered or whether it was triggered by some request. I can inquire about that and report back to you on notice as soon as I can. Senator COLLINS: Okay. Could you also on notice report back to me the understanding that was reached with Mr Wilson before he travelled? Prof. Triggs: I will. Senator COLLINS: And then the process that occurred in terms of developing the invoice. Both of us and indeed the minister have travelled overseas often enough to know it is not a nine-to-five travel type schema.

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

1.

The Hansard from 20 October 2015 read as follows:

Senator JACINTA COLLINS: Has there been recent travel to the United Nations? If so, in which capacity?

Prof. Triggs: Yes. Recently a senior member of staff did go to some preliminary discussions for the UPR process in Geneva and had about a week there talking to various non-governmental bodies and also the diplomatic representatives in Geneva, who are all at the moment preparing for a peer-to-peer review in the Human Rights Council. He was there to work with many others to better inform those who will be asking questions—the states—about the factual and legal aspects of Australian human rights.

Mr Wilson: In addition to that, I was recently at the United Nations in New York for the General Assembly. The bid for the Human Rights Council was announced when I was present, and I had spoken to the foreign minister at that time.

The main purpose of Commissioner Wilson's trip to the United States was to speak at the Brigham Young University Religion, Law and Social Stability Conference in Utah. While Commissioner Wilson had also recently travelled to New York to meet with various groups and attend various functions coinciding with his visit, he did not attend the UN in any official capacity and did not participate in the UPR process. Although Commissioner Wilson attended the General Assembly for the address by the Foreign Minister in which she announced the bid for a seat on a seat on the UN Human Rights Council he did not actively participate in any formal UN processes. It therefore did not occur to me to include his travel in my response to the honourable senator's question.

2.

The Commission's International Travel Guidelines require that International Travel be acquitted within 28 days of completion of travel. Commissioner Wilson completed his travel on 12 October 2015. Pursuant to those guidelines Commissioner Wilson's Executive Assistant completed a 'Request to Raise a Tax Invoice' on 20 October 2015 and the invoice was issued on 21 October 2015. The invoice was calculated on the actual cost of the flight from Los Angeles to San Francisco including taxes.

The understanding that was reached with Commissioner Wilson prior to his travel commencing was that:

- he would pay for the cost of his flight from Los Angeles to San Francisco
- he would not be paid Travel Allowance for that day
- he would pay for his accommodation.