

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

**Group: 2**

**Program: Other Agency**

**Question: BE14/042**

**Senator Siewert asked the following question at the hearing on 26-29 May 2014:**

[The question was answered during the hearing.]

Senator SIEWERT: You made a comment about punishing people. Can you expand on what you mean by 'punishing people'?

Mr Innes: Punishing people by requiring them to be reassessed when they have already been assessed by qualified medical personnel for the disability support pension. I think that is a punishment in two ways. Firstly, it is taking away a benefit that has already been provided. Secondly, it is taking up the time that such people have to be out looking for jobs. I have been approached by many people on the disability support pension who are very worried about the impact of these decisions. I know that those people are out looking for jobs. I do not know anyone on the disability support pension who enjoys being on the disability support pension, and I have met many of them in the time that I have been in this role.

Senator SIEWERT: Were you involved in any discussions—I am avoiding the word 'consultation'—that were made by government on the position of disability commissioner?

Mr Innes: The first that I knew about this issue was when I read it in the budget papers. That was a bit surprising to me because it has been the normal practice in my experience at the commission for there to be discussions when these things are going to occur. I had been contacting the minister's office and the department for the past three or four months, for several reasons. Firstly, obviously I was interested to know what plans I should be making or whether there was any consideration of the possibility of reappointment. Secondly, and more significantly, the previous appointment process, in my view, put the commission at significant risk of losing its A status under the Paris principles, because there was not an open appointment process and I was keen to encourage the department and the minister to appoint a disability discrimination commissioner through an applications process—which has been the practice—and through an open process because I was concerned, from the commission's point of view, about the risk to our A status. So I was not provided with the opportunity to have those discussions and, as I say, the first I knew that the position was to be downgraded was when I read it on the night of the budget in the budget papers.

Senator SIEWERT: Professor Triggs, were you consulted, or was any member of the commission consulted, or was there any discussion around the downgrading of the position of disability commissioner?

Senator Brandis: I am sorry; can I take that question? We are not downgrading any commissioners. These are statutory officers and I do not think, Senator Siewert, you were here when I had to make this point to Senator Singh.

Senator SIEWERT: Yes, I was here and I have heard it; I do not need to hear it again.

Senator Brandis: Then you know that we are not downgrading any commissioners. For all but the last three years since 1997, the person who has been the disability discrimination commissioner has also been responsible for another portfolio. So for anyone to characterise reverting to the usual position in relation to this statutory office as a downgrading is just wrong.

Senator SINGH: You are cutting the position of the disability discrimination commissioner.

CHAIR: Senator Singh, it is not—

Senator SINGH: The entire budget—

Senator Brandis: No, we are not.

Senator SINGH: It is being cut by you.

CHAIR: Senator Singh, you are out of order! Senator Siewert, please continue.

Senator Brandis: Senator Siewert, in view of that interjection, perhaps I need to clarify this. You need to read Budget Paper No. 2, the budget measures paper. I can refer you to it, if you like. It makes it perfectly clear that this is a reduction by one in the number of commissioners. It has nothing to do with any particular commissioner.

Senator SIEWERT: Can you guarantee that there will be a commissioner whose sole responsibility is disability? Senator Brandis: No. That is not—

Senator SIEWERT: Because, if you cannot, you are downgrading that—

Senator Brandis: No, we are not.

Senator SIEWERT: You are. You have just heard how important it is and how many issues there are facing people with disability. That is a downgrade if it is not a full-time position.

Senator Brandis: Senator Siewert—

CHAIR: This is not a debate. If you have a question please ask a question.

Senator SIEWERT: If it is not a debate, Senator Brandis perhaps should not be debating the issue.

CHAIR: Please ask a question.

Senator SIEWERT: I have asked a question.

Senator Brandis: Senator Siewert, I can guarantee there will continue to be a Disability Discrimination Commissioner.

CHAIR: Can you repeat the question?

Senator SIEWERT: My question was to Professor Triggs as to whether she or anybody in the commission had been consulted about the changing—I say changing so I do not set off Senator Brandis again—of the disability commissioner position.

Senator Brandis: I am just going to object if you put questions on the basis of false assertion.

Senator SIEWERT: Professor Triggs?

Prof. Triggs: It is true to say that I have been in discussions with the Attorney for many months about appointments to the commission, including the future of the position for the disability commissioner. We have been discussing that position in the wider context of a commission that now comprises seven commissioners—at the moment; six after the budget. We are still exploring how we will manage a commission that has a smaller budget. We have to take that hit to our budget. We have to manage it and we have to manage the vital project work, as well as administering our legislative responsibilities and meeting those responsibilities. I have been discussing these with the Attorney for some time.