

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

Group: 2

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Question No. BE15/029

Senator Collins asked the following question at the hearing on 27 and 28 May 2015:

Senator Birmingham: I think, Senator Collins, the government is well aware of the conclusion of Ms Broderick's appointment and is also grateful for her service. Of course, we will make an announcement in due course following the proper process.

Senator JACINTA COLLINS: Senator Birmingham, can you tell me if a process has commenced?

Senator Birmingham: That would really go to the deliberative discussions of government. Ultimately, the government will make an appointment and do so in accordance with the act.

Senator JACINTA COLLINS: Yes, but, Senator Birmingham, I am not asking about the content of any government considerations. I am simply asking, has a selection process commenced? And that is well within order.

Senator Birmingham: As I said, the government is well aware that Ms Broderick's term is coming to an end. At the very least the minds of government have turned, I am sure, to the matter of her departure. If officials have anything particular to add in regard to process I am sure they will do so.

Mr Sheehan: Nothing to add. It is a matter for government, Senator.

Senator JACINTA COLLINS: The question is, has a selection process commenced? That is well within order for a Senate committee, and I ask that question again.

Senator Birmingham: Senator Collins, the minds of government have turned to the fact that there is a vacancy so to that extent a selection process has commenced.

Senator JACINTA COLLINS: No, that is not a selection process, Senator Birmingham. You are trying to be a bit cute here. The question I am asking is: has a selection process commenced? If the department officers need to take that on notice, if you want to wait until Senator Brandis is here to inform us on that matter, given that you are not the direct minister involved, I am happy with that, but I continue to stress my question, which is: has a selection process commenced?

Senator Birmingham: Senator Collins, as you well know, the appointment of a commissioner is ultimately the decision of the government. If you would like officials to talk through any of the requirements under the act, they can talk through what the act may entail in that regard. If Senator Brandis has anything to add upon his return I am sure he will happily do so. Ultimately the government will make its considerations internally and ultimately announce an appointment.

Senator JACINTA COLLINS: Has a selection process commenced?

Senator Birmingham: Senator Collins, would you like to define what you think the selection process you are looking for here is? Selection processes can take many forms.

Senator JACINTA COLLINS: It will depend on what process the government has chosen to apply in this case. As I have said, if the department wants to take that on notice or if the minister wants to address it when he returns to us, that is fine. But to try to argue that a process question about whether a selection process has commenced is a matter for government and not appropriate for this committee is simply—

Senator Birmingham: I have said, Senator, insofar as the fact the government is aware of the vacancy and of course is turning its mind to the filling of that vacancy a process is obviously underway for the filling of that vacancy. If Senator Brandis has any more to add to that I will happily take it on notice and he can either contribute upon his return or provide an answer on notice.

Senator JACINTA COLLINS: Sorry, Mr Sheehan, were you going to add something?

Mr Sheehan: The department will take the question on notice, Senator.

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

The Government is currently considering the appointment of a person to the position of Sex Discrimination Commissioner.