

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
BUDGET ESTIMATES 2017

Australian Human Rights Commission

Question No. BE17-081

Senator Siewert asked the following question on 25 May 2017:

Prof. Triggs: I do not believe it was, but I did want to make the point, Senator Siewert, that while, the Attorney, of course, is quite right in saying he does not come to the commission to ask advice in any formal way, the reality, certainly for my five years and I believe for my predecessor, is that a great deal of work is done collaboratively with officials of the Attorney-General's Department and with the commission on matters where we have specific skills. That has been a very fruitful relationship over very many years. So it is not formal advice, but there is no doubt that we communicate on a lot of issues—but I do believe not on this one.

Senator SIEWERT: On the true issues—

Senator Brandis: I will just add to that, please, because I do not want to be misunderstood. When I said that the commission's role was not ordinarily to provide advice in the sense in which the discussion was then being conducted, what I was referring to, as the context will show, is the government going to the commission for advice on particular policy matters, especially in the context of the earlier questions and the context of preparing budget measures. That is not to say—Professor Triggs is quite right—that we do not very often seek advice in an informal way. I have just given you an example, where Professor Triggs's advice and input were sought on the legislation. Now, in a sense, all agencies advise their ministers in an informal way. At the moment, the director-general of the National Archives is informally advising me about some amendments to the Archives Act, for example. So there is always that informal relationship in which advice is sought and given. And I would not want to be thought to say that that is not a very important part of the relationship. But there is not advice in the sense of the formal governmental step.

Senator SIEWERT: Thank you for that clarification. Professor Triggs, was your advice sought in the more informal manner that has just been discussed on these two measures—the impairment tables and the drug testing?

Prof. Triggs: Senator Siewert, I believe not. But I will need to take it on notice to be absolutely certain that that answer is correct. I believe that is the correct answer.

Senator SIEWERT: Thank you.

The response to the honourable Senator's question is as follows:

No advice has been sought on these matters.