

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

Group: Ministry for the Arts

Program 2.1

Question No. SBE14/007

Senator COLLINS asked the following question at the hearing on 20 November 2014:

Senator JACINTA COLLINS: Minister, can I take it then from what you just expressed that your view is that the aspirations of some to embolden this code will not be considered by this government?

Senator Brandis: They have been considered. I just told you that my office has met with Mr Merkel. I had one face-to-face meeting and several other conversations over the telephone with Mr Merkel. So of course that involves consideration of his views. That does not mean we will end up agreeing with them.

Senator JACINTA COLLINS: No. What I was trying to distinguish from your comments was whether you were in a consideration phase or whether you had made a decision, which is that—

Senator Brandis: I think it is fair to say that the government's position is as I have indicated.

Senator JACINTA COLLINS: Which is?

Senator Brandis: That we favour a voluntary code.

Senator JACINTA COLLINS: That the status quo of a voluntary code will remain.

Senator Brandis: Yes.

Senator JACINTA COLLINS: Just so I understand the status quo, was that meant to be a transitionary arrangement or was this always envisaged as an ongoing voluntary code? Was it a stage towards more mandatory arrangements?

Ms Allan: It was a recommendation of the 2007 Senate inquiry that a voluntary code be tried and that after a couple of years Indigenous Art Code report back to government with what they found. That has happened. After a few years the code wrote to the minister, as he has just indicated, on their findings. They outlined the successes that they have had and also talked about a mandatory code.

Senator JACINTA COLLINS: Was that a recommendation?

Ms Allan: It was a recommendation. I am not quite sure how they worded it. It was a recommendation or a request, yes.

Senator JACINTA COLLINS: What was the nature of the report? It was a report by whom?

Ms Allan: By Indigenous Art Code Ltd on their activities for the past two years and what they saw for the future.

Senator JACINTA COLLINS: They have subsequently discussed that with the minister's office and they will now hear from this estimates, ahead of their meeting tomorrow, the minister's predisposition towards that recommendation.

Senator Brandis: No, I have written to them.

Ms Allan: The minister has written to them.

Senator JACINTA COLLINS: You have written to them. Could we have a copy of that letter, please?

Senator Brandis: It is a letter to a stakeholder. If the stakeholder has no objection to it being released, of course you can. I imagine they probably will not in this case, but ordinarily correspondence between a minister and a constituent or a stakeholder would not be released without the consent of the addressee.

Senator JACINTA COLLINS: I understand that. It is helpful for us to have an understanding of the government's position in relation to that recommendation. If that is expressed in a letter and if the recipient of that letter has no objection, then I would be interested in seeing that correspondence. It seems the minister has no objection to that. I understand it is in your discretion—

Senator Brandis: If Mr Merkel or the body on whose behalf he wrote to me has no objection, then I have no objection.

Senator JACINTA COLLINS: Thank you.

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

Indigenous Art Code Limited has no objection to the release of the letter. The letter is attached.

