

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

Group: 2

Program: Other Agency

Question No. SBE14/019

Senator O'Sullivan asked the following question at the hearing on 20 November 2014:

Senator O'SULLIVAN: Perhaps I will ask my question rhetorically. It is not challenged that a decision taken by you in June 2013 was not conveyed to your minister, the Attorney-General, until 22 January 2014, and you are not asserting that at any time in that almost seven-month period—make it six months amongst old mates—that six-month period did you indicate in other form to the Attorney that you had made up your mind about inquiring into children in immigration detention.

Prof. Triggs: I will have to take it on notice.

Senator O'SULLIVAN: You are not contesting that you had made up your mind in June and told—

Prof. Triggs: I am contesting that. I think we made a decision within the commission, but I will have to take it on notice, because it would be demonstrable on the minutes the state of the commission's mind, if I can put it that way, in June. When I have clarified that and am back in the office then I will know exactly what the nature of that determination was, but insofar as advising the current Attorney, I had only advised him when I had given in my own mind time for the new government to adjust its policies. I became aware in January of the figures, and that is when we decided to go forward with the inquiry. Exactly when we were going to go forward was a matter for determination.

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

On 26 June 2013 the Commission Executive approved the Commission Workplan for 2013-14. This Workplan included two projects on immigration detention, the first a snapshot report on the immigration detention system and the second titled 'ten year review of *A last resort?*'. The second project was to be undertaken when the first project was complete.

On 12 December 2013 the Commission Executive approved 'in principle' the finalised project plan for a '10 year review of *A last resort? National Inquiry into Children in Immigration Detention*'. The Commission notified the Attorney-General of the decision to hold the inquiry on 22 January 2014.