

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

Group: 2

Program: Other Agency

Question No. SBE14/021

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

CHAIR: I thought when I asked you that before, you said that no, you had not discussed it with ministers.

Prof. Triggs: Maybe there is some confusion—

Senator O'SULLIVAN: Clearly, that is evidence you have given two or three times, Professor Triggs.

Prof. Triggs: but I have discussed the possibility of an inquiry with—

CHAIR: Tony Burke.

Prof. Triggs: Minister Chris Bowen and with Minister Tony Burke, but they were possibilities of inquiries for 2014. I could not make an absolute determination because we were in the middle of an election, and I did not know whether or not I would need to do it if the policy changed.

CHAIR: It cannot have been in the middle of the election if Tony Burke and Chris Bowen were ministers, because they were not ministers during the election period.

Prof. Triggs: There was an election period. I think you—

Senator O'SULLIVAN: This is significant.

CHAIR: Hang on, Senator O'Sullivan.

Prof. Triggs: I think Minister Burke was the minister for a matter of weeks, just leading up to and through the caretaker period. I had at least one meeting with him, but very informally because I did not know where this was going to go.

CHAIR: But you would not have been discussing it with the minister in the caretaker period.

Prof. Triggs: I met with him over that period briefly and I think it was—

CHAIR: That is entirely inappropriate, as you know. The caretaker period is the caretaker period for obvious reasons, and you do not discuss—

Prof. Triggs: I think I will have to take this on notice because the precise dates are not clear in my mind. All I know is that I had fairly regular meetings with each of the ministers over the period from about—

CHAIR: But you told me before that you did not.

Prof. Triggs: I did not say I did not meet with them.

CHAIR: Remember I said: 'I'm not going to ask you what the advice was. I'm asking whether you actually spoke with him,' and you said, 'No' and 'No' and 'No.'

Prof. Triggs: We are going around in a misunderstanding way. I have not advised them in any formal sense that I will be holding an inquiry, but in my informal discussions with them it was raised as a possibility that we would hold one for—

CHAIR: Perhaps sought some advice from them on when would be an appropriate time to have an inquiry.

Prof. Triggs: I certainly did not ask for their advice as to when I should hold it, because that is my decision.

CHAIR: Sorry, Senator O'Sullivan, I interrupted you. You are just about out of your 15 minutes. I will come back to you if you want.

[...]

Prof. Triggs: Chair, if I can add one point, I could not have met with Mr Burke during the caretaker period. That was my mistake and I would like to correct the record in relation to that. I could not have met him then—it must have been within a couple of weeks of that. I will check the records and produce all of that evidence when I have had a chance to back to my office and look at the material.

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

The Commission's records indicate that while I regularly discussed concerns about children in immigration detention with all ministers for immigration, I did not specifically refer to the proposed review / inquiry with any minister in the previous government.

The first official notification that the Commission was considering undertaking a '10 year review' was provided to Minister Morrison and the Secretary of the Department of Immigration and Border Protection on 19 and 20 November 2013 respectively. The exact form the review would take was not discussed.

I set out below a list of my meetings with all Ministers for Immigration between 1 July 2012 and 3 February 2014:

- 15 August 2012 – President met with the Hon Chris Bowen MP, Minister for Immigration and Citizenship
- 13 February 2013 - President met with Brendan O'Connor MP, Minister for Immigration and Citizenship
- 8 August 2013 - President met with the Minister for Immigration and Citizenship, the Hon Tony Burke MP, as a consequence of his invitation to brief the President on the newly announced Regional Resettlement Arrangement
- 19 November 2013 - President met with the Hon Scott Morrison MP, Minister for Immigration and Border Protection. President advised the Minister of the 10 year review of *A last resort*?