

9:10 am

CHAIR: Thank you, Professor Triggs. We have a program in front of us. This of course, because of Senate rules, is indicative only. We have scheduled 9 am until 10:30 am for the Human Rights Commission, but as long as senators have questions we will continue until those questions are all exhausted. I just wanted to point out that the indicative time is 9 am until 10:30 am.

Senator JACINTA COLLINS: May I clarify, Chair, how much time is available in dealing with questions? Is it 15 minutes?

CHAIR: Fifteen minutes per senator until that is exhausted, but then—

Senator JACINTA COLLINS: I understand. I would like to start with an appointment to replace Ms Broderick. I think on the last occasion we thanked her for her distinguished service, but, Attorney, I am interested in what process is in place to replace her?

Senator Brandis: The replacement for Ms Broderick is under consideration. An appointment will be made shortly.

Senator JACINTA COLLINS: What process would you describe as being utilised when you say 'under consideration'?

Senator Brandis: I have not described the process.

Senator JACINTA COLLINS: I am asking that question.

Senator Brandis: This is an appointment by the government. I have consulted with my senior colleagues and other stakeholders and am considering the appointment at the moment.

Senator JACINTA COLLINS: There has been no advertisement. Do you intend to draw again upon the procedure provided in provision 2.6.6 of *Merit and Transparency: Merit-based selection of APS agency heads and APS statutory office holders*.

Senator Brandis: I do not have that in front of me. I am not familiar with the specific provision you are referring to.

Senator JACINTA COLLINS: I will assist your memory. I think you have had a detailed discussion of that in the past in relation to—

Senator Brandis: I am aware of the guideline, but I am not particularly aware of the provision you have referred to. Perhaps you could read it.

Senator JACINTA COLLINS: I will take you to it. Would you like me to read it in full?

Senator Brandis: No, please just pass it to me so I can read it.

Senator JACINTA COLLINS: Yes, I can pass it to you.

Senator Brandis: Yes, I am familiar with it.

Senator JACINTA COLLINS: Do you intend to draw on that provision?

Senator Brandis: Yes.

Senator JACINTA COLLINS: On what basis?

Senator Brandis: I am sorry. I do not understand what you are asking.

Senator JACINTA COLLINS: I think on a previous occasion you drew on the urgency requirement. Is there such an issue at play here?

Senator Brandis: You can be reassured that the choice will be of an eminent person.

Senator JACINTA COLLINS: You are suggesting you will draw on 'the availability of an eminent person, where there would be little value in conducting a selection process'.

Senator Brandis: No, I am merely telling you that the person who is chosen will be an eminent person.

Senator JACINTA COLLINS: Is that not simply a way to circumvent the merit selection process—just on any occasion to suggest, 'We will find someone whom we regard as an eminent person'?

Senator Brandis: No, that is what the merit selection process provides for.

Senator JACINTA COLLINS: It provides for that in special circumstances, as you can see in front of you. Perhaps you would like to describe to me what the special circumstances are here.

Senator Brandis: No final decision has been made on the appointee, but an appointment will be made shortly.

Senator JACINTA COLLINS: Yes, Minister, but you just told me that you plan to draw on the special circumstances provision.

Senator Brandis: No, I did not say that. I said, 'The person who will be appointed, you may be reassured, will be an eminent person.'

Senator JACINTA COLLINS: I will return to the record when I have an opportunity to look at the *Hansard*—because I believe you said something very different.

Senator Brandis: I said, 'The person who will be appointed, you may be reassured, will be an eminent person.'

Senator JACINTA COLLINS: I am talking about what you said slightly before that, Minister, but we will move on once we have the record in front of us. You obviously do not want to describe what process is in play to select the next Sex Discrimination Commissioner. You have told us that one is under consideration and will be appointed shortly. You have refused to describe what the consideration process involves, other than the difference in opinion we currently have over what you said in relation to 2.6.6. But I will leave it there until we have the record in front of us.

Senator Brandis: Do you have a question, Senator?

Senator JACINTA COLLINS: Chair, would you like to vacate the chair so that the minister can take your place?

CHAIR: No, I am grateful to the minister for reminding me of my duties. I should have asked that question. Do you have a question?

Senator JACINTA COLLINS: Of course I do, and I may have further questions here, which is what I was just indicating.

CHAIR: I think the point I should have been making, but the minister did it for me, was that this is an opportunity to ask questions not to make statements.

Senator JACINTA COLLINS: How long has the position of Sex Discrimination Commissioner now been vacant?

Senator Brandis: Since the retirement of Ms Broderick, which was on 3 September.

Senator JACINTA COLLINS: When did a selection process commence?

Senator Brandis: Consideration has been being given for the replacement of Ms Broderick for some months.

Senator JACINTA COLLINS: And when did that commence?

Senator Brandis: Some months ago.

Senator JACINTA COLLINS: 'Some months' is a very broad description, Minister. On what date did that process commence?

Senator Brandis: I cannot give you a date.

Senator JACINTA COLLINS: Perhaps you could take that on notice.

Senator Brandis: No.

Senator JACINTA COLLINS: Why not?

Senator Brandis: Because there is no specific date. The full and responsive answer to your question is that this is a matter that has been under consideration for some months.

Senator JACINTA COLLINS: So the Public Service senior merit selection process is now the equivalent of your arts slush fund, is it?

Senator Brandis: Do you have a question, Senator?

Senator JACINTA COLLINS: I have a lot of questions, but it is obvious that we are not going to make a huge amount of progress. Let us hope we do not end up in the same place we were with you with PM&C last night. Let us go then to a different theme, which is your statement, Minister:

The Human Rights Commission has to be like Caesar's wife, it has to be beyond blemish. Is that still your view?

Senator Brandis: Yes, it is.

Senator JACINTA COLLINS: Thank you. Mr Wilson, there are a few questions I would like to ask you about some of your public appearances since you have been appointed in your role. I would like to confirm, though, my understanding that when you took office as Human Rights Commissioner you resigned your membership of the Liberal Party and ceased all association with the Institute of Public Affairs. Is that correct?

Mr Wilson: No, that is false. I resigned my membership of the Liberal Party. I am still a member of the Institute of Public Affairs—and proudly so.

Senator JACINTA COLLINS: In the past—and please excuse my ignorance of this, because I think this has been canvassed in the past, ahead of my time in this space—did you make any statement about any shift in your association with the IPA, or am I misadvised?

Mr Wilson: I resigned my employment with them on the date on which the announcement of my appointment to this office took place, but I have retained my membership throughout.