

Project SafeCom News and Updates

Saturday, 28 February 2015

THE GILLIAN TRIGGS ATTACK

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1. Hugh de Kretser: Attacks on our Human Rights Commission are part of a broader disturbing trend

The federal government is actively undermining a range of vital checks and balances and stifling criticism of its actions. This is corrosive for democracy and human rights.

The Age
February 25, 2015 - 3:29PM
Hugh de Kretser

The extraordinary revelations in Senate estimates on Tuesday reveal the depths of the government's attacks on the Australian Human Rights Commission. In early February, Attorney-General George Brandis asked the commission's president, Gillian Triggs, to resign. Triggs described the request, and the associated suggestion that she would be offered other work if she accepted it, as a "disgraceful proposition". It was.

Worse, these attacks are a nasty symptom of a much broader malaise. The federal government is actively undermining a range of vital checks and balances and stifling criticism of its actions. This is corrosive for democracy and human rights.

The commission handed the government its damning report into the harm being inflicted on children in immigration detention on November 11, 2014. The government waited until the last possible day, February 11, 2015, before publicly releasing it. In the meantime, it launched an unprecedented dirty political attack.

In December it announced a 30 per cent funding cut to the commission.

In January Prime Minister Tony Abbott and senior ministers condemned a commission ruling as "pretty bizarre", "offensive" and "likely to shake confidence in the institution."

In early February the government sought Triggs' resignation.

When the report was finally made public, instead of addressing the overwhelming evidence of severe damage to children, the Prime Minister rejected the findings and attacked the report as "blatantly partisan", saying the "commission ought to be ashamed of itself."

The pattern and intent is clear – the government is punishing the commission.

Forget that the commission was doing its job by investigating and reporting on an important human rights issue in Australia. Forget that the commission was even-handed in its criticism of both sides of politics over their handling of the issue. Forget that on the international stage, Australia is leading the charge to tell other nations to respect the independence of their national human rights institutions. This is a calculated political attack designed to undermine our independent national human rights watchdog.

Bad enough in isolation, what makes these attacks worse is that they are part of broader trend.

Checks and balances – such as independent statutory watchdogs, our independent court system, the rule of law, press freedom, and the ability of non-government organisations to speak freely – are vital to the health of our democracy and for protecting human rights, particularly in the absence of a constitutional or legislative bill of rights.

Since taking office, the government has actively undermined these protections.

A combination of funding cuts, changes to funding agreements and intimidation has been used to stifle advocacy by the NGO sector.

The government changed community legal centre contracts so that federal funding can no longer be used for law reform advocacy, and removed a "no-gag" clause from contracts that had explicitly recognised their freedom to advocate.

It cut funding to a range of centres and announced there will be more cuts to come, without saying where they would land – creating a climate in which organisations are reluctant to speak out for fear of moving to the top of the list for the next round of cuts.

Similar cuts and restrictions have been inflicted on Environment Defenders offices, Aboriginal legal services, refugee legal services, the Refugee Council of Australia, homelessness services, the national drug and alcohol peak body and more.

The cuts send a clear message: organisations that advocate are at risk.

The cuts also damage efforts to address key problems that even the government has identified as priorities. At the same time as appointing an anti-family-violence campaigner as Australian of the year, the government is slashing funding to services that use their experience working with women facing violence to highlight what's wrong with our system.

Press freedom is being curtailed by new anti-terrorism laws that threaten up to 10 years' jail for journalists and others who disclose information about operations the Attorney-General has deemed "special intelligence operations". Journalists attempting to pierce the secrecy around the harm being done to asylum seekers have repeatedly been referred to the federal police in attempts to uncover confidential sources and whistleblowers.

Even the courts and international law are being sidelined.

Migration and counter-terrorism laws are granting extraordinary powers to be exercised at the personal discretion of ministers with court scrutiny curtailed. In a recent hearing into legislation that sought to restrict court review of asylum seeker decisions, Senator Ian Macdonald said the government "doesn't want to be beholden to the High Court who will pick every comma in the wrong place".

Access to the courts is critical in ensuring the law operates in a fair, coherent and predictable way – and to make sure wrong decisions are fixed. Excluding court review is even more concerning where the consequences of mistakes can include the prolonged loss of liberty or deportation to serious risks of harm.

Meanwhile, the government keeps promising it complies with international human rights law in its asylum seeker policies while at the same time legislating to ensure there are no consequences under Australian law if it doesn't.

This undemocratic slide is deeply concerning. We need political and community leadership to respond; to create a climate in which the independence of institutions is protected; where the separation of powers and the rule of law are understood and respected; where freedom of information, not secrecy, is the standard; where NGO advocacy is valued, even when it is uncomfortable for government.

Hugh de Kretser is the executive director of the Human Rights Law Centre. @hughdekretser

<http://www.theage.com.au/comment/attacks-on-our-human-rights-commission-are-part-of-a-broader-disturbing-trend-20150225-13o6e8.html>

2. EDITORIAL: The attack on Triggs is an Abbott stitch-up

The Age
February 26, 2015 - 12:15AM

Australia is witnessing a political stitch-up of extraordinary proportions. Not by Professor Gillian Triggs and the Human Rights Commission, as the Prime Minister might wail and cry. No, it is clear what is going on. The Abbott government is cynically moving to de-legitimise certain institutions that perform vital roles in the democratic life of this nation.

Its attack on the president of the Human Rights Commission is designed to enfeeble the statutory institution that is vested with the important task of observing and critiquing how Australian governments and institutions abide by the international laws of human rights, laws that this nation proudly helped to formulate and which we demand other countries uphold.

It has been a brutal exhibition of Machiavellian manoeuvres – by the Prime Minister from the floor of Parliament, by the sleazy antics of the Attorney-General in trying to force Professor Triggs' resignation, and through the brazenly partisan conduct of Coalition senators on the legal and constitutional affairs committee. But this government's morally bankrupt and desperately misguided effort to manipulate public opinion against the commission will prove to be an own-goal.

The unpopular Abbott government is apparently so threatened by the findings of a report into children in immigration detention – a report that delivers strong criticism of both the Coalition and its Labor predecessors – that it seeks to render impotent an independent, vocal monitor. It seeks to sow doubt about the commission's credibility, so it strikes at the top.

The government says it has lost confidence in Professor Triggs. It claims she demonstrated political bias by initiating an inquiry into children in detention only after the Coalition came to power in late 2013. It argues the commission should have been concerned about children being locked up under the Rudd and Gillard governments, when numbers in detention soared. Attorney-General George Brandis embellishes this by saying Professor Triggs committed a "catastrophic error of judgment". He says there was "a near-universal view" within the Coalition by Christmas that her position had become untenable, mainly because of what he called her "inconsistent and evasive" responses before the Senate committee in November.

The government's complaints are concocted nonsense. In any other context, such slippages would be excused once clarified. This government, though, whips them into a conspiracy of mock-horror proportions then tries to induce her to quit. All the while, the commission's report is shoved aside. Indeed, the chairman of the Senate committee, Liberal Senator Ian Macdonald, contemptuously declared he has not, and will not, read the report – an appalling abrogation of his responsibilities.

Rarely has a federal government engaged in such a vicious, politicised campaign to demolish the integrity and professionalism of a statutory officer. The Prime Minister's enthusiastic participation in this tawdry episode greatly diminishes the standing of his office.

Senator Brandis says he wants the Human Rights Commission to focus on "projects that actually mean something to the mainstream of Australian people [and] will make a material difference to their lives". His proposal highlights how fundamentally out of touch this government is with issues of human rights, because it is not mainstream Australians who are at risk. It is those at the margins who cannot speak for themselves, the young and disadvantaged, minorities and non-Australians (such as asylum seekers), who most need their human rights secured.

The internationally respected Human Rights Commission provides a level of protection for these people. Its vital work must be allowed to proceed unimpeded b

<http://www.theage.com.au/comment/the-age-editorial/the-attack-on-triggs-is-an-abbott-stitchup-20150225-13ogxw.html>

3. Richard Flanagan: Triggs was attacked for defending the powerless

Triggs was attacked for defending the powerless – and one day another PM will apologise for it

Years from now we will be told that we didn't know then what we do now about our treatment of asylum seekers. But we did know. We just chose not to hear even when our human rights champion spoke up

The Guardian
Richard Flanagan
Thursday 26 February 2015 13.26 AEDT

There's always been something deeply disturbing about the Abbott government's attitude to women.

Even in opposition, such sleaze as the menu for a Mal Brough fundraiser depicting Julia Gillard in the most vile way went beyond the vicious into some psychopathology if not too bizarre to divine, then too awful to contemplate.

The menu was seen as a throwback to another age, but in another age the public knowledge of something so foul would have been political death. It bespoke a new contempt that was also the coming politics of brutality and bullying.

Between the knighting of Prince Philip and the attacks on the human rights commissioner, Gillian Triggs, we now see revealed the essence of this government – one that believes in a near-feudal hierarchy with a European monarch's consort at the top and women and children at the bottom.

The only accusation of Gillian Triggs with the ring of truth is that she has lost the confidence of the government – but then so too has Tony Abbott. Gillian Triggs's real crime is that as human rights commissioner she spoke up for human rights with a government that has no respect for them.

Writing my novel *The Narrow Road to the Deep North* I came to conclude that great crimes like the Death Railway did not begin with the first beating or murder on that grim line of horror in 1943. They begin decades before with politicians, public figures, and journalists promoting the idea of some people being less than people.

It is they who wield the sword, the cane, the rifle butt and the rifle trigger as surely as the guards and soldiers who follow them. And it is they who in the end must be judged as far more responsible for those great crimes against humanity.

For the idea of some people being less than people is poison to any society, and needs to be named as such in order to halt its spread before it turns the soul of a society septic.

In recent years both sides of Australian politics competed in publicly asserting that cruelty to some people who are less than people is a public good. Those people were refugees, and the competition reached its nadir last election with Kevin Rudd and Abbott battling it out over who would be cruellest.

Gillian Triggs did her job in saying where such wicked nonsense led.

One day, many years from now, another prime minister will stand up and to a teary gallery apologise for the damage done to refugees in detention. We will be told that we didn't know then what we know now. We will hear testimony of destroyed lives. But we did know. We always knew. We just chose not to hear and to silence those who tried to remind us of the truth.

Gillian Triggs became fair game for everyone from Murdoch's junkyard dogs to the most servile government senator; she was attacked by the highest in the land, she was allegedly offered inducements to leave and was bullied ceaselessly and publicly, culminating in that most appalling display of thuggery and abuse of power by the government senators in Tuesday's Senate estimates hearing.

In all this, our politicians have shamed us. They have poisoned our idea of ourselves as a people. But we have allowed them to do it. And we have accepted their idea of us as our idea. And we should not.

It is they who have lost our confidence. And to regain it they could do worse than by showing respect to women and children. Not as human rights commissioners or refugees. But as equal human beings.

For all their cant about families, this is a government with no pity and much contempt for the families of the poor and the powerless. In this government's new Australia the strong can be needlessly and endlessly rewarded, and the weak endlessly attacked and punished.

At the end of it all Gillian Triggs was not Prince Philip. She was something far less: a woman defending powerless children with the truth.

And it is for that Gillian Triggs is being punished.

Democracy is not guaranteed by parliament, nor yet the government, far less by the prime minister's office. Its security and its necessary freedoms reside in the hand of the people. A strong government respects – even if it does not agree with – the different opinions and arguments of other bodies, groups and individuals as the touchstone of our democracy.

But this is not a strong government. It is a deathmask of 1970s rightwing student bigotries and undergraduate bullying that has formed the most incompetent government in our history, the legacy of which conservatives will have to live down for decades.

In delivering us News Corp World, Tony Abbott has revealed himself as not a leader but a follower, and the ideas he follows are those of a world in which freedom is a privilege of the powerful, not the right of all; where truth must be convenient or it is to be crushed, and where the strong seek to punish the weak, and when challenged, destroy those, like Gillian Triggs, who will not bend their testimony to power.

We should expect more. We must expect more. Because if we do not, we will go somewhere far darker than the hells of Manus Island and Nauru. We will have become them.

<http://www.theguardian.com/commentisfree/2015/feb/26/triggs-was-attacked-for-defending-the-powerless-and-one-day-another-pm-will-apologise-for-it>

4. Corinne Grant: Dear Senator, An Apology is in Order

After watching the treatment of Gillian Triggs in a Senate committee meeting on television yesterday, I decided to write to the chair of that meeting, Senator Ian McDonald, and ask him to apologise for his behaviour. I sent the below letter to his office this morning. If you'd like to do the same, or write your own letter, his email address is: senator.ian.macdonald@aph.gov.au

The Hoopla
By Corinne Grant
February 25, 2015

Dear Senator Macdonald,

I write to you in reference to your conduct as chair of the Senate committee yesterday, where Gillian Triggs' was questioned over her report into the treatment of asylum seekers in detention. While much criticism has been laid at Senator Brandis' feet, I am writing to you because as chairperson, the responsibility for the tone of the hearing rested with you. Given that you apologised after a voter accused you of bullying Senator Hanson-Young in Senate estimates, I am asking you to now publicly apologise for both your treatment of Gillian Triggs, and to the children in detention who are relying on you to protect them from sexual assault.

My reasons in asking for such an apology are laid out below.

In the committee hearing, you admitted you had not read the Triggs report before declaring it was partisan. It is not possible to form an opinion on something you haven't read. Reading the material in question is a minimum requirement for chairing any committee and you failed in your role by neglecting to do so.

More importantly, the report you refused to read contains allegations of child sexual assault. By ignoring it and instead attacking the author, you appeared to be protecting the abusers. While I am sure this was not your intention, you gave the impression that you were placing a desire to further a political agenda above the welfare of children who claim to have been abused in government funded facilities.

In the midst of a Royal Commission into Institutional Responses to Child Sexual Abuse, the community has heard overwhelming evidence of assaults on children being covered up to protect people in positions of power, and to protect particular institutions. The public have been horrified and disgusted by these findings. It is rather unfortunate that during a time when we are coming to grips with these appalling acts, our current government, under your chairmanship, appears to be doing exactly the same thing.

Diverting attention away from a report that contains allegations of child sexual abuse in order to protect a political position is immoral.

It is more than immoral, it is an abuse of your responsibilities as a representative of the Australian people. Not only do these children need to be removed from harm immediately, but a police investigation is urgently needed. It is unacceptable that our government is now employing the same tactics as past religious institutions in a grotesque attempt to protect itself.

In yesterday's hearing, Senator Brandis and yourself joked about how reading Conan Doyle may leave you open to accusations of sexism. As way of clarification, Conan Doyle created Sherlock Holmes. Please be assured that reading Doyle's work will not make you sexist. Doyle is an excellent writer and I highly recommend you read his stories. May I suggest however, that before you do so you read Gillian Triggs' report. There are innocent children relying on you to do your job.

Please apologise to Ms Triggs for the disrespect you showed her yesterday. And please apologise to the children in detention who are begging you to protect them. As a representative of the Australian people, you owe us that much.

Sincerely,

Corinne Grant

<http://thehoopla.com.au/dear-senator-macdonald-an-apology-is-in-order/>

5. Graeme Innes: 'Without fear or favour'. Brandis ended that tradition

Ruddock asked me to do my job 'without fear or favour'. Brandis ended that tradition

I was a human rights commissioner under five attorneys-general from both sides of politics. George Brandis is the only one to question my integrity

The Guardian
Friday 27 February 2015 08.37 AEDT
Graeme Innes

I was buying the family fish and chips when attorney general Philip Ruddock called to appoint me as human rights commissioner and disability discrimination commissioner in December 2005. One of the things he said to me, after informing me and congratulating me, was that I must do the job "without fear or favour".

As human rights commissioner I reported on three inspections of immigration detention centres, two under the Howard government. I conducted the Same Sex: Same Entitlements inquiry, and the Howard government did not implement my recommendations. I supported Australia's participation in the drafting of a Disability Convention, which was initially opposed by the Howard government.

I disagreed many times on policy issues with Howard ministers and staffers. Our discussions were sometimes "free and frank", usually civil and never personal. My views were regularly questioned, my integrity was not.

When the Rudd government was elected and Robert McClelland became attorney general he said to commissioners:

He took the Ruddock approach, sometimes questioning our recommendations, but never our integrity, as did attorneys-general Nicola Roxon and Mark Dreyfus.

Things changed in September 2013. My first sign was when a George Brandis staffer berated me for my criticism of Myer. I had called out Myer CEO Bernie Brookes for his assessment of the National Disability Insurance Scheme levy as being "money that could have gone through our cash registers". The disability sector and others vehemently criticised his remark. When he made what I regarded as a "Clayton's apology" the next day I joined the criticism and recommended that he rectify his error by committing Myer to hire more employees with disabilities and commit to a 10% target – a call to employers I made numerous times. The Brandis staffer questioned my judgement rather than my policy approach.

The trend continued with Tim Wilson's appointment as human rights commissioner without a selection process and fresh from the Institute of Public Affairs, whose policy was to abolish the Commission. Until that point, both sides of politics, as well as the Commission, understood that the position of human rights commissioner was redundant. From the time I moved from that role in 2009, the president, Catherine Branson, and then Gillian Triggs, carried the role.

The ill-fated Labor bill proposed in 2013 to consolidate Australia's human rights legislation abolished the position altogether. This part of the bill was not opposed by Brandis in opposition however it never came to the parliament.

Wilson's appointment meant that the resources of the Commission were so stretched that when my term as disability discrimination commissioner ended last July the position was not filled. Susan Ryan got the job, as well as her full-time job as age discrimination commissioner. She had no lived experience of disability, although she is doing the best job she can.

The decision to conduct the children in detention inquiry was made when I was still at the Commission in 2013. All commissioners made it. Commissioners before me had inquired into the issue, I reported on three inspections of the centres,

Catherine Branson inquired as well. The Commission has been concerned since the late 1990s that Australia has not been complying with its commitments under the Refugee Convention.

While the number of children in detention is less now than under Labor, those there have been there for much longer. Also, information about people in detention was significantly harder to obtain from the immigration department after the Coalition took power. In conducting the inquiry, the Commission was just doing its job "without fear or favour".

The Forgotten Children report was received by the attorney general last October. The message to undermine Triggs clearly went out this January. It has happened ever since, climaxing when the government initiated discussions about her resignation and talked of other employment.

Triggs was hammered in The Australian, although supported in most other media outlets. It isn't the first time The Australian has attacked the Human Rights Commission – let's not forget the time they put Tom Calma's Canberra house on their front page, questioning what he as an Aboriginal man (who happened to be an outstanding bureaucrat) would know about Aboriginal welfare in the Northern Territory. They ignored the fact that this was where he came from. There are other examples too.

Part of our democratic system, and the rule of law, provides that a key duty of any attorney general is to defend judges and statutory officers doing their jobs, because they are not in a position to easily defend themselves. Far from defending, Brandis has attacked. It is he who has made the serious error of judgement. He has "shot the messenger". Triggs has advocated human rights compliance by Australia – she has done her job.

The "play the person, not the ball" approach was followed when Senator Ian Macdonald, chairing the Senate committee considering the report, admitted on Tuesday that he hadn't read it because – he said – it was partisan. How "chicken and egg" is this – if he hasn't read it, how does he know it is partisan?

But you know, I agree with Malcolm Turnbull. This is not the main debate. We should be debating why children are still in detention, as Gillian Triggs has sought to do.

<http://www.theguardian.com/commentisfree/2015/feb/27/ruddock-asked-me-to-do-my-job-without-fear-or-favour-brandis-ended-that-tradition>

6. Bully boys in politics simply can't handle smart women

Sexism has been given free rein in Parliament House this week, serving as a strong reminder of what women inexplicably still face in this country.

Brisbane Times
February 27, 2015 - 12:02AM
Clementine Ford

"I thought you might like to hear a man's voice!"

With that one childish taunt, Senator Barry O'Sullivan summed up the state of political and institutional leadership in this country. It was just one of many jeers offered during Senate hearings into the Australian Human Rights Commission's report into the treatment of children in detention, the reception of which has been utterly appalling.

O'Sullivan's colleagues, Attorney-General George Brandis and Senator Ian Macdonald behaved equally despicably, with Macdonald, the chairman of the Constitutional and Legal Affairs Committee, admitting he hadn't even bothered to read The Forgotten Children report because he thought it was "worthless and irrelevant".

The rank sexism that has seeped out of Parliament House this week has served as a strong reminder of exactly what women are up against in this country. It's not just about the treatment of Gillian Triggs in the Senate hearings, although the President of the Australian Human Rights Commission has indeed been bullied mercilessly. Her exemplary professionalism has been called into question simply because her findings are inconvenient to a government that would rather play the blame game with the Opposition than focus on fixing what it is in their power to change.

The speed with which supposedly adult men have feverishly rushed to turn into braying schoolboys has been astonishing; they are no longer even bothering to conceal the enjoyment they take from making it known to their female colleagues just how little they respect their presence in public life, telling them instead to "settle down" (as O'Sullivan pompously did to Senator Penny Wong) and quipping with each other to be careful what they say lest they be "accused of sexism", presumably by the silly biddies who overreact to everything and can't take a joke.

But this is no great surprise given the general disdain foisted upon the women here who dare to put their heads above the parapets. The fact is, Australia has long struggled with the idea of embracing women in power. Naysayers are fond of pointing to the Prime Ministership of Julia Gillard in an attempt to disprove this – after all, if the Australian people are willing to elect a woman to lead them, we can't really be the unreconstructed, sexist buffoons that those pesky feminists make us out to

be. Right?

Wrong. Entire books have been written about the appalling misogyny that undermined Gillard's governance, not least of which was inflicted by the current Prime Minister. As Opposition leader, Tony Abbott had no problem aligning himself with protesters holding signs saying: "Ditch the Witch" and "Bob Brown's Bitch". He was so proud of the allegiance that he allowed himself to be photographed standing in front of the signs.

His time in opposition was dogged by accusations of sexism, prompted perhaps by a series of gaffes so ridiculous and constant that he can only have been speaking from the heart and not merely revealing his embarrassing lack of political nous. But the accusations only saw him double down on his desire to put women in their place.

Appointing himself Minister for Women after the LNP's election to government wasn't an example of his total lack of self-awareness. Rather, it served as a deliberate and final f... you to the woman who had unapologetically called out his misogyny in Parliament, and who received great fanfare from the countless Australian women who had identified so strongly with the moment.

Of course, it's not only prime ministers who are subjected to the wrath of men angry at having to answer to a woman. You might recall the night Kate Ellis appeared on the ABC's Q & A program alongside former Labor Minister Lindsay Tanner, Liberal MP Christopher Pyne and Daily Telegraph columnist Piers Akerman. Ellis – who was at that stage the Federal Minister for Education – was interrupted a staggering 36 times by her co-panellists. As she tried to answer a question about misogyny in Australian life, Tanner and Pyne gleefully and repeatedly interrupted her to have a sotto voce conversation about the pleasures of Downton Abbey.

But this isn't a problem reserved solely for women on the Left. The Prime Minister's Chief of Staff, Peta Credlin, has recently been cast as the scapegoat for all of Abbott's failings. She's been accused of having too much influence and power. She is being reimagined as the quintessential Lady Macbeth, ambitious and terrifying with a singular determination to succeed that will cause the entire government to come crashing down around her. Like Triggs, her resignation has also been called for albeit for different reasons. While Triggs has apparently lost the faith of the government (the same government that admonished the ABC for "not being on Team Australia" as its journalists just attempted to do their jobs), Credlin has evidently lost the faith of a Murdoch press finding it suddenly difficult to champion the behaviour of the Prime Minister, but reluctant to admit their own complicity in having him elected. Why must the sins of the man rain down upon her?

This sort of sexist buffoonery isn't just limited to conservative governments or even individuals. As Tanner and Pyne demonstrated to Ellis, the bonds of patriarchy often bind tighter than those of political allegiance or loyalty. Some men simply do not want women working alongside them; it makes them feel their naturally ordained spaces are being suddenly invaded by people whose existence they don't really understand, other than within the realm of being mothers and wives. And so they make jibes and jeer, the bravado and entitlement growing alongside the gang of merry men willing to join them in it.

The recent treatment of Triggs has been disgraceful. But it is par for the course in a society that not only turns a blind eye to sexism but fiercely holds on to its right to reserve positions of power for men. Men who will be given political portfolios, cabinet positions, Senate seats and unfettered access to decision making – but who will almost never be made to fall on their swords when there is a woman around to do it for them.

And when her carcass has been dragged from public life, those men, suddenly reassured that order has been restored and their positions no longer challenged by this brave new world in which women appear to threaten their power, will look around, breathe a sigh of relief and say, "Isn't it nice to hear a man's voice?"

Clementine Ford is a Fairfax Media columnist.

<http://www.brisbanetimes.com.au/comment/bully-boys-in-politics-simply-cant-handle-smart-women-20150226-13p3wu.html>

7. Brian Burdekin slams 'disgraceful' attacks on Gillian Triggs

Gillian Triggs: Brian Burdekin slams 'disgraceful' attacks by Tony Abbott and George Brandis on Human Rights Commissioner

ABC Radio CAF - AM
Posted Sat 28 Feb 2015, 5:42am

Australia's first federal human rights commissioner says both Tony Abbott and George Brandis have made a grave political error in maintaining their attack on Gillian Triggs.

The Prime Minister and his Attorney-General have criticised the credibility of Professor Triggs, the current Human Rights Commissioner, in the wake of a release of a damning report into children in detention.

Mr Abbott described the Human Rights Commission report as a "blatantly partisan, politicised exercise" and later said he had lost confidence in Professor Triggs.

Professor Brian Burdekin told AM the sustained attack was "disgraceful" and "politically stupid".

"I think it was not only misconceived, [but], quite frankly, totally inappropriate and disgraceful," he told AM's Elizabeth Jackson.

"I think from the feedback I've been getting - and I still obviously am in touch with a lot of people in the human rights arena: a lot of people in legal circles, a lot of people in non-government organisations who care for the most vulnerable and the most disadvantaged - the feedback has been universally, as far as I can perceive it, hostile to what the Prime Minister and the Attorney-General were trying to do.

"And to that extent I think it's politically quite unwise. I honestly don't understand why the Prime Minister and the Attorney-General felt it appropriate to do it."

Professor Burdekin said Senator Brandis did not appear to have a clear understanding of what his role of Attorney-General entailed.

"To be honest, I am deeply concerned that the Attorney-General we have at the minute simply doesn't understand what the remit of the Human Rights Commission is," he said.

"I mean, he's actually talked about the fact that we really just need to rely on the Magna Carta. Well, the role of the Human Rights Commission, as Gillian Triggs has pointed out recently and as I pointed out many years ago, is to stand up for the most vulnerable and disadvantaged groups in our community: the homeless, the mentally ill, Indigenous people, people with disabilities, children in detention.

"You won't find any of that in the Magna Carta, I can guarantee you.

"The things that the Human Rights Commission is obliged to do by law are directly related to those very vulnerable groups and its highest priorities have to be those who are least able to defend themselves.

"And I think to attack the Human Rights Commission, albeit in a way that was completely unjustified on the facts, as far as I can see ... to hold the Commission or to place the Commission in a position where it's ridiculed and almost in a way that's contemptible and contemptuous in Federal Parliament: in my view, that's just disgraceful behaviour.

"And I don't think any Cabinet minister should behave that way and certainly not the Minister with portfolio responsibility for that Commission."

Professor Burdekin said the issue was fuelling speculation about Mr Abbott's leadership.

"If the Government itself is accusing that organisation of somehow being in breach of its statutory responsibilities, a) that's wrong; b) it's inappropriate; c) I think it's politically stupid; and d) my own perception is that an increasing number of Australians think it's not only bad behaviour but will take that into account in terms of the way they vote at the next election," he said.

AM requested an interview with the Attorney-General but he did not respond.

<http://www.abc.net.au/news/2015-02-28/burdekin-says-abbott-brandis-made-grave-political-error-triggs/6270658>

8. George Brandis not doing his job, says Graeme Innes

Attorney-General George Brandis not doing his job, says former human rights commissioner Graeme Innes

ABC Radio CAF - The World Today
Posted Fri 27 Feb 2015, 2:07pm

Former disability discrimination and human rights commissioner Graeme Innes has come out swinging against Attorney-General George Brandis, arguing he is not doing his job.

In an article published by The Guardian today, Mr Innes said all the attorneys-general he has worked under stood by the view the Human Rights Commission should give frank and fearless advice, but that changed under Senator Brandis.

He said Senator Brandis played the man and not the ball, something he said was continuing with the attack on the credibility of the president of the Human Rights Commission, Gillian Triggs.

He also took issue with the appointment of Tim Wilson as the human rights commissioner.

Mr Innes said when he was first appointed to the two commission roles, then-attorney-general Philip Ruddock said he should do the job without fear or favour.

"The 'without fear or favour' process continued under Philip Ruddock and the three attorneys-general in the Rudd/Gillard/Rudd government," Mr Innes told The World Today's David Mark.

"It changed under that of George Brandis, where the officers ourselves, the commissioners ourselves, the statutory officers ourselves were questioned, rather than what we were putting to the Government and the attorney from the perspective of the Human Rights Commission.

"Our integrity was questioned in the same way that Gillian Triggs' integrity has been questioned in the last month."

Brandis 'has chosen to attack rather than defend'

Mr Innes said the difference between Senator Brandis and the regimes of other attorneys-general, was that while there may have been disagreement with the views the Disability Commission was expressing, they were never questioned in terms of the way they carried out our job.

"I was berated by one of his staffers after I challenged Myer's criticism of the National Disability Insurance Scheme levy," he said.

"The difference in the comments that were made to me were that my integrity, my judgement, was questioned on that issue, rather than a disagreement about the policy position that I was putting.

"It's the job of an attorney-general to protect statutory officers and judges because we're not in a position to defend ourselves.

"Unfortunately this attorney has chosen, in the case of Gillian Triggs and myself, to attack rather than defend."

Mr Innes said it resulted in it becoming much harder for those in statutory positions to do their job effectively.

"Gillian brought out a report which addressed the issue of children in detention," he said.

"This was something that the Human Rights Commission did three times while I was human rights commissioner. The report that the commission has just brought out addresses issues of kids in detention under Labor and under the Coalition.

"[It] notes that there are less kids in detention under the Coalition than there were under Labor but also notes the impact of the detention on those kids because they've been there for a much longer time and the deleterious health and other impacts on those kids.

"It also notes the much greater difficulty which the commission experienced getting information from the Immigration Department than we did under previous governments.

"It's a balanced report in that sense. It's not a stitch up and it causes considerable extra pain to those whom the Human Rights Commission is defending, kids in detention, other people who experience disadvantage and breaches of their human rights, when our politicians play the person rather than the ball."

Appointment of Tim Wilson 'a contradiction'

Mr Innes also criticised the appointment of Tim Wilson, who is now the human rights commissioner, from the Institute of Public Affairs.

"Tim Wilson came from an organisation that was known to have a policy that the commission should be abolished," he said. "That seems a contradiction to me, to appoint someone like that as human rights commissioner.

"There was also no selection process, as there has been for the former four or five commissioners before they were appointed, so this was very much a captain's pick. "What it did was provide the attorney with his representative, his man in the commission.

"The flow-on effect was that by filling a role which both parties in the previous parliament had agreed would be removed - that is the human rights commissioner's role, it would be moved across to the president - there were no resources left in the commission to appoint a disability discrimination commissioner when my term ended last July."

Mr Innes said people with disability were significantly disadvantaged by not having their representative raising policy and human rights issues about people with disability.

"Now Susan Ryan, the Age Discrimination Commissioner, has been asked to do that role on top of her current full-time job and Susan does not have lived experience of disability," he said. "She's doing the best job she can in the circumstances but those circumstances aren't really viable."

<http://www.abc.net.au/news/2015-02-27/graeme-innes-says-attorney-general-not-doing-his-job/6269466>

9. Brandis admits he asked Gillian Triggs to resign

'A fatal perception of bias': George Brandis admits he asked Gillian Triggs to resign

Brisbane Times
February 24, 2015 - 11:45AM
Sarah Whyte

Attorney-General George Brandis says he has lost confidence in Australian Human Rights Commission President Gillian Triggs because he considered she had invited questions about whether she was politically biased, during an extraordinary estimates hearing in Canberra.

Sitting just two seats away from Senator Brandis during the hearing, Professor Triggs had earlier confirmed reports the new secretary of the Attorney-General's department, Chris Moraitis, had told her that Mr Brandis had lost confidence in her performance as President during a meeting on February 3 and had asked for her resignation.

Professor Triggs she was "certainly very shaken and shocked" by the meeting with Mr Moraitis at her Sydney office. The commission's inquiry into children in detention was tabled a week later on February 11, having been submitted to the government in November last year.

"It was very difficult for me to deal with," Professor Triggs said. Mr Moraitis said she would be offered "other work in the government" and that her law skills would be used by the government if she agreed to resign.

But Mr Moraitis shot back during his witness statement saying Professor Triggs had asked for Mr Brandis' thoughts on her.

"Under her request I took to seek his views," Mr Moraitis told the hearing. "My interactions were to convey that the Attorney-General had lost confidence in the President."

Senator Brandis said although "he likes her personally" he lost confidence in Professor Triggs as President of the Human Rights Commission in October, when she had given "inconsistent and evasive" evidence to Senate estimates when explaining the timing of her decision to hold an investigation into children in detention.

"I felt that the political impartiality of the Human Rights Commission had been fatally compromised", Senator Brandis said.

The Attorney-General said Professor Triggs had made a "catastrophic error of judgement" in holding a national inquiry into children in detention that had left the commission open to a perception of bias.

"I'm prepared to consider it an error of judgment," Senator Brandis said.

"Dozens of members of the government in the weeks after those estimates [in October] ... had expressed that view to me.

"I had reached the conclusion, sadly, that Professor Triggs should consider her position."

"I would be glad for Professor Triggs to be of service to the Australian government but I am afraid that the reputation of the commission will not survive the reputation of political partisanship, which I am sorry to say Professor Triggs [has].

The chair of the hearing, LNP Senator Ian MacDonald also told the hearing that he had not "bothered" to read the report into children in detention, because it was too partisan.

Professor Triggs said she originally called Mr Moraitis to ask why neither he or Senator Brandis were sticking up for her, given the negative media coverage about her over summer.

Professor Triggs was appointed in July 2012 for a fixed five-year term.

<http://www.brisbanetimes.com.au/federal-politics/political-news/a-fatal-perception-of-bias-george-brandis-admits-he-asked-gillian-triggs-to-resign-20150224-13n59y.html>

10. Gillian Triggs confirms George Brandis wants her to resign

Gillian Triggs confirms George Brandis wants her to resign as Human Rights Commission president

ABC News Online
By political reporter Eliza Borrello
First posted Tue 24 Feb 2015, 8:21am
Updated Tue 24 Feb 2015, 9:43am

Human Rights Commission (HRC) president Gillian Triggs has confirmed Attorney-General George Brandis wants her to resign, with the head of his department saying she would be offered another job.

Tensions between the Federal Government and the HRC have been on public display recently, with the Prime Minister saying the commission's damning report into children in detention was "a blatantly partisan politicised exercise".

Under questioning today from Labor's Jacinta Collins in a Senate estimates hearing, Professor Triggs said the secretary of the Attorney-General's Department asked her to resign during a meeting on February 3.

"The purpose of the meeting was to deliver a request from the Attorney," Professor Triggs said.

"And what was the nature of that request?" Senator Collins asked.

"The nature of that request was to ask for my resignation," Professor Triggs said.

She said she was deeply shocked by the request and rejected it.

"My answer was that I have a five-year statutory position, which is designed for the president of the Human Rights Commission specifically to avoid political interference in the exercise of my tasks under the Human Rights Commission Act," she said.

Professor Triggs said she was told if she resigned she would be offered another job.

"I don't recall the precise words but I know that he said that I would be offered other work with the Government."

She testified she felt her resignation would risk the integrity and independence of the HRC.

Both parties harm children: Triggs

In her opening address to the Senate committee, Professor Triggs moved to make it clear she believed both Labor and Coalition policies harmed children in detention.

"The bipartisan nature of government responsibility for this damage is clear on any fair reading of this report," she said.

The HRC report, titled *The Forgotten Children*, found immigration detention was a "dangerous place for children" and called for a royal commission into the practice of putting asylum seeker children into mandatory detention.

From January 2013 to March 2014 the HRC found there were 233 assaults in detention involving children, 33 incidents of reported sexual assault, with the majority involving children, and 128 children who harmed themselves.

The Government said it was committed to removing all children from detention and that under the previous Labor government the number of children in detention reached almost 2,000.

Senator Brandis told the committee 129 children remained in mainland detention and 116 children remained detained on Nauru.

<http://www.abc.net.au/news/2015-02-24/gillian-triggs-says-brandis-wants-her-to-quit-rights-commission/6247520>

11. Abbott says Govt has lost confidence in AHRC president

Gillian Triggs: Tony Abbott says Government has lost confidence in Human Rights Commission president

ABC News Online

By political reporters Eliza Borrello and James Glenday

First posted Tue 24 Feb 2015, 8:21am

Updated Tue 24 Feb 2015, 1:19pm

Prime Minister Tony Abbott says his Government has lost confidence in Human Rights Commission (HRC) president Gillian Triggs.

Tensions between the Government and the HRC have been on public display recently, with Mr Abbott saying the commission's damning report into children in detention was "a blatantly partisan, politicised exercise".

Professor Triggs revealed this morning during a Senate estimates hearing that the secretary of Attorney-General George Brandis's department had asked her to resign during a meeting on February 3.

Senator Brandis then confirmed to Senate estimates he had lost confidence in Professor Triggs and wanted her to resign, saying the commission "has to be like Caesar's wife" and "beyond blemish".

Mr Abbott confirmed in Question Time the Government no longer had confidence in Professor Triggs.

"I don't claim to be across what may or may not have been canvassed between the president of the Human Rights Commission, the Attorney or indeed any other member of this Government," he said.

"All I know Madam Speaker is that this Government has lost confidence in the president of the Human Rights Commission."

Professor Triggs told Senate estimates the purpose of the February 3 meeting "was to deliver a request from the Attorney".

"And what was the nature of that request?" Labor senator Jacinta Collins asked.

"The nature of that request was to ask for my resignation," Professor Triggs said.

She said she was deeply shocked by the request and rejected it.

"My answer was that I have a five-year statutory position, which is designed for the president of the Human Rights Commission specifically to avoid political interference in the exercise of my tasks under the Human Rights Commission Act," she said.

Professor Triggs also testified that the secretary, Chris Moraitis, told her she would be offered another job if she did.

She described the offer as "entirely inappropriate".

"I don't recall the precise words but I know that he said that I would be offered other work with the Government," she said.

She testified she felt her resignation would risk the integrity and independence of the HRC.

Mr Moraitis has a different recollection of the meeting with Professor Triggs.

He said he did not ask Professor Triggs for her resignation but confirmed he told her Senator Brandis had lost confidence in her and that they discussed the possibility of her taking on another government role.

Senator Brandis said he lost confidence in Professor Triggs in mid-January.

"It saddens me to say that because as Professor Triggs herself has said, our relationship has never been anything other than cordial," he said.

"But after the November [Senate] estimates — when on any view Professor Triggs gave inconsistent and evasive evidence on the circumstances in which the decision was made to hold the inquiry which we have been discussing, in particular when Professor Triggs conceded that she had made a decision to hold the inquiry after the 2013 election and had spoken during the caretaker period, quite inappropriately, with two Labor ministers, a fact concealed from the then-opposition — I felt that the political impartiality of the commission had been fatally compromised.

"The Human Rights Commission has to be like Caesar's wife, it has to be beyond blemish."

Government should not shoot the messenger: backbencher

Liberal backbencher Craig Laundy has raised concerns about his Government's treatment of Professor Triggs.

In a party room meeting today, the member for Reid told Mr Abbott the Government should not "shoot the messenger".

Several sources said Mr Laundy urged the Government to focus on its policy success in stopping the boats and continue to get more children out of detention.

The ABC has been told Mr Abbott responded to Mr Laundy's question. The Prime Minister reportedly said the Government had to call people out when it thought it was being treated unfairly.

It is understood Mr Laundy told colleagues he was just echoing the concerns of people in his electorate.

Policies of both parties harm children in detention: Triggs

In her opening address to the Senate committee, Professor Triggs moved to make it clear she believed both Labor and Coalition policies harmed children in detention.

"The bipartisan nature of government responsibility for this damage is clear on any fair reading of this report," she said.

The HRC report, titled *The Forgotten Children*, found immigration detention was a "dangerous place for children" and called for a royal commission into the practice of putting asylum seeker children into mandatory detention.

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The Government said it was committed to removing all children from detention and that under the previous Labor government the number of children in detention reached almost 2,000.

Senator Brandis told the committee 129 children remained in mainland detention and 116 children remained detained on Nauru.

<http://www.abc.net.au/news/2015-02-24/gillian-triggs-says-brandis-wants-her-to-quit-rights-commission/6247520>

12. Triggs was offered role if she quit human rights commission

Gillian Triggs says she was offered role if she quit human rights commission post

Offer was made by the secretary of the attorney general's department, Chris Moraitis, who was acting on behalf of the attorney general, George Brandis, committee hears

The Guardian
Daniel Hurst, political correspondent
Tuesday 24 February 2015 12.12 AEDT

The president of the Australian Human Rights Commission, Gillian Triggs, has raised serious allegations that the federal government offered her other work in return for her resignation from the key independent role.

Triggs told a Senate estimates committee hearing on Tuesday the request to resign was conveyed to her by the secretary of the attorney general's department, Chris Moraitis, who was acting on behalf of the attorney general, George Brandis, at a meeting in Sydney on 3 February.

She said she was "certainly very shaken and very shocked" at the resignation request and immediately rejected it. Triggs said she was part way through her five-year term, noting that the position was protected by legislation from political interference, and she believed the move would undermine the independence of the Human Rights Commission.

The Labor senator Penny Wong said it was a "very serious allegation" that the resignation "was sought and it was linked to the offer of some further unspecified work with the commonwealth".

Triggs replied: "There's no doubt in my mind that the two were connected ... I rejected it out of hand. I thought it was a disgraceful proposal."

The commission president said she did not recall the precise words "but I know that he said that I would be offered other work with the government" and she understood it to be related to her experience as an international lawyer.

Triggs was giving evidence to Senate estimates for the first time since the prime minister, Tony Abbott, argued the commission's inquiry into children in detention was a "blatantly partisan, politicised exercise" or a "stitch-up" against the Coalition government.

Triggs confirmed earlier media reports about the government's attempt to pressure her to quit her post, saying the purpose of the meeting with Moraitis "was to deliver a request" from Brandis

"The nature of that request was to ask for my resignation," Triggs said.

Moraitis told the hearing that Triggs had asked him in a previous discussion to clarify Brandis's views about her standing as president, in light of media reports about the commission's work.

Moraitis said he spoke to Brandis and then travelled personally to Sydney to meet with Triggs and felt he was "doing the courtesy of not picking up the phone or sending an email" to fulfil his "undertaking to tell her what the attorney's views were about her standing as chairman".

"I never sought her resignation," Moraitis told the committee. "I said that the attorney unfortunately lost confidence in her as chairman, however he had high regard for her skills and had significant goodwill towards her."

Moraitis said he had also told Triggs that "the government would be prepared to consider positively a senior legal role for her, which was specifically mentioned".

Moraitis said he had spoken to Brandis by phone on 2 February, the day before the meeting with Triggs, and understood her resignation was “a possibility” arising from the government’s loss of confidence in her. “That was an option I understood from that discussion,” Moraitis said.

Triggs said her queries about Brandis’s views should be seen in the context of her difficulty in obtaining a meeting with the attorney general. She also pointed to sustained criticism by the Australian newspaper which was “virtually daily attacking the commission and me personally”.

Triggs wanted to find out why the department and the attorney general were not refuting those inaccurate reports.

Brandis said he lost confidence in Triggs’s impartiality after her “inconsistent and evasive” testimony to a previous estimates committee hearing in November about her conversations with former Labor ministers about the planned review.

Brandis said the circumstances of the decision to hold the inquiry, and her discussions with Labor ministers, had “fatally compromised” the political impartiality of the commission.

The attorney general said he reached the view that Triggs “should consider her position”.

“It saddens me to say that because as Professor Triggs has said, our relationship has never been anything other than cordial,” Brandis said.

“I like her personally; I am aware of her reputation as an international lawyer ... There was no ill-will from me towards Professor Triggs.”

The Australian Human Rights Commission Act lists “misbehaviour or physical or mental incapacity” as the limited reasons for which the governor general may terminate a commissioner’s appointment.

Earlier, Triggs defended her report about children in detention, saying its findings were based on “credible and objective evidence” and did not single out any one side of politics.

Abbott’s criticisms – echoed by Liberal senators – have focused on the timing of the decision to launch the inquiry after the 2013 federal election rather than during Labor’s time in office.

In an opening statement to the committee, Triggs said the commission had consistently warned about the impact on children being placed in immigration detention for prolonged periods of time.

Triggs said she had raised those concerns with immigration ministers in the former government, but she “did not specifically refer to the proposed review or inquiry with any minister in the previous government”.

She said the commission agreed in June 2013 on a plan of work for the following year, which envisaged a 10-year review of the previous landmark report on children in detention.

“However, the intent at that time was to look at a 10-year review once earlier other work had been done including the snapshot report,” Triggs said. That snapshot report was provided to parliament in October 2013, the month after the election.

“It wasn’t until December 2013 that a final decision was made by all of the commissioners on a decision to, if you like, upgrade from a review to a full inquiry,” Triggs said.

She said the decision “evolved gradually over time and reflected many factors”, noting increases in the period of time for which children were being detained.

Triggs said the commission’s extensive work over the last 10 years had shown “beyond doubt the trauma and damage that is being inflicted on children”. “Australians can now read our report and make up their own minds about the consequences of the continued breach of our international obligations to these children,” she said.

The “Forgotten Children” report criticised both sides of politics, described shocking incidents of self-harm, and called for a royal commission to look into the continued use of the 1992 policy of mandatory detention and also allegations of sexual assault.

Brandis told the hearing on Tuesday that the total number of “illegal maritime arrival children” held in Australia now was 126, plus 116 in regional processing centres. “As well as that there are 28 children in detention in the system who are not illegal maritime arrivals,” Brandis said.

Triggs said the commission “wholeheartedly welcomed the release by the government of about 700 children over the last few months and hoped the inquiry “played some role in encouraging this change in policy”.

<http://www.theguardian.com/australia-news/2015/feb/24/gillian-triggs-says-she-was-offered-role-if-she-quit-human-rights-commission-post>

13. Liberals with outdated talking points miss Gillian Triggs's bombshell

Ian Macdonald and Barry O'Sullivan were so busy interrupting and talking over the Human Rights Commission president, they seemed to overlook a grave point

The Guardian

Lenore Taylor, political editor

Tuesday 24 February 2015 16.16 AEDT

Liberal senators Ian Macdonald and Barry O'Sullivan were so busy interrupting and talking over Human Rights Commission president Gillian Triggs in Senate estimates on Tuesday they seemed to miss the fact she was saying something that could land the government in serious trouble.

They were still reading from the old talking points – the ones the government has been using to try to drive a statutory office holder out of her job, the ones the prime minister, Tony Abbott, still seemed to be using during question time a few hours later.

Having repeatedly interjected as Labor senator Penny Wong led Triggs through a 3 February meeting at which Triggs said the secretary of the attorney general's department, Chris Moraitis, asked her to resign at the request of George Brandis and offered her "other work with the government", O'Sullivan joked to committee chairman Macdonald, "I thought you might like to hear a man's voice."

They might have done better to listen to the women, because by Triggs's account Moraitis, at the request of Brandis, might have come close to committing an offence.

The criminal code says it is an offence to offer "a benefit, or the promise of the provision of a benefit ... with the intention of influencing a public official".

According to Triggs, Moraitis asked for her resignation, on behalf of Brandis, and offered her "other work with the government". She said there was no doubt the resignation request and the work offer "were linked" and she considered the proposal "disgraceful" because the Human Rights Commission is an independent statutory authority. Asked whether she thought it was an inducement, she said, "I prefer not to use that term, especially since it is a term of legal art."

Later in the committee hearing Moraitis offered a slightly different account. He said he had, at Brandis's request, told Triggs she had lost the confidence of the government, and of Brandis himself. He denied he had used the word resignation, but he agreed he had offered her another, specific "senior legal role" and that accepting that role would have meant she would have had to leave the human rights commission, that "one would follow from the other".

Brandis confirmed he believed Triggs had "fatally compromised" the impartiality of the commission with the "inconsistent and evasive" evidence she had given late last year about the timing of the commission's children in detention inquiry. "My confidence in her partiality collapsed," he said.

All this incendiary evidence was given as Brandis, Moraitis and Triggs sat almost side by side before the committee, each looking as though they would prefer to be almost anywhere else.

Brandis was specific in his criticism, saying he had high regard for Triggs personally and professionally, and pointing out it had always been the government's intention to release children from detention once it had "stopped the boats".

But Abbott was broader during question time, raising the timing of the decision to launch the children in detention report and Triggs's recommendation that a convicted murderer be awarded compensation (a reference to Triggs's view on a murderer who had been held in detention by subsequent governments after he had served his prison term for the crime).

"Obviously we question the competence and judgment of the president of the Human Rights Commission," he said.

O'Sullivan and Macdonald preferred broad-ranging dismissiveness. Macdonald confirmed he had not read the commission's children in detention report – the subject of the entire controversy between the commission and the Abbott government – because he was sure it was biased.

O'Sullivan made a theatrical show of taking Triggs through her evidence of last year with a red Texta, asking which bits he might be able to cross out.

Both seemed unconcerned about the serious issues at hand, other than their own concerns about alleged bias – such as the standing of the statutory agency that oversees Australia's human rights performance, whether anything improper had been done at the request of the top law officer in the land, and whether a lawyer of 46 years' standing who holds a five-year statutory appointment could be hounded out of office.

When Greens senator Sarah Hanson-Young asked later whether O'Sullivan might want to retract his statement about Macdonald needing to hear from a man, Macdonald said he assumed she was joking.

But it seems the government will continue to hear from one woman, no matter how much it would prefer not to. Triggs is adamant she isn't going anywhere, that despite the "building crescendo" of criticism from the government and from some newspapers, resignation would mean "giving in to the very pressure that [her] position was designed to stop".

<http://www.theguardian.com/australia-news/2015/feb/24/liberals-senate-estimates-gillian-triggs-human-rights-commission>

14. Labor asks AFP to investigate Triggs 'corrupt conduct' job offer

Labor asks AFP to investigate whether Triggs job offer was 'corrupt conduct'

Senate committee told human rights chief was asked to resign and offered a different job, potentially an illegal inducement, but PM comes out fighting

The Guardian

Lenore Taylor and Daniel Hurst

Tuesday 24 February 2015 20.06 AEDT

Labor has formally asked the Australian federal police to investigate whether the job offer made on behalf of the attorney general, George Brandis, to the Human Rights Commission president, Gillian Triggs, was an inducement that constitutes "corrupt and unlawful conduct."

The shadow attorney general, Mark Dreyfus, wrote to the police on Tuesday after Triggs publicly confirmed she had been asked to resign and offered another senior position in a way that was "clearly linked" by the secretary of the attorney general's department, on behalf on Brandis.

"The attorney general's offer to an independent statutory officer of an inducement to resign her position as president, with the object of affecting the leadership of the Australian Human Rights Commission to avoid political damage to the Abbott government may constitute corrupt and unlawful conduct," Dreyfus wrote.

"I request the matter be investigated by the Australian federal police as a priority and that it be referred to the Commonwealth Director of Public Prosecutions, if appropriate."

The department secretary, Chris Moraitis, confirmed that he had told Triggs she had lost the confidence of the attorney general, and offered her another "specific" position, but denied he had asked her to resign. He did concede that she would have had to leave the commission if she had accepted the other position, which was not identified.

Tony Abbott earlier batted away claims the government had offered Triggs an inducement.

The prime minister ratcheted up his criticism of Triggs on Tuesday after the president forcefully defended her independence during a Senate estimates committee hearing, where senators raised serious concerns about the government's attempt on 3 February to pressure her to quit.

Moraitis, denied specifically asking Triggs to resign, but said he told her at the meeting in Sydney that Brandis, had "lost confidence" in her presidency.

Moraitis said he had conveyed the message that "the government would be prepared to consider positively a senior legal role for her".

Labor and Greens senators said the alternative job offer appeared to be part of applying pressure on Triggs to resign part-way through her five-year term as the head of the nation's statutory human rights body.

The Greens senator Sarah-Hanson Young read to the committee hearing parts of the Criminal Code to the hearing relating to bribery of commonwealth public officials.

The Labor senator Jacinta Collins also asked Moraitis "how it did not occur to you that taking that course of action would be regarded as an inducement". He replied: "I didn't take it as an inducement. It was an explanation of the attorney's perspective on the chairperson."

Triggs said she understood the other job to be related to her experience as an international lawyer. She said she "certainly very shaken and very shocked" at the resignation request and immediately rejected it, believing it would undermine the independence of the Human Rights Commission.

Triggs said she would not use the term inducement, but there was "no doubt" in her mind that the resignation request and job offer "were connected".

"I rejected it out of hand. I thought it was a disgraceful proposal," she said.

The opposition leader, Bill Shorten, pursued the issue in parliamentary question time on Tuesday, asking whether Abbott or his office was aware Brandis had "authorised this inducement".

Abbott said given that Triggs "would rather not use that term, members opposite should not either". But he said: "It is true that the government has lost confidence in the president of the Human Rights Commission."

The prime minister reinforced his previous criticism of Triggs over the commission's report on the health impacts of long-term immigration detention on children, arguing it was "absolutely crystal clear this inquiry by the president of the Human Rights Commission is a political stitch-up".

Asked why the government was prepared to offer Triggs another job if it had truly lost confidence in her, Abbott said he was "not aware of what's been canvassed in Senate estimates".

When Brandis was asked the same question in the estimates hearing, he said he recognised Triggs' standing "as a distinguished international lawyer" and did not want to see her reputation damaged.

But the attorney general said he had formed the view that her position at the commission had become untenable as she had lost the confidence of the Coalition side of politics.

The concerns related to her testimony to a previous estimates hearing in November about her meetings with Labor ministers in the lead-up to the 2013 election.

Numerous members of the Coalition aired concerns about the timing of the decision to launch the inquiry into children in detention after the change of government.

Triggs said on Tuesday she had met with Labor's then-immigration minister, Tony Burke, during caretaker mode in 2013 at Burke's invitation. Burke wanted to brief her on the new Labor policy on asylum seekers.

Labor's immigration spokesman, Richard Marles, said the welfare of children in immigration detention "should be above the gutter politics we have seen from the Liberal government".

"The ongoing orchestrated effort by the Abbott government to besmirch Professor Triggs is a shameful attempt to divert attention away from the important findings and recommendations in her report," Marles said in a statement. "Professor Triggs is an eminent Australian who has served in her current role without fear or favour."

<http://www.theguardian.com/australia-news/2015/feb/24/tony-abbott-maintains-attack-on-gillian-triggs-in-face-of-inducement-claims>

15. Malcolm Turnbull contradicts Tony Abbott on Gillian Triggs strategy

February 25, 2015 - 12:58PM

James Massola
With Lisa Cox

Communications Minister Malcolm Turnbull has directly contradicted Prime Minister Tony Abbott's scathing critique of Australian Human Rights Commission president Gillian Triggs, heaping praise on the embattled professor and stressing the importance of getting children out of detention.

In question time on Tuesday, Mr Abbott said the government had lost confidence in Professor Triggs, declaring her report on children in detention a "stitch up".

But Mr Turnbull declined to echo the critique of Professor Triggs by Mr Abbott and other Coalition ministers on Wednesday, instead saying the "debate about Gillian Triggs misses the main point ... the main point is the children. Children in detention is something nobody wants".

"The issue is not Gillian Triggs, or personalities, or arguments about the Human Rights Commission, the issue is the children. All of us as parents in particular know how anguished it must be for children to be in these circumstances," Mr Turnbull said.

"I'm not going to buy into this discussion into Gillian Triggs. I've known Gillian Triggs for many years, she is a very distinguished international legal academic. I knew her when she was the Dean of Law at Sydney University."

Mr Turnbull also weighed into the debate about leaked emails from the Liberal Party's honorary treasurer, Phil Higginson, which allege a conflict of interest involving Mr Abbott's chief of staff Peta Credlin and her husband, Liberal Party federal director Brian Loughnane.

Mr Abbott has described the emails as a "storm in a tea cup", but in a coded rebuke, Mr Turnbull said the Liberal Party should "set a very high standard in accountability and transparency".

While many Coalition MPs have been critical of the Human Rights Commission's report, Mr Turnbull's comments echo those from Liberal MPs Craig Laundry and Andrew Laming in the Liberal party room on Tuesday.

Both MPs advocated a less combative approach to the issue of children in immigration detention.

Mr Turnbull instead stressed the success of the Coalition's "stop the boats" policy, pointing out that the number of children in detention had fallen by 1400 to just 126 since the Coalition took office.

"The bottom line is this: one child in detention is one child too many. Everyone is anguished by having children locked up in detention," he said.

"The best way for children not to be in detention is of course for them to not get onto smugglers boats and of course we have effectively ensured that by Scott Morrison stopping the boats."

The opposition has asked the Australian Federal Police to investigate "serious allegations" arising from a Senate estimates hearing that Professor Triggs may have been offered the inducement of another another posting if she resigned from her position at the commission. That could constitute a breach of the criminal code.

On the leaked emails, Mr Turnbull said: "From what I've read of the recommendations, they seem pretty standard recommendations about corporate governance. Phil Higgison is a very experienced company director, he is a corporate governance expert, he is regarded as an authority in that field."

"So I'm sure the federal executive will pay very careful attention to his proposals," Mr Turnbull said.

Asked if he agreed with the Prime Minister's suggestion that the letter was leaked to damage him, Mr Turnbull said: "As I understand it, it was sent to the federal executive and presumably someone on the executive shared it with the media ... there are about 30-odd people on the distribution list, it's a big one."

Mr Turnbull said that when he had served in the same Liberal Party role a little over a decade ago, he was "satisfied with the level of accountability and transparency when I was the honorary federal treasurer, but I had access to the management accounts".

"There was no financial information that I sought when I was federal treasurer of the party that was not available to me," he said.

"Clearly there are some issues that have developed in the decade-plus years [since then]."

Labor censure motion

Labor used question time on Wednesday to again pursue the government over whether an inducement was offered to Professor Triggs in return for her resignation.

Mr Abbott said the issue was nothing more than "Canberra insider nonsense".

Mr Abbott said he was not sure what Opposition Leader Bill Shorten was trying to establish by raising the matter in question time, "but all he is establishing is he is not interested in the real issues that concern the Australian people".

"Yet again Canberra insider nonsense that's all this is," he said.

"Canberra insider nonsense, all he is interested in, while every day this government is getting on with the job of looking after the Australian people."

Mr Shorten said "lying is not insider nonsense" as he tried to suspend standing orders and move a censure motion against Attorney-General George Brandis.

"One, for launching an unprecedented attack on the Australian Human Rights Commission designed to undermine its independence," he said.

"Two, for treating an independent statutory office holder with contempt."

"And, three, for directing the secretary of the department of Attorney-General to an offer or inducement to the President of the Australian Human Rights Commission in return for her resignation."

<http://www.brisbanetimes.com.au/federal-politics/political-news/malcolm-turnbull-contradicts-tony-abbott-on-gillian-triggs-strategy-20150225-13o8lb.html>

16. Shorten says Abbott at 'new low' over Triggs treatment

Bill Shorten says Tony Abbott sank to 'a new low' over Gillian Triggs's treatment

Opposition leader accuses PM of being 'psychologically unsuited' to the prime ministership

The Guardian

Daniel Hurst, political correspondent

Wednesday 25 February 2015 18.27 AEDT

Bill Shorten has launched a strongly worded attack on Tony Abbott over the Gillian Triggs saga, with the opposition leader accusing the prime minister of sinking to a "new low" and being "psychologically unsuited" to the nation's top job.

Labor sought to cut short parliamentary question time on Wednesday to condemn the government for "forgetting the rule of law", saying it had ignored the separation of powers in an attempt to force the resignation of the Human Rights Commission president.

Shorten said Australians were "sick and tired of an angry Tony Abbott" and the government's treatment of Triggs was "a new low by the most powerful man in Australia against an upright, proper and decent woman".

But Abbott and his senior frontbencher, Christopher Pyne, dismissed Labor's focus on official testimony to a Senate estimates committee hearing, suggesting it was "Canberra insider nonsense" and a "beltway" issue that was not the most important priority for the public.

The Australian federal police confirmed they would evaluate a referral from the opposition relating to accusations – aired during a committee hearing on Tuesday – that the government had offered an inducement to Triggs to quit the Human Rights Commission by suggesting she could be given an alternative job suited to her legal skills.

The secretary of the attorney general's department, Chris Moraitis, denied specifically asking Triggs to resign, but said he had told Triggs during a meeting in Sydney on 3 February that she had lost the confidence of the attorney general, George Brandis.

Moraitis said he had also conveyed a message from Brandis that "the government would be prepared to consider positively a senior legal role for her".

Triggs told the committee hearing that there was "no doubt" in her mind that the job offer was connected to her resignation and she immediately turned down the "disgraceful proposal".

During question time on Wednesday, Abbott reaffirmed that the government had lost confidence in Triggs continuing as commission president, citing her "political inquiry" against the Coalition on the issue of children in detention.

But Abbott rejected suggestions of government impropriety. "The president of the commission has not been asked to resign; no inducement has been offered," Abbott said.

Labor asked the foreign affairs minister, Julie Bishop, who represents Brandis in the lower house, to elaborate on the specific job offered to Triggs.

Bishop said she had spoken to Moraitis "and he confirmed to me that Professor Triggs was not asked to resign, that she was not offered an inducement to resign".

"I would back the secretary of the Attorney General's Department over anyone on that side [Labor]," Bishop said.

Shorten pointed to Brandis's comment to Senate estimates that the attorney general hoped Triggs would recognise her position was untenable and that she "could be encouraged or be willing to serve the government in other capacities".

Abbott replied that Shorten was "not interested in the real issues that concern the Australian people – yet again Canberra insider nonsense; that's all this is".

"Every day this government is getting on with the job of looking after the Australian people," Abbott said.

Abbott's comments stood in contrast with earlier remarks by the communications minister, Malcolm Turnbull, that Triggs was "a very distinguished international legal academic".

The prime minister also took the opportunity to criticise Triggs's recommendation that the government pay compensation to a convicted wife killer who continued to be detained after he served his court-imposed jail sentence.

"If members opposite think that people like that should be let out, if they think people like that should be compensated, they had better stand up and explain themselves to the Australian people," Abbott said.

Shorten attempted to suspend standing orders partway through question time to move a motion that would censure Brandis for undermining the Human Rights Commission's independence and "treating an independent statutory office holder with contempt".

The opposition leader said the prime minister had underestimated Australians in dismissing the Triggs controversy as an "insider" issue.

"I think there are a lot of Australians who have been appalled by your conduct and your character assassination of this president of the Human Rights Commission," Shorten told Abbott.

"Australia has been reminded of the character of this prime minister and of this attorney general. I know there are good members of the government ... who are deeply uneasy, deeply uneasy at the open attack on an independent statutory office holder."

In a later speech, Shorten said Abbott's decision to use his position of power to launch an "undignified, unedifying" attack on Triggs was the worst moment of his political career.

"He is psychologically unsuited for the task of leadership. He cannot restrain his anger at people who disagree with him," Shorten said.

"He is an arrogant, cynical prime minister whose government is taking Australia in the wrong direction and it needs to stop."

Pyne leapt to Abbott's defence, labelling Shorten as "Beltway Bill" and "Backstabber Bill" who was poorly placed to give lectures on integrity given his role in removing Kevin Rudd and Julia Gillard from the prime ministership.

"We aren't elected to be involved in beltway discussions about what happened at Senate estimates yesterday," Pyne said.

"We will be getting on with good government as soon as we have dispatched this particular motion."

<http://www.theguardian.com/australia-news/2015/feb/25/bill-shorten-says-tony-abbott-sank-to-a-new-low-over-gillian-triggss-treatment>

17. Letter from United Nations to Tony Abbott re Gillian Triggs

Letter from United Nations to Tony Abbott re Gillian Triggs:

http://www.ishr.ch/sites/default/files/article/files/the_prime_minister_of_australia.pdf

18. Children in immigration detention 'should be held no more than three days'

Royal Australian and New Zealand College of Psychiatrists says detention of children should only be used as a 'last resort' and for 'the shortest possible' time

The Guardian
Ben Doherty
Friday 27 February 2015 12.45 AEDT

Children in immigration detention should be held for no longer than three days, the Royal Australian and New Zealand College of Psychiatrists has said in a new position statement.

In the wake of the Australian Human Rights Commission report into children in detention, the peak professional body for psychiatrists said it "opposes the routine, prolonged and indefinite detention of child asylum seekers under the policy of mandatory detention".

"Detention is detrimental to development and mental health and has the potential to cause long-term damage to social and emotional functioning," the position statement said.

"Unaccompanied minors and families with children are particularly vulnerable. Detention should only ever be used as a last resort, with the child's best interests in mind, for the shortest possible length of time."

Children should be held only for health and safety checks for a maximum of 72 hours.

Australia's mandatory detention of children is in breach of the United Nations Convention on the Rights of the Child, the college said.

Australia is legally bound by the convention, having ratified it in 1990.

RANZCP president Dr Murray Patton said psychiatrists were extremely concerned about the situation of children detained in Australia and overseas.

“The statistics in the recent ‘Forgotten Children’ report are extremely alarming,” Patton said.

“The level of mental health disorders recorded indicates there will potentially be an ongoing need to support and treat these children even once they leave detention whether in Australia or elsewhere. Traumatic events, such as being detained for a prolonged period, can lead to mental illness in adults.”

“The preferable length of time in detention for a child who is undergoing health and safety checks is less than 72 hours. This is quite a contrast to the 14 months reported recently.”

Releasing the Human Rights Commission report this month, the commission president Gillian Triggs said when the report was first handed to government, last October, the average length of detention of a child in Australia’s immigration detention regime was 14 months.

“Today, their detention has lengthened to 17 months.”

The Triggs report has been hugely controversial, with the government accusing Triggs of a partisan “transparent stitch-up”.

And Senate estimates unearthed details of a quiet job offer from the government in an attempt to move Triggs on from her statutory five-year role because ministers had “lost confidence” in her impartiality.

Currently, there are 126 children in detention in Australia, and 116 held on Nauru. Sixty eight of the children detained in Australia will be moved back to Nauru once their medical care – or the medical care of a relative – ends.

Nineteen children in Australia are being held in indefinite detention with no prospect of release because of an adverse security assessment from Asio against a relative, or because of a ministerial decree.

The number of children in detention peaked in September 2013 under Labor, at 1,992. The immigration policies of both the Coalition and Labor mandate the detention of child asylum seekers who arrive by boat.

Peter Young, the former director of mental health for International Health and Medical Services (IHMS), the private contractor that provides medical care to detention centres, said “it is clear that detention is inherently damaging for children”.

“There is no way around it, because it is designed to be restrictive, it is designed to oppress and create uncertainty.”

Children in immigration detention are held in harsh, often dangerous, conditions Young said. They are also face exposure to trauma in detention: assaults committed against them or family members, high rates of mental illness in those around them, and acts of self-harm by other detainees.

But beyond the conditions of detention itself, “the arbitrariness, the uncertainty, of detention, these are the factors that are especially damaging.”

Young said the indefinite detention of children was particularly troubling. “When detention is open-ended and indefinite like that, it is really saying ‘there is no hope for a better life’. When that is being said to a child growing up in these difficult conditions, it is hard to think of anything more damaging.”

Young said he welcomed the college’s position statement, and its support for mental health professionals who have spoken out about detention conditions. “Psychiatrists’ duty of care is to their patients. They have a role in advocating for their patients, and for a better system.”

On Nauru, a large-scale protest is planned for this weekend. Children and adults have already begun a protest of non-cooperation. They have boycotted school and adult English classes and are refusing to speak with case managers. Others have quit jobs or gone on strike.

One resettled refugee wrote that he, and others, were protesting because they could not face the prospect of resettlement on Nauru.

“Last night there was a hot rumour that an agreement for long settlement has been signed yesterday between immigration and Nauruan government with [a] champagne party. Once again refugee cattle has been sold by the fucking Nauruan government just for money. And that all money is tax pay money of Australian public.”

“Now the entire situation compelled us to protest. Because ‘enough is enough’ ... at last, we have no option instead of protest for our right.”

The immigration minister Peter Dutton was in Nauru last week. He was negotiating a five-year plan for asylum seeker processing and refugee resettlement, according to the Nauruan government.

There were no reports of champagne, but the minister's dinner with the Nauruan president Baron Waqa was interrupted by a noisy but peaceful protest by refugees chanting: "Freedom, justice, shut down offshore [detention]".

The Nauru detention centre is moving to an "open centre" model where asylum seekers will be free to move outside the wire fence of the camp. But they have been given a list of 12 locations in Nauru where they cannot go, including the parliament, courthouse, hospital, all schools, any harbours or ports, or the airport.

They face fines or jail for breaching those conditions.

"An open centre will give transferees more opportunities to engage with the Nauruan community before their refugee processing has been completed," Dutton said, "allowing genuine refugees to ultimately integrate seamlessly into the community."

<http://www.theguardian.com/australia-news/2015/feb/27/children-in-immigration-detention-should-be-held-no-more-than-three-days>