Niki Vincent (00:00):

My name's Niki Vincent, and I'm the south Australian commissioner for equal opportunity. And welcome to the 2018 Dame Roma, Mitchell aeration at the Adelaide festival of ideas. It honors the work and achievements of Dame, Roman Mitchell a trailblazer in law in government and in public and philanthropic service. She was born in Adelaide in 1913 and was a lawyer judge and governor of south Australia in honor of her work as chair of the first Commonwealth human rights commission. And as a powerful advocate for human rights, Dame Roma was asked to present the inaugural Michal aeration in 1989. And in it, she argued that legislation and education when necessary to ensure that people not only had legal rights and equality, but that society was made aware of its human rights responsibilities. And she hoped that one day the equal opportunity and human rights legislation would no longer be necessary and my job wouldn't be necessary.

Niki Vincent (01:06):

She didn't see that happening in the foreseeable future. And she was obviously right, which brings me to this wonderful guests that we have who I'm sure will have a lot to say on that topic. Emeritus professor Gillian Triggs was the president of the Australian human rights commission from 2012 to 2017. She's had a long and amazing career with so many other significant import appointments throughout her life in Australia and internationally. And I'm going to get her to talk about those in the session. But she's currently the chair of justice connect. She's vice president of the Asian development bank tribunal, and she's chairing a United nations investigation, which is a really fascinating opportunity that she's also going to talk about. So Gillian, thank you so much for joining us today in Adelaide for this wonderful festival of ideas. Where is my cartoon gone? There it is. Okay. so I wanted to start with this cartoon. You told me that you've had over 20 newspaper cartoons and, and you often found them as a sort of humorous outlook, I guess, for all of the hype and media criticism, but you described this one as one of your favorites. So tell us about this cartoon what's going on here and why it's is it a favourite.

Gillian Triggs (02:35):

Well, thank you very much. And there's of course a huge pleasure to be here. And I'm so delighted that you honor the memory of the day Roma Mitchell as a younger, relatively younger lawyer. I, she was really the shining beacon for all Australian women and women lawyers, a remarkable woman, a great scholar, a great lawyer, but also of course, a predecessor of mine in the job. And she understood just complex. This is, and the part that you read out about her speech about education, I think absolutely underpins everything that we, that I think we really need in the future, but to come back to this cartoon in fact, I counted them up the other day, cause I thought I better be careful about the numbers I've got over 40 of these cartoons of one kind or another that I will explain with great glee to my grandchildren when they're old enough to understand.

Gillian Triggs (03:22):

But this one, this one I think is, is the loveliest. Some of them were actually quite flattering. And as you can see, this one is actually making me a little thinner than I really am, which I'm always delighted by too many of them portrayed me in pearls. I love pearls, but in the end I stopped wearing them because what they were trying to do was to position me as a sort of elite middle-class woman who really I was too light to and fluffy to be worth listening to. But this one is lovely. This is based on the James Bond theme, the continent of Brandice, of course, and there I am dangling from a Hawk above a shark infested pool. And Mr. Abbott is a submarine floating in that pool. And the attorney general or former attorney general George Brandis is, are at the top of the submarine in a smoking jacket, stroking a cat. And I'm

about to make my escape through the, through the letter and out into the scars on the helicopter above, but the running theme underneath it was Triggs, Gillian Triggs, Which I really love. But Some of them were of course, quite cruel and nasty, but one thing I really learned from this job and particularly over the last six years is as a lawyer, we can produce all the opinions and all the speeches, but what actually cuts through best is comedy. And I'm such a fan. We have a very strong tradition in Australia of comedy and it's very, very effective. We talk about that a little bit. Yeah.

Niki Vincent (04:51):

Yeah. Thank you. Just on I want to talk about how we got to that situation, but first I want to, you know, go right back to the beginning. You were born in London just as the war was ending and both your parents served in the war. Can you tell us a little bit about your early life?

Gillian Triggs (05:11):

Well, I was born and brought up in London went to the local conference and ballet school and had a, what I've described it as sort of padding to back out of a life. We, my parents took us off to the the natural history museum at the weekends and, and I really had a, a wonderful early childhood. But my parents' world was very much informed by the fact that they like many Londoners in, in 39 left school at 17 at, at 17 and a half were of course allowed my father to and enroll in the British army and my mother in what was called the wrens, the, the Royal women's Navy. And so that the years that perhaps most of us would have spent at universities they didn't have that opportunity. All they, they they've finished their secondary education, barely went straight into the civil ambulance service a few months, doing that for the bombings in London to rescue people in buildings.

Gillian Triggs (06:07):

And that's how my parents met. And then they each went off my father to the army and became a, a tank commander in in the Northern desert. The family story was that he personally defeated Rommel in north Africa. My mother was with the Navy down in Portsmouth and plotting I was supposed to be clotting submarines up the, up the English channel, the enemy submarines and a one notorious occasion plotted what she thought was a submarine. It turned out to be orange boxes. So they, but they both had a war that was that they survived, but that define their futures. And, and for them, they were very young you know, finishing at 22 where their engagement with the war my father deciding to leave the army and go into the family business. But the, the what informed their view from then on was that they were engaged in that terrible war. And of course, learning about the Holocaust and, and, and the treatment of political prisoners, obviously the Jews and people with disabilities this was for them, a war fought for fundamental principles of equality and and to avoid the racism and religious discrimination that underpinned the foundations of war. And that of course inspired those remarkable opening paragraphs of the United nations charter, that if we breach human rights, we inevitably lead to conflict. And so as young and not particular really well educated people, they grasp those principles very

Niki Vincent (07:46):

Early on. Yeah. Yeah. But then they wanted some sunshine. They desperately wanted the sun. And so you described the journey over on the boat as one of the formative journeys of your life. Why, why, so

Gillian Triggs (08:01):

Well, I think perhaps this background, I'm a 10 pound Pommy Margaret. Yeah. And I don't think the Australian taxpayers realized that we were being transported to Australia in absolute luxury. Even in my

case, the Iberia, the flagship for the piano line. But it was a remarkable trip because we came through the Suez canal just after it was reopened after the disastrous French and British invasion of Egypt to take back the Suez canal from NASA's expropriation, that was a very dramatic time and in a way of last gasp for the British empire, because it was a, it was a failure of a monumental kind and of course, unsuccessful in in turning back the clock so far as the Suez canal was concerned. But the key point was that was leaving this world of London and security and believing it, of course it was the center of the universe to come through the Mediterranean to port Sade and then down into Yemen where, of course we was guns and poverty of a level that I could hardly believe.

Gillian Triggs (09:14):

And interesting. Now that Yemen was then of course, a time of great civil war and poverty. It still is now with, with we don't hear very much about it, but appalling levels of of hunger as the civil war now is concentrated on the port to prevent humanitarian aid, getting into these people. But decades later, the problems remain unresolved. But so as a 12 year old, I, my eyes were just completely be opened so that the world that we live in, and then of course, we came through the red sea through Sri Lanka, Colombo, and then down to Western Australia, south Australia, and, and finally to the rain and cold, which should have stopped a little earlier. But but for 12 year olds that completely opened my eyes and made me so much more conscious of what a remarkable world we live in, but also how complex that world is and how disparate are the other benefits and the sharing of the wealth that we have globally.

Niki Vincent (10:20):

And you went on a 1964, I think, to a Commonwealth scholarship at Melbourne law school. But you, you said you didn't find your passion until the third year. Tell us about how you found the passion. Thank you.

Gillian Triggs (10:35):

Well, of course in those days, when did a law degree, you went straight into a law school? I was barely 18. And you were out at 22, you'd done your articles and there you were. It was far too early, really to be doing it, although it was, as I say, fairly normal at that time, but I'd, I'd done the first couple of years of law. And I couldn't see how I could find a place for myself and contracts and equity trust all of those standards subjects that we must do, they're very important, but I couldn't get my brain around it. But then I walked into a man's lecture name. It was Dr. Hans Leiser. He was a Polish Jew who escaped in about 37 come to Australia, lecturing in international law. And in those days, I think there were about 10 women to 300 men in massive lecture theaters.

Gillian Triggs (11:27):

And we sat in the front my parents weren't big on a clothing allowance and I had my English kilt on and a twin set and I'd have to say something, oh, wait. Yeah, we sat girls. We all sat there in the front row saying nothing, not a thing. And there was hands slides or talking about the covenant of the league of nations. And some of their audience will know how important that first effort was after the first world war, but that was the war to end all wars. And the language of the covenant was so inspiring that this was the first time that nations had agreed on a process by which we could end conflict that we were prohibit aggressive war. Defense certainly was acceptable, but there was a system, a cooling off stage, and he describes how this covenant was negotiated in Geneva with the support of the Americans, president Wilson in particular.

Gillian Triggs (12:23):

And then he described the mounting pressure of fascism of the Nazi party in Germany and the tanks rolling in from Italy to Abyssinia Daisy, Ethiopia. And as he described the failure of the covenant and the vision and aspirations of that covenant, I saw these tears rolled down his cheeks, and I thought, this is the subject for me. I really believe, and I know Dane Roman Mitchell believe in the power of the rule of law to constrain political ambition and, and leading to conflict. And that underpinning mechanisms to avoid conflict is respect for basic human rights. And I was very young. I didn't really know what I was doing. We were a bit pompous in those days. I remember we used to talk about mainland China to show off the fact that we knew it was different for Formosa and Taiwan. We used to talk over you remember those old key bottles with, with dripping candles, I'm drinking five shilling bottles of MeToo stressor. We thought we knew everything. Of course we didn't know anything at all, but the point was that that generation, I think, in the sixties was, was a time of a sense that, of power optimism that through the law and political leadership, we could actually achieve peace and human rights.

Niki Vincent (13:50):

It was the sixties where you a Abrar banner. Well, not literally.

Gillian Triggs (13:56):

And but we did, we did actually discard them. I don't think we'd burnt them, but we certainly discarded them. Yes, exactly. But of course, when, when we all graduated out of the job, drop out, get the brows went back on again. And and then we were sort of learning the rules of the game.

Niki Vincent (14:16):

And then you went to Texas. Yes. Tell us about Texas. Well

Gillian Triggs (14:21):

I, I got a scholarship to study there and to study international law because now I discovered that this is what I wanted. It, it was not seen as a serious subject in those days, if you wanted to be a serious lawyer and you want a partnership in a law firm, you did subjects that all lawyers should do. And I, I strongly support young people from becoming very accomplished in banking, finance, corporate law. And so on, of course you need it, but for me, I wanted to move into that international legal environment. And the Americans at that time were enormously generous and they paid my airfare, my accommodation allowance, a full tuition fees in Texas to study international law, which I did. But in the course of that, and I hope this isn't too long, an answer, but in the course of it, I needed a bit of income.

Gillian Triggs (15:04):

And I did a summer internship with the Dallas police department. And at that time, the, there was just a just about six years after the Johnson administration had passed the 1964 civil rights legislation, title seven, which was basically about non-discrimination and civil rights achieved remarkably after the death of Kennedy in Texas through the Johnson administration, lots of funds and the chief of police was very keen to implement those funds and to ensure that the Dallas police department not only was squeaky clean in terms of corruption, but was representative of the community, blacks, Chicano Americans, women, and so on. And he asked me for a summer internship to provide him legal advice on title seven of the civil rights legislation. Now, today from the lofty Heights of my seventies, I don't think I go to a

foreign country and advise the chief of police about them. It was extraordinary at 30, or I was 28, but it seemed to me to be perfectly natural.

Gillian Triggs (16:09):

So I read the law,

Gillian Triggs (16:11):

Read the case is this, there was a big Supreme court decision on it, G Griggs and duke power company. And I gave him the advice and it was what he wanted. And he couldn't get the advice to the district attorney's office in Dallas, Texas, which is an interesting example of a lesson we all learned in the law that you have the law, but if you don't bring the cultural political environment with you very, very hard to give effect to it. So there was the chief of police saying, no, the advice is fantastic. When you finished your master's degree, would you like to take a job with the Dallas police department? So of course I said, yes. And I was then these that I have no idea that this was a precursor of what was to come, but I was criticized in the Dallas newspapers for having a British accent and daring to talk about American law. When actually I knew very little about it. So I was then already exposed to what it was like to stand up for what seemed to me to be very simple principles of law in this case, federal law, but that's how I got into it. Yeah.

Niki Vincent (17:04):

Okay. So then you came back to Australia, you got married, you had three children, including one with profound disabilities, and you got your PhD. Yes. All in a few short years your PhD was on in laws around international sovereignty

Gillian Triggs (17:21):

On how we establish territory. How is it that the nation state defines its territory, right? And when we claim 42% of Antarctica the Timor gap, massive maritime zones, how do we do it? What are the legal principles that underpin it? And then

Niki Vincent (17:38):

You got invited to go to Antarctica. I did well,

Gillian Triggs (17:41):

We had been, I'm sure you all remember the marvelous Barry Jones with Greg [inaudible] minister for science. And I'd gone to see him about importance of of underpinning. If we were going to claim 42% of Antarctic or all continental shelf rights in relation to Timor, or in Indonesia, we had to get up ducks in a row. And we had to know, you know, we have really had to support that sovereignty. So Barry in his typical way said, right, well, if that's what you think off you go and sent me off to Antarctica, it may have, I think in a few governments who thought that was an excellent idea. He should have stayed there. Barry was wonderful. And as you know, a great supporter of science and really supported spending better funding on, on science, in the areas that are Australia claims sovereignty, we are a massive territorial nation globally. And I don't think most Australians fully understand what that really means in terms of resources and power.

Niki Vincent (18:37):

I'm skipping over a few years married again to a diplomat. So he became a, what you've described as a trailing spouse. So moving around the world and working in commercial law and then came back to Australia in the mid nineties and, and resumed your academic life. So then you came back to the university of Melbourne, Melbourne and became the Dean of law. And then Australia's first woman attorney general Nicola, Roxon tapped you on the shoulder and asked you to become the president of the human rights commission. What did you have? What went through your minds at that time? Well,

Gillian Triggs (19:14):

I really valued at Nicola. I'd known her of course at the university of Melbourne as a student. And she was always very bright, very hardworking and very impressive. And I was delighted for her to be the first woman attorney when she asked me if I would take on the role. I did feel that I had to say to her, she probably well knew that human rights was not my specialization. I'd really become a, you know, I've done a lot of work on territorial boundaries globally, but, but like all international lawyers, you always do human rights law, but it was not my specialization. And certainly colleagues in the field would be quick to point this out. But but I, so I did say to her, you know, this is this is not my specialization, but I, I, it will be an honor to take the role on. And she said she wanted a broader experienced commercial lawyer as well as international lawyer to head the commission. So of course I accepted it was a terrific challenge and and an opportunity and something that I don't regret for a second, if only because you start to see Australia as a, as a whole, rather than the bit you're in the commercial law firm or an academic academia or civil society, you, you actually start to see this extraordinary country from, from a much wider perspective. And I think that's very important

Niki Vincent (20:33):

And it started off relatively quietly and then the Abbott government was elected. And I believe that you voted for Tony Abbott. Why did you do that? Well, I think that, that's the killer question, isn't it?

Gillian Triggs (20:56):

Well, I've suffered as a consequence. I think we can say that.

Gillian Triggs (20:59):

He didn't know. I didn't know. I think

Gillian Triggs (21:02):

At the time I was, I'm not a political person. I'm really interested in the outcome of politics. What is it that our politicians achieved for us in the national interest and for all Australians that, that, so I'm not really interested in how the party gets there. It's getting there, it's the outcomes. And I felt at that time that the labor party was in disarray and the, and the, and particularly the Kevin Rudd's Reeb position of offshore processing that that's so much effort. And we'd seen that Mr. Howard had actually pulled back from that quietly, not making too much Farsi actually stopped that first round of, of Nuru mark one. But to see Mr. Rod brought back into politics over, I think a significant woman prime minister and then to embark on policies, which are completely antithetical to what I understood to be underpinning labor labor policy for many, for a long time. I was very discouraged by that. And I thought that Mr. Abbott will bring some rationality and leadership,

Gillian Triggs (22:20):

As you can tell. I

Gillian Triggs (22:22):

Very, very quickly realized of course, that this was a serious mistake, but that was within weeks. And I think the Australian public probably had great Hertz. We know how well, how successfully he fought that election and how many votes he garnered. But within weeks, I think we were all expressing the disappointment, but we've now seen across subsequent a subsequent prime minister

Niki Vincent (22:45):

And you then very quickly became the coalitions and the Australian newspapers target. Favorite target, really? How did that happen? What triggered that? Well, it,

Gillian Triggs (22:59):

It's not easy. It's not, I mean, obviously my position, what you try to do, and I'm sure David Burma, Mitchell did this as well. You try to argue for the law and the international treaty obligations that Australia has to asylum seekers and refugees. And on other issues behind the scenes, you work with civil servants, you work with the secretary of the department and, and, and the ministers. And I was regularly doing that, but it became clear with the, with the Abbott government. We gave them four to five months to bring these children through the system and out which in fairness to the labor party and the fact support this, that although the labor party kept these children in immigration detention, in unprecedented numbers, they were moving them through the within months. And we were observing that and I made the judgment as a recently appointed president that we could, we could work with that.

Gillian Triggs (23:53):

As long as the children were assessed, stayed with their families, identity and health checks done. You'd expect that given the condition they're in and, and Christmas island. And I went there three times, I saw these children and their families. We thought we could work with the government to get these children and their families through the system. But then that election was called in, in September. And from then on, of course we were in caretaker mode. There was nothing we could do. And the Abbott government came in. And at that time, when the Abbott government came in, there were 1100 children in detention and four and a half months later, there were still 1100 children in detention. In other words, unlike the former government, these children were not being moved through the system. It was static and the government was maintaining a hard line and that the children were going to stay there.

Gillian Triggs (24:41):

And that's when we made the decision that I would use my presidential powers to call an inquiry, to get the facts, what was the impact on these children and their families? And, and to what extent were we in breach our international obligations, which was of course my, my statutory obligation. So it seemed an obvious thing to do. We'd given the government a chance we'd work behind the scenes, but now we were out there with a public inquiry. We had five public meetings. We had unprecedented numbers of submissions from the public, and we had the medical profession with us, and the fact started to emerge. And within two or three months, the government, I think, realized that this was going to be quite a powerful inquiry. And from then on, I think we attracted the eye of the, of the government, but also the government used, if I may say so senators in Senate estimates to attack us not only on that issue, but on the general question of reports that I made as president to parliament usually ignored.

Gillian Triggs (25:47):

For example, the Don Dale use of steel restraints completely ignored these reports, but we will got at night in particular for arguing that we should have judicial supervision of the very high level of administrative detention of Australians, not only asylum seekers and refugees, but people with cognitive mental disabilities or people who'd committed a criminal offense served their time, but within rearrested and detain in administrative detention indefinitely. And when I reported on these cases, the Senate estimates, estimates, senators started to attack. So they came at at the commission and me through these cases from an ideological position that was very, very clear at the time. And Mr. Abbott made it clear both before he was elected and after, and even now that the human rights commission should be disbanded and closed down. So one thing I think I need to make very clear is that, although it looked as though the attack was against me personally, it really wasn't about me at all. It was about the ideological position that the human rights commission should be disbanded. And that is why I think I was prepared to, to stand up. It wasn't about me. It was about the institutions of Australian democracy, which are being attacked. Generally. There are many, many more examples, but we happen to be right in the spotlight because of the inquiry.

Niki Vincent (27:13):

Yeah. In my role as equal opportunity commissioner in south Australia, what I find, and I know you experienced this as well, is that a lot of people don't understand the act under which we work, the axon, which we work. Lots of politicians don't understand it. Let alone the community and the media, you found that all the time, I think. Can you give us some of your reflections on

Gillian Triggs (27:37):

That? It's, it's extremely frustrating. And I, and, and I did say so to set it estimates that they would blame the human rights commission and other institutions, government for performing their responsibilities under the statute. And I would plead with them to read the statues, but I don't think any of them ever did. And, and what, what is shocking is that if they have difficulty with, with the statute or with let's go for something or talk about something that also of course created great furory section 18 C and section 18 D of the racial discrimination act. If they're unhappy with these legislative provisions, they are the lawmakers. Now parliaments, there are representatives in a democratic system, don't attack the institutions that are set up to deal with them, go back to the floor of parliament and, and, and respond, but they don't seem to understand, or they deliberately ignore the reality that they are the lawmakers and they have the responsibility for, for, for that law.

Gillian Triggs (28:42):

But, but there was also a willful refusal to read the underpinning legislation that, that, again, Roman Mitchell was, was part of helping to establish it's been in existence for 30 years and it's been a relative success. But there's almost no attempt by, by many of our parliamentary representatives to read and understand that law and the contempt for the international treaties that Australia signed up to. And if I could go back just for a very briefly, and I'm sure this audience will understand it from the days of doc Evatt, HV Abbott, and his work with the United nations charter with Eleanor Roosevelt on the universal declaration of human rights from them, right then right up to 96 and the creation of the international criminal court with sinanian Stephen, as the Australian ambassador for that court Australia was right there punching well above our weight, drafting the documents, building the contemporary principles of international human rights law.

Gillian Triggs (29:39):

And then we hit 2001, the Howard government and the, and the lie about children, overboard Tampa crisis and the nine 11 terrorist attack them from, if you can ever draw a line historically then that's where the line it was. We, we were good international citizens up to that point, and then we've moved away from it. But to the point where some of our political representatives actually are contemptuous of the international treaty environment, unless it suits us and you'll hear them talk about the international rule of law to protect our sea lines in the south China sea, or to claim particular resource interests in the Gulf of Tai or in I'm sorry, in East Timor or boundary disputes with, with New Zealand, that's when they talk about the rule of law, but they do not talk about the rule of law when it comes to asylum seekers and refugees, the people with mental disabilities and all the other social issues that I know. Nikki you're very well aware

Niki Vincent (30:38):

Of the Q UT case. Can you talk a little bit about that? Because I think that's something that was very misunderstood as well.

Gillian Triggs (30:46):

Yes. That, that, well, that does I mean questions are asked about it. And so there should be a, but parliament has created a process with the human rights commission where people can bring a complaint to the commission and all they need to do under the law is write a letter, a letter, a breach of the relevant piece of legislation or human rights. So a simple letter, like bring a complaint and I'm alleging that section 18 C has been breached under the racial discrimination act in this particular case. That's all I have to do. And my responsibility solely as president was to attempt to investigate and conciliate that matter. So the threshold for bringing a complaint is extremely low. Now you may say, and it's a fair point that that threshold is too low. It's so easy to make allegations. And we've seen, I've seen this in the, in the me too campaign, for example, it's easy to make allegations against people.

Gillian Triggs (31:48):

It's much more difficult to, to prove them and you can damage reputations and doing it in the public arena is very damaging without due process. Our processes, the human rights commission are confidential, but one of the defining features of the QT case that almost everything that we dealt with leaked immediately to the Murdoch press by the barristers for the young students now in handling this matter, I deliberately read into Hansard record what it was that the students, some students had said on their Twitter feeds and Facebook pages about Ms. Pryor in this incident, in the, in the computer lab. And that, and, and the words used were very unpleasant words. They were alleging that those aboriginals who were in the university QUT had only got there in through the window metaphorically that they hadn't come in on, on scholarship or merit.

Gillian Triggs (32:53):

It would, they were demeaning statements. And because people tended to brush aside as though this was of no significance at all, I deliberately read them into Hansard. So that at least there's on the record, what it was that they, that objectively had been said. And that's what she complained about. She could not settle the matter with the university of Queensland with QUT. Unfortunately, although I think good faith efforts were made all around. And right at the last minute, she brought a complaint to the commission. There was substance to that complaint and we then proceeded to handle it. And we were asked by the, by QUT not to contact the students directly because the university wanted to protect the

student's privacy. We were not to be given all their contact details. We were not to contact them directly. And the my delegates handling the matter acceded to that request.

Gillian Triggs (33:45):

And it was made several times in the interest of the students. And the decision was made that we would respect that on the basis that the university would contact the students. Well, the university didn't until about two weeks before the conciliation proceeding. Once the commission became aware that the students had not been contacted, of course, we insisted immediately that they be contacted, they were contacted, but some damage was done. And one student in particular took the matter further and took the matter because conciliation was not possible, took it to the federal court. And the federal court found that that student could not be demonstrably shown to have posted the offending Facebook notice therefore the case fell over now, that was a matter of proof. And and, and that's what the federal court decided. And I totally respect that judgment, but our job was not to make a legal determination.

Gillian Triggs (34:42):

Our job was to investigate and conciliate. And I think that's true of most of the human rights conciliations around Australia. I'm not a judge. It's not a judicial body. It's there to find we conciliate about 76% of cases. So it's a fantastic mechanism for access to justice. And if it's done privately, quietly and confidentially, we almost always get good, good result. But because the barristers on the other side leaked everything to the motor press, this was on the front pages of the Australian day after day. You can never get a conciliation, but damage was done. Damage was done to that particular student, Ms. Pryor ultimately failed. Her lawyers suffered and the staff of the commission suffered so all around. I'm afraid. It was a very sad situation, but it fueled the Abbott government and subsequently the Turnbull government's determination along with the attorney to repeal or dilute section 18 C of the, of the race discrimination act and that failed ignominiously.

Gillian Triggs (35:46):

Now it's possible that one could have quietly behind the scenes amended 18 C to strengthen it. And I'm, I'm somewhat sympathetic to the argument that the notion offending and insulting is perhaps too low, a threshold. A lot of Australians don't get that. They say we're tougher than that. However, the multi-cultural community in Australia rose as one, the Jewish community with the Chinese Vietnamese, the Muslim community, came into our offices and said, we cannot allow the government to dilute this protection. And as you recall, it's offending salt humiliated intimidate in the public arena because of race or nationality or ethnic origin. And I think most Australians now have come to the view that you cannot, and we do not want a society in which you can offend insult, intimidate and humiliate people because of their race. It's unacceptable. And, and that seems to be where we are.

Gillian Triggs (36:47):

And what was it it's never mentioned. I'm sorry. This is a very long answer. But what was never mentioned was 18 D which is the only serious legislative protection we have for freedom of speech in this country. There's nothing in the constitution. There's no other legislative provision that provision says if what you did was in the interests of artistic expression, public interest, you get the facts, right, et cetera. You've got a defense, Mr. Bolt failed to establish that defense, the federal court judge said, you are, you've got your facts wrong. It's, it's, you're not acting in good faith. So you don't get the benefit of eighteens D. That really is what underpinned this whole campaign. It wasn't ever about the prior QUT case. It wasn't about the language. It was about the fact that Mr. Bolt was prosecuted successfully. He

has very deep pockets through his employer. He could have appealed that decision by the federal court judge Bromberg, and he chose not to do it. He chose not to do it because he knew that the articles he wrote condemning indigenous Australians was lacking in good faith. And he got his facts objectively and demonstrably wrong. And that was the core of this problem. But it's been a sorry episode, but the outcome is 18 C and D are still in existence. And we still do not have any other form of legislative protection for freedom of speech.

Niki Vincent (38:13):

What's on the agenda. Now tell us about what the book obviously, and also the UN investigation.

Gillian Triggs (38:20):

Well, I have I don't have a book coming out called speaking up. You might be.

Gillian Triggs (38:26):

And I'm enjoying my role as chair of justice connect because we put about 900 pro bono lawyers together with the vulnerable people in the community. Many of you will know with this unprecedented rise of executive discretion and attacks on advocacy and civil society that we're seeing in various ways too complicated. In fact, for the moment to go, to, to, to speak about it in detail, but yeah, the opportunity to embed lawyers in community health services to get lawyers out of their offices and into, into vulnerable groups in the community is very active, exciting, but I've also I have been asked to chair a United nations expert panel so-called independent expert panel into governance, bullying and sexual harassment. And I'm very much looking forward to to reporting on that in what is really a global question. And of course, UN agencies, UN bodies really do want to lead the way with the finest of standards, best practice. But we're all grappling with not so much with the law because there's lots of law there and lots of process, but we have to change culture. And that's really the challenge for the future. And I'm very excited to be doing that.