



COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



THE SENATE

PROOF

STATEMENTS

Personal Explanation

SPEECH

Tuesday, 13 June 2023

BY AUTHORITY OF THE SENATE

SPEECH

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Questioner	Responder
Speaker Gallagher, Sen Katy	Question No.

Senator GALLAGHER (Australian Capital Territory—Minister for the Public Service, Minister for Finance, Minister for Women, Manager of Government Business in the Senate and Vice-President of the Executive Council) (12:04): I seek leave to make a statement.

Leave granted.

Senator GALLAGHER: I want to begin my statement by saying that, when it comes to responding to the serious allegations of rape that occurred in a minister's office in this building, I have at all times been guided by the bravery and courage of a young woman who chose to speak up about an alleged incident in her workplace. I have always acted ethically and with basic human decency on all matters related to Ms Higgins, and I will continue to do so. I will always support women to come forward and I will always respect their confidence when it is sought. Over the past week, coalition members, including those at the centre of the rape allegations, have been alleging that I have misled the Senate over comments I made almost two years ago. I reject those allegations. I take my responsibilities to this place as a senator very seriously. I have always conducted myself with the highest levels of integrity, and I always will. I did not mislead the Senate.

At Senate estimates on 4 June 2021, the then Minister for Defence, Senator Reynolds, said:

I know where this started.

She went on to say:

I was told by one of your senators two weeks before about what you were intending to do with the story in my office. Two weeks before.

I was shocked at the assertion made by Senator Reynolds, with the clear implication that I was responsible for or had some involvement with making that story public. That was not true. It was never true. I responded to that allegation by saying:

No-one had any knowledge.

I explained that to Senator Reynolds in a wideranging private meeting that night, where several matters were discussed. I informed Senator Reynolds that I'd been given a heads-up about the allegations in the days before they became public, an explanation she accepted at the time, some two years ago. In fact, Senator Reynolds even said so on the record in Senate estimates that same night:

I would like to say, in relation to the matters raised before the dinner break, Senators Wong, Gallagher and I had a very respectful discussion during the dinner break, and they've assured me they were not involved in that matter becoming public. I accept their assurance.

I repeat, she said:

... they've assured me they were not involved in that matter becoming public. I accept their assurance.

This proves that Senator Reynolds knew that the context of our exchange that evening was around whether I was involved in that matter becoming public—and I was not. Senator Reynolds and Senator Ruston have known that for two years and have never since raised a concern about that with me. The allegations that were made public were done so on Ms Higgins's own terms. Those are the facts, facts that appear to have been lost in the past week.

I want to be clear with this Senate, as I was with Senator Reynolds and Senator Ruston on the night of 4 June 2021. I was provided with information in the days before the allegations were first reported, and I did nothing with that information—absolutely nothing. I was asked to keep it to myself and I did. I did nothing differently

on this occasion to the hundreds of other times that people have reached out to me in my time as a politician and asked me to keep their information private, including women seeking support over alleged sexual assaults, violence and harassment. Being available and trusted by our constituents is fundamental to the jobs we do on behalf of them.

I was not involved in any way with the story that went to air on the night or was reported online that morning. I was in no way involved with the timing in which this story was published or aired. Any allegation or assertion that I was is wrong, and I reject it in the strongest possible terms. It seems most of the discussion in the media this past week has been about what I did with information I had in the days leading up to Ms Higgins's allegations becoming public. But the fact remains that those who owed Ms Higgins a direct duty of care had known of this for almost two years and did nothing to make changes or improve the culture and safety in the workplace where this incident had occurred.

I say to the Senate that we must not lose perspective on what matters here. At the heart of this whole story is the wellbeing, or otherwise, of a young woman who came forward and made allegations on her own terms, a woman who bravely stood up and spoke out on her own terms and confronted her employer, the then government, that Ms Higgins felt significantly let down by in the days, weeks and months following the allegations she reported to them. At a time when she needed their support the most, she should have been dealt with as a human being, not a problem that needed managing. The response shouldn't have been calculated by the political needs of the coalition government. She should have been met with compassion and to support, and she wasn't.

We cannot lose perspective on the questions that remain unanswered by people in this place who had a responsibility and a direct duty to this young woman—unanswered questions about when they first became aware some two years before this matter was made public, unanswered questions about what actions they took some two years before these allegations were made public and unanswered questions about who they did share this information with. For example, the secret Gaetjens report commissioned by the former prime minister, Mr Scott Morrison, still hasn't seen the light of day. It does seem strange to me that I am providing a statement to the Senate but those that were much closer to the events in 2019 have not done so.

Because of Ms Higgins's bravery, positive changes have occurred in this building—for example, the Kate Jenkins *Set the standard* report. We all have a responsibility to lead by example in this parliament, and that report made this very point. Along with my parliamentary colleagues, we are driving that change through the cross-party parliamentary leadership group to ensure that this is a safe building for everybody to work in. We want Parliament House to be a workplace that sets an example for other workplaces and for its staff, if they experience harassment or assault, to feel supported and confident enough to come forward and report it.

But the events of the past week with the media coverage, with questions surrounding the publication of a young woman's personal phone records that had been provided for use in court—they've been splashed across TV and newspapers—and with opposition members giddy about the coverage have done nothing but seriously damage this confidence. I fear that the message out of this for women who want and need to come forward is: watch out. Women may now choose to keep allegations of serious sexual or violent abuse silent to suppress the trauma and feel as though justice will always elude them. Women might feel like the system won't properly protect their welfare and might let them down. I'm not going to stand for that.

Finally, on the issue of the Commonwealth settlement of a claim brought by Ms Higgins, much has been incorrectly written about my role in this over the past few months, despite those outlets being provided with the accurate information. So that this is crystal clear for this chamber and beyond, the Minister for Finance has no decision-making role in processes around significant legal matters—absolutely none. Paragraph 3.2 of the legal services directions provides that significant claims against the Commonwealth may not be settled without the agreement of the Attorney-General. The Attorney-General has made clear he was the decision-maker on behalf of the government on this matter. This has been made clear to all those outlets that continue to misreport this fact.

I have made my position clear to the Senate today. I repeat again: I take my responsibilities as a senator for the ACT seriously and act with integrity at all times. This integrity is something I have displayed throughout my career and through my response to Ms Higgins's rape allegations. Thank you for the opportunity to make a statement.