
Bill Leak's lawyers say Triggs 'playing politics' with children's welfare

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The Australian and Leak are being investigated for alleged racial hatred under the Racial Discrimination Act by the commission over Leaks August cartoon depicting the neglect of Indigenous children by their parents.

The Weekend Australian reported on Saturday that the solicitor Justin Quill and the barrister Tony Morris QC, also representing Leak, were prepared to establish that the cartoon was drawn in good faith and did not breach Section 18C.

If necessary, Indigenous Australians would also testify they were not offended, insulted, humiliated or intimidated by it, Quill and Morris wrote in their formal response issued on Friday.

Sociologists and criminologists, as well as witnesses would establish the problems associated with juvenile crime and recidivism in remote Aboriginal communities to show the point made by Leaks cartoon was both a genuine matter of concern and a legitimate issue of public interest.

The cartoon, published on 4 August, depicted an Aboriginal father holding a can of beer, who had forgotten his sons name. It was condemned as racist by the Indigenous affairs minister, Nigel Scullion, among others, and prompted SunCorp Bank to cancel its advertising with the newspaper.

Guardian Australia has attempted to contact Scullion and the Secretariat of National Aboriginal and Islander Child Care which represents the interests of Indigenous children and families, and had also complained about Leaks cartoon for comment on the Australian papers legal response.

The HRCs investigation under Section 18C was triggered by Melissa Dinnison last week, who said she had been discriminated against as a result of the cartoon. Leak and the Australian had been given a deadline of 28 October to respond to the complaint, and to provide submissions relevant to the commissions consideration of the matter.

In their written response, Quill and Morris accused the commission of playing politics with childrens welfare, singling out its head, Triggs, and Tim Soutphommasane, the race discrimination commissioner.

Soutphommasane is believed by the Australian to have positively invited and encouraged, even urged, complaints about the cartoon in comments to Fairfax and on social media at the time it was published.

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