

Question No: 002
Reference: Hansard pages 32 and 45
Committee Member: Mr Gorman

Question:

CHAIR: Indeed, I haven't had a chance to look at that, because I think we've only just received it, but perhaps when other committee members have the call I'll have a chance to quickly get across it. The other issue of governance which Mr Hehir raised, both in his letter to the Treasurer and in his evidence this morning, was the issue of ASIC providing information late to the ANAO during the audit process. He said they provided additional correspondence 'and I didn't think that was appropriate governance'. I think the Auditor-General chooses his words carefully, and the fact that he has gone to governance half a dozen times in his evidence to us this morning is illustrative. Do you have any insight, Ms Chester, as to why late disclosures were made to the ANAO?

Ms Chester: Yes, indeed. It was the subject of a discussion by me and Commissioner Hughes with the Auditor-General. They were documents that were only provided to the team that were working on pulling together the documents for the ANAO by the chair. The chair circulated those documents to commission late one evening and, upon seeing those documents, realising they were not in the chronology that we had provided to the ANAO, and the documents we had provided to the ANAO, we quickly moved to make a commission decision early that next morning, the non-recused commissioners, to get those documents to the Auditor-General as quickly as possible, and then Commissioner Hughes and I sought to meet with the Auditor-General by phone to explain to him why he was in receipt of those late documents. Those documents were documents on the chair's private computer.[p32]

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Mr GORMAN: It seems to me that it would be timely to be reviewing that policy. Now that I calculate it, it's been 2½ years since it's been updated. As a member of the oversight committee, that is a concern. I'm conscious that other colleagues have questions.

I'm just going to ask one more question to clarify something I heard earlier but didn't quite follow. It's about Mr Shipton's private computer. There was a reference to some documents on a private computer and therefore they weren't available. I didn't quite follow what that was. Can you just explain that for me?

Ms Chester: I think it was a laptop of Mr Shipton's. You might recall that Mr Shipton was based in Harvard at the time of his appointment being announced, and some of the emails were from his private email address, both then and later. They were on a laptop that he had to get access to in the middle of COVID. The laptop was not in the Melbourne district when we were all in lockdown. It was actually at a residence outside, so it was difficult for Mr Shipton to get to it. Also, they were from a private email address, so some of those weren't on ASIC's system.

Mr GORMAN: Who was the correspondence with? Surely it would have been accessible on the other end? That's what I'm trying to figure out.

Ms Chester: I'll have to take that question on notice. [p 45]

Answer:

Ten emails were sent together to the ANAO on 16 October 2020 by ASIC. Two of those were email exchanges between Mr Shipton and KPMG, one was an email exchange between Mr Shipton and a Treasury staff member. None of the three were from, to, or copied to ASIC email addresses. The remainder of the emails were accessible to ASIC but were identified, along with the 3 emails as providing context to the matters reviewed by the ANAO and they were provided to the ANAO on that basis.