



Australian Government

Attorney-General's Department

Joint Committee of Public Accounts and Audit

Inquiry into the publication of the Audit Report No.6 (2018-19) Army's Protected Mobility Vehicle - Light

Attorney-General's Department Supplementary Submission

October 2018

Introduction

This submission is supplementary to the department's submission provided on 4 October 2018.

Chronology

| Date | Item |
|------------------|---|
| 5 January 2018 | Application to Attorney-General from Thales Australia to issue a certificate under section 37(1)(b) of the <i>Auditor-General Act 1997 (the Act)</i> . |
| 8 January 2018 | Copy of the proposed final audit report 'Army's Protected Mobility Vehicle – Light' provided by Auditor-General to the Attorney-General, with advice that the Auditor-General intended to defer tabling the report until the week commencing 5 February 2018. |
| 12 January 2018 | Submission sent to the Attorney-General by the department (MS18-000081). |
| 12 January 2018 | Letter from Attorney-General to Auditor-General advising a reasonable amount of time is required to consider the application under s 37(1)(b). |
| 12 January 2018 | Letter from Attorney-General to Thales Australia confirming receipt of application for certificate. |
| 15 January 2018 | Submission MS18-000081 signed by the Attorney-General. |
| 18 January 2018 | AGS provided legal advice to the department on the operation of section 37 of the Act. |
| 18 January 2018 | Letter from Auditor-General to Attorney-General querying how long it would take for the Attorney-General to make a decision. |
| 19 January 2018 | Submission sent to the Attorney-General by the department (MS18-000123). |
| 26 January 2018 | Letter from Attorney-General to Auditor-General advising there was no specified timeframe for making a decision to issue a certificate and that the Attorney-General would follow a deliberative process that would take the required amount of time. |
| 29 January 2018 | Email from ANAO advising of Interlocutory Order granted by Federal Court of Australia to Thales Australia. |
| 29 January 2018 | Thales application for judicial review listed for hearing 1 February 2018 |
| 10 February 2018 | Submission MS18-000123 signed by the Attorney-General. |

| Date | Item |
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| 15 February 2018 | AGS provided further legal advice about operation of section 37 of the Act. |
| 15 February 2018 | Letter from Attorney-General to Auditor-General seeking further information to assist in making a decision. |
| 19 February 2018 | Letter from Attorney-General to Minister for Defence and Minister for Defence Industry seeking information to assist in making a decision. |
| 23 February 2018 | Letter from Auditor-General to Attorney-General providing additional information to assist decision-making process. |
| 17 April 2018 | Letter from Defence Ministers to the Attorney-General providing information to assist decision making process and seeking issue of a certificate under s 37(1)(b) of the Act. |
| 20 April 2018 | Letter from Auditor-General to the Presiding Officers advising of delay in tabling. |
| 2 May 2018 | Letter from Auditor-General to Attorney-General advising of plans to table an interim redacted report in week commencing 14 May 2018. |
| 7 May 2018 | Letter from Attorney-General to Auditor-General requesting that an interim redacted report not be tabled before the Attorney-General has made his decision. |
| 7 May 2018 | AGS provided legal advice to the department on matters relating to a section 37 certificate. |
| 9 May 2018 | AGS provided further legal advice to the department on matters relating to a section 37 certificate. |
| 9 May 2018 | Copy of third draft of the final audit report provided by Auditor-General to the Attorney-General. |
| 9 May 2018 | Letter from Auditor-General to Attorney-General advising that he did not agree not to table an interim redacted report in the absence of a shared view on a timeframe for the Attorney-General's decision. |
| 11 May 2018 | Submission sent to the Attorney-General by the department (MS18-000801). |
| 31 May 2018 | Submission MS18-000801 signed by the Attorney-General. |
| 14 June 2018 | AGS provided further legal advice to the department on matters relating to a section 37 certificate. |

| Date | Item |
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| 15 June 2018 | AGS letter to Norton Rose Fulbright Australia (solicitors for Thales Australia) advising the Attorney would not intervene under section 78B of the Judiciary Act 1903 in the hearing listed before the Federal Court. |
| 15 June 2018 | Submission sent to the Attorney-General by the department (MS18-000916). |
| 20 June 2018 | Letter from Auditor-General to Attorney-General advising of intention to table an interim redacted report as soon as practicable. |
| 21 June 2018 | Submission MS18-000916 signed by the Attorney-General. |
| 28 June 2018 | Letter from Attorney-General to Auditor-General advising of decision to issue a certificate. |
| 28 June 2018 | Letter from Attorney-General to Defence Ministers advising of decision to issue a certificate. |
| 2 July 2018 | Letter from Attorney-General's Department to Thales advising of decision to issue a certificate. |
| 2 August 2018 | Email from Auditor-General attaching letters to the President of the Senate and Speaker of the House of Representatives confirming dismissal of Federal Court proceedings. |
| 20 August 2018 | Letter from Thales to Attorney-General requesting the Attorney-General issue a further section 37 certificate in relation to additional information included in the draft report received on 8 August 2018. |
| 23 August 2018 | Letter from Auditor-General to Attorney-General advising of his decision to remove information of concern to Thales without the need to issue a further section 37 certificate. |
| 31 August 2018 | Letter from Attorney-General to Auditor-General acknowledging letter of 23 August 2018. |
| 31 August 2018 | Letter from Attorney-General to Thales asking it to confirm its application for a certificate would be withdrawn. |
| 4 September 2018 | Letter from Thales Australia to Attorney-General confirming application to issue a certificate was withdrawn. |
| 11 September 2018 | Final report tabled. |