

Senate Standing Committee on Economics

ANSWERS TO QUESTIONS ON NOTICE

Treasury Portfolio

Budget Estimates

4 – 6 June 2013

Question: BET 79-83

Topic: 'Safety First Following Victorian Quake' Press Release

Hansard Page: Thursday 6 June 2013, Page 44-45, 47-48, 48-49

Senator ABETZ asked:

Paraphrased Questions (please use the Hansard text below as reference)

1. Was Minister Shorten involved in the decision of excluding the 16 documents from the FOI request?
2. Has Minister Shorten ever issued press releases in relation to other natural disaster events?
3. Were the 14 exempt 'non-official documents' addressed to Minister Shorten?
4. Why were the duplicates of documents 7 and 8 not listed in response to the FOI request?
5. Were the duplicates different in any way? If so, why weren't they supplied?
6. Why didn't the Minister release the 14 'non-official documents', as he is entitled to? What is sensitive about these documents?

HANSARD TEXT

Senator ABETZ: ... All right. For each of the 16 out of the 24 documents initially identified in response to FOI 1286—for all documents, including emails created or received by you and your office which contain matter relating to the earthquake which occurred in Gippsland on 19 June 2012 and which were subsequently excluded on review—can you tell us what type of document it is, who created it, who it was sent to and what the subject matter was.

Senator Wong: On this one and also, I think, 7, 8, 9 and 10—are those the questions that you have?

Senator ABETZ: They are the ones I will be pursuing, of which I gave notice—that is right.

Senator Wong: Yes. I think there are two responses. One is a general response: that obviously you can raise these issues with the FOI officer. But the second response that I have been provided with is that some of the questions go to more detailed process issues that will take some time to address. The minister's office is happy to arrange for these to be worked through in the usual way, and we will provide responses to you in the usual way.

Senator ABETZ: These documents have already been worked through, identified and assessed, because they were part of the response to an FOI. So it would not create much work, would it?

Senator Wong: Senator, with all due respect, on a request to go back over an FOI request received during a sitting week, you would have to understand that when the House and Senate are sitting there are a lot of other things that ministers are going to be going through. You have asked some very detailed questions about 24 documents.

Senator ABETZ: But you would agree that the committee has the independent authority to ask these questions outside the FOI request.

Senator Wong: Yes.

Senator ABETZ: Thank you.

Senator Wong: I am not asserting that you cannot ask them, Senator. I just cannot assist you on some of them.

Senator ABETZ: We are just not going to get an answer.

Senate Standing Committee on Economics

ANSWERS TO QUESTIONS ON NOTICE

Treasury Portfolio

Budget Estimates

4 – 6 June 2013

Senator Wong: I am giving you an answer on some of them. That would be unfair.

Senator ABETZ: Are you able to tell us why these documents were excluded from the scope of the FOI?

Senator Wong: That certainly is an issue that should be dealt with under the FOI legislation.

Senator ABETZ: But the minister's office has dealt with this personally, as I understand it.

Senator Wong: This is a different issue to pursuing a set of questions through Senate estimates. If your assertion is that the FOI application has not been dealt with properly, that is an issue where you have rights under the FOI Act—the legislation about that.

Senator ABETZ: Yes, but we can nevertheless independently ask about the FOI process and how it was handled in the minister's office, and that is what I am seeking to do.

Senator Wong: I do not have any information about—

Senator ABETZ: Despite notice being given?

Senator Wong: No. I have the request for you to consider your rights under the FOI Act and processes for handling concerns under that. If your question is about who handled the FOI application—who was the relevant decision maker in the minister's office—I do not have that.

Senator ABETZ: And whether Minister Shorten involved himself at all in the determination of whether these documents should be excluded?

Senator Wong: I will have to take that on notice.

Senator ABETZ: You see, we did give you notice of that question.

Senator Wong: I do not know that.

Senator ABETZ: So clearly the minister has ensured that you do not know the answer to that.

Senator Wong: Senator, I know that you like to think everything is a conspiracy, but it really is not.

...

CHAIR: I just have one question here: Minister Wong, has Minister Shorten ever issued a press release in relation to other natural disaster events? Do you have advice on that point?

Senator ABETZ: He has, since I raised it at estimates in February; yes.

Senator Wong: I am not sure.

CHAIR: Then could you take that on notice, please.

Senator Wong: Sure.

...

Senator ABETZ: Did the department assist with—

Senator Wong: We are taking any further questions on this on notice.

Senator ABETZ: Sorry?

Senator Wong: We are taking all further questions on this matter on notice.

Senator ABETZ: What? When you do not even know what the questions are?

Senator Wong: Senator, you have, I think, belled the cat—although I am told that no-one understands what that means anymore. You have made clear your agenda—yes, it shows one's age, apparently, and I am on the other side of it—and made clear what you are trying to do, and I am not participating in this. I have tried to give you the best information I can. If you are simply on the sort of agenda that you have demonstrably been on, we will take the questions on notice and we will deal with them.

Senator ABETZ: Were all those 14 documents—which are not official documents, allegedly—addressed to Minister Shorten?

Senator Wong: I will take it on notice.

...

Senate Standing Committee on Economics

ANSWERS TO QUESTIONS ON NOTICE

Treasury Portfolio

Budget Estimates

4 – 6 June 2013

Senator ABETZ: ... Minister Shorten's office has said that the other two documents were effectively duplicates of documents 7 and 8. Can we be given an explanation of why these were not listed in response to the FOI request?

Senator Wong: I would have to take that on notice.

Senator ABETZ: And were they in any way different? If so, why weren't they supplied? We have asked for them. Even if the minister does consider these 14 documents not to be official documents of a minister, why doesn't he release them anyway, as he is entitled to do? What could be so sensitive about such documents?

Senator Wong: Again, I want to make it clear that these were not questions of which we had any notice. We are now in new question territory.

Senator ABETZ: That we are, because I have got nonresponses to all the others.

Senator Wong: That is your assertion, Senator. I do not agree with that.

Senator ABETZ: I invite anyone to read the *Hansard* and make up their own mind.

Senator Wong: Are you done? We are now in the world, I think, of Senator Abetz using the estimates committee to complain yet again about the parameters of the FOI decision. If you want to spend the Senate estimates process dealing with that, if you look at what the Senate has referred to this committee, I doubt that it extends to every aspect of an FOI claim that Senator Abetz has included, but that is where we are. You have rights under the FOI legislation and, if you choose to exercise them, that is a matter for you, Senator.

Senator ABETZ: Yes, but also, as a private senator, I have rights here at this committee to ask these questions and pursue these matters.

Senator Wong: You do, and I will take that question on notice.

Senator ABETZ: What I cannot understand is why the minister would want to hide documents about the Moe earthquake, clearly a public event. As minister for insurance, he would have been responsible and would have had some public interest in these matters, one would assume, and he is not releasing documents. So, if they emanated in his office—about a public event for which he is a relevant minister as minister for insurance—can we have an explanation as to why these documents are not being released.

Senator Wong: That is asking me to revisit the FOI claim.

Senator ABETZ: All right.

Further reference – pages 40-49

Answer:

79-83. As the related FOI request was directed to the former Minister for Financial Services and Superannuation; the decision was made by a decision-maker in that office on behalf of the former Minister; and the documents were in the possession of that office alone, the Treasury referred the questions relating to decision-making and the documents to the office of the former Minister for Financial Services and Superannuation for response. As portfolio responsibility over financial services and insurance has now transferred to the Assistant Treasurer, who was not responsible for processing the request and does not hold the relevant documents, no response to the questions is possible.