

Senate Standing Committee on Education and Employment

QUESTIONS ON NOTICE Supplementary Budget Estimates 2016 - 2017

Outcome 2 - Workplace Relations and Economic Strategy

Department of Employment Question No. EMSQ16-000924

Senator Marshall asked on 19 October 2016 on proof Hansard page 131

Question

Request to table confidential volume of final Royal Commission Report

Senator MARSHALL: Minister, I would like you to table that report for the committee.

Senator Cash: I cannot table it. It is a confidential report.

Senator CAMERON: It is not confidential if you are handing it around!

Senator MARSHALL: Well, I insist. Are you claiming public interest immunity?

Senator Cash: Senator Marshall, you would know that the reports of a royal commission—

Senator MARSHALL: No. There is nothing you can withhold from the Senate. I insist that you table it. You can make a claim for public interest immunity and this committee will decide whether we accept that.

Senator Cash: I will take that on notice and seek advice.

Senator MARSHALL: No. You cannot take on notice a claim on the tabling of a report. You have the report. You either make the claim of public interest immunity or you do not.

Senator Cash: What I am saying is that I will take on notice to seek advice as to whether or not the report can be tabled.

Senator MARSHALL: It is a decision for the Senate whether the report can be tabled.

Senator Cash: The question is going to be taken on notice.

CHAIR: If a claim of public interest immunity has been made—

Senator MARSHALL: It is not being made.

CHAIR: then we have to make a decision.

Senator MARSHALL: Then I move that the committee insist that the report be tabled.

Senator CAMERON: Seconded.

CHAIR: The minister has taken the question on notice, which she is entitled to do.

Senator MARSHALL: No. She can make a claim of public interest immunity. She has not made such a claim. I now insist that the report be tabled.

Senator Cash: I am taking it on notice and seeking advice as to whether or not the report can be tabled.

Answer

The confidential volume of the Final Report of the Royal Commission into Trade Union Governance and Corruption contains information about threats and acts of violence against witnesses of the Royal Commission, as well as details of police investigations and current and pending criminal prosecutions. Its disclosure could therefore endanger the physical safety of witnesses, or prejudice the investigation of possible breaches of the law or the adjudication of particular cases.

Accordingly, the Government will not table the confidential volume of the Royal Commission's Final Report. This is consistent with the Royal Commissioner's recommendation that this volume should not be made public.