

Senate Finance and Public Administration Legislation Committee
ANSWERS TO QUESTIONS ON NOTICE
Additional Estimates 2015 - 2016

Prime Minister and Cabinet Portfolio

Department/Agency: Department of the Prime Minister and Cabinet

Outcome/Program: Outcome 1: Prime Minister and Cabinet

Topic: Heydon Royal Commission

Senator: Lambie, Jacqui

Question reference number: 50

Type of question: Written

Date set by the committee for the return of answer: 14 September 2016

Number of pages: 2

Question:

Can you describe the provisions of legal agreement that public servants and politicians have to sign before they are allowed to read the secret Volumes?

Answer:

Public servants and politicians were not requested to sign a legal agreement before reading the confidential volumes. Public servants are subject to laws such as, Regulation 2.1 of the Public Service Regulations 1999 which applies to ensure public servants do not disclose information they receive as part of their duties in the Australian Public Service other than as authorised.

Public servants who reviewed the confidential volume were aware of the Commissioner's recommendations about keeping information in those volumes confidential – and in the case of the confidential volume of the Interim Report, aware of the non-publication direction which prohibited the publication or disclosure of information related to, and including, the confidential volume.

In relation to Members and Senators, the Government offered the opportunity to review the confidential volumes to the crossbench Senators and representatives of political parties on the basis that they undertook to abide by certain conditions in order to protect the confidentiality of the reports.

The confidential volume of the Interim Report was viewed under the conditions of the non-publication directions made by Commissioner Heydon for that report. The Government chose to apply those same conditions for the viewing of the confidential volume of the Final Report. The conditions were:

- inspection was to be in the presence of an officer of the Department of the Prime Minister and Cabinet (PM&C);
- no other individuals were permitted to view the volumes;

- no notes could be taken or any material copied, including by the taking of photographs;
- the details or nature of the material in the volumes could not be disclosed to third parties; and
- none of the material was to be removed from the room or the PM&C officials.

The Government also redacted:

- the names of witnesses (and any other information that may identify them) where the Commissioner indicated in the reports that there were safety concerns;
- any evidence set out in the reports that was given by witnesses to the Commission in private hearings (to ensure that there was no breach of any non-publication directions in relation to those private hearings); and
- references to active or pending law enforcement activities