

Senate Finance and Public Administration Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Budget Estimates 26 May-6 June 2014

Prime Minister and Cabinet Portfolio

Department/Agency: Department of the Prime Minister and Cabinet

Outcome/Program: 1.1 Prime Minister and Cabinet

Topic: Termination of departmental secretaries – ExCo papers

Senator: Senator the Hon Penny Wong

Question reference number: 102

Type of Question: FPA, Tuesday 27 May 2014, page 114

Date set by the committee for the return of answer: 11 July 2014

Number of pages: 3

Question:

Senator WONG: Perhaps on notice, Ms Kelly, I again press my question. I do not want to traverse it any further here as to how it is, during a caretaker period, with all of those conventions, a decision can be made to prepare papers terminating three secretaries for ExCo. If you want to add to that on notice, I will leave that to you. I intend to move on now. On the basis of question on notice No. 85, I understand that the three secretaries were advised on 14 September that their appointment would be terminated. Is that right?

Ms Kelly: I am sorry; I do not have that question in front of me.

Senator WONG: Could I ask that, in future, maybe Prime Minister and Cabinet could bring the questions on notice answers to the estimates hearing? I would really appreciate that. It would be much quicker.

Ms Kelly: I have it now.

Senator WONG: Thank you.

Ms Kelly: Yes, the three secretaries were advised on 14 September.

Senator WONG: There are steps under the Public Service Act which are required to be taken in relation to secretaries. I ask again—I think you have taken this on notice—when the draft papers were actually prepared. When were instructions first given to Prime Minister and Cabinet for the drafting of the papers?

Ms Kelly: I have taken that on notice

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Senator WONG: Paragraph (a) on what date did drafting commence on the secretary PM&C's report to the Prime Minister about the termination; (b) on what date did the Prime Minister seek a report from the secretary about the proposed terminations; (c) what was the form of the request; (d) on what date did the secretary consult with the APSC ahead of the preparation of his reports about the proposed termination; (e)

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what was the form of the secretary's consultations with the APSC; (f) on what date did the secretary provide his reports on the proposed termination of the Prime Minister; (g) how many reports were provided; (h) you have taken on notice—on what date did PM&C commence drafting recommendations in relation to the EXCO papers; (i) on what date was a copy of the draft recommendations to the Governor-General provided to the Prime Minister or his office; (j) on what date was a final copy of the recommendations to the Governor-General provided to the Prime Minister or his office; (k) I think you have now answered—which was the morning of the 18th, I think; (l) I think you have answered—which is delivered on the morning of the 18th. I maintain my request for all of those.

Answer:

- a) Section 56 of the *Public Service Act 1999* provides that where a Department is abolished the office of Secretary of that Department is also abolished. The appointments of two Secretaries were terminated without their being re-appointed to another position. The position of a third Secretary was abolished by reason of their Department being abolished and the Secretary was not appointed to another Department. Records indicate that the document which became the report to the Prime Minister was created on the evening of Monday 16 September 2013.
- b) The incoming Prime Minister had a number of conversations with the Secretary of the Department of the Prime Minister and Cabinet between 8 September 2013 and 18 September 2013. Some of these discussions related to Departmental Secretaries.
- c) The request was made orally.
- d) The Secretary of the Department consulted with the Commissioner about Secretaries appointments on a number of occasions.
- e) The consultations were by way of discussion and through settling the report under section 59 of the *Public Service Act 1999*.
- f) The report under section 59 was delivered to the incoming Prime Minister on the evening of 17 September 2014.
- g) One
- h) The Department commenced drafting template Executive Council documentation on 14 September 2013.
- i) Indicative documentation was made available on the evening of 17 September 2013.

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- j) The final Executive Council documentation was provided to the Prime Minister for signature after his swearing on 18 September 2013.
- k) Unsigned documentation was provided to Government House on the morning of 18 September 2013. The signed documentation was provided to the Governor-General at the Executive Council meeting on 18 September.
- l) The recommendations were provided through an Executive Council Minute together with an Explanatory Memorandum.