

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 – additional information

Senator: Senator the Hon Penny Wong

Question reference number: 105

Type of Question: FPA, Tuesday 27 May 2014, page 114-115

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

Number of pages: 2

Question:

Senator WONG: I asked a range of questions in question on notice 85 which are not answered. Ms Kelly, given the time, unless you really want to I was not proposing to go through (a) to (l), but a number of those were not answered. Can I be clear, via the minister, whether there is a public interest immunity claim being made, or is there another basis on which a number of these questions are not answered?

Ms Kelly: I might have to get you to particularise parts of the question.

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Ms Kelly: I think I have given this evidence on a number of occasions. I have given evidence about those elements that are necessary to ensure compliance with the statutory process under section 59. If there are other matters here I will take those on notice and consider whether or not any additional information can be provided, but I have provided you with information that the statute was complied with.

Senator WONG: I am sorry, but your opinion that the statute was complied with is really not the answer to my questions. I would refer you to your early answers where you told me that it is not appropriate for us to seek legal opinion, but thank you for offering it. I am asking factual questions about this process. I asked them in January and you failed to answer them. I am asking them again and, if you do not wish to answer them, I am asking that department indicate the basis on which they are refusing to answer these questions. I am happy for you to take this on notice, Ms Kelly.

Ms Kelly: I am happy to take that on notice. I merely wanted to clarify that in relation to the factual matters that are required to be asserted to ensure compliance with section 59 they were in a report provided at the time that is required to be provided. I have given that evidence previously. I am happy to go into the additional detail that is sought here if we are able to provide that, and I will take that on notice.

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Answer:

See answer to Question PM 102