

Senate Finance and Public Administration Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Supplementary Budget Estimates 18-22 November 2013

Prime Minister and Cabinet Portfolio

Department/Agency: Department of the Prime Minister and Cabinet

Outcome/Program: 1.1 Prime Minister and Cabinet

Topic: FOI request – incoming government brief

Senator: Senator the Hon John Faulkner

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Question:

Not at all. You will have to live with three more questions from me now. Ms Croke, you may be able to help with these. I suspect you will need to take them on notice, but if you can assist that is fine. Could someone provide the committee with the date on which the Prime Minister was informed about the incoming government brief decision?

Ms Croke: I will take that on notice.

Senator FAULKNER: I appreciate that. You would not necessarily have that at your fingertips. Thank you for that. What you might be able to tell us is the nature of that communication. I assume it was in writing or in a brief, but can you confirm that for the committee?

Ms Croke: It was in an email to the office in the form of an advice of the intended decision.

Senator FAULKNER: Thank you very much. Would you be willing to take on notice whether that email may be able to be provided to the committee? I do not expect the minister or you to respond to that directly tonight.

Ms Croke: I can take that.

Senator FAULKNER: Would the minister be willing to take that on notice?

Senator Abetz: Yes.

Senator FAULKNER: Thank you for that. Perhaps not to you, Ms Croke, because Ms Kelly may be able to assist me with my final question. I am checking whether that email was the only, or final, communication about the application and decision. In other words, was it the only communication that existed?

Ms Croke: Sorry, Senator, the only communication to the office?

Senator FAULKNER: The only communication to the PMO on this issue.

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Senator Abetz: There was evidence given, was there not, that once such an application is received—

Senator WONG: The evidence was that there is notification of an impending decision. So the question is, and Ms Croke has taken it on notice, when was that and whether she can provide the email. I think that Senator Faulkner is simply asking whether that is the only communication on this issue.

Senator FAULKNER: Correct.

Ms Croke: I will have to check on that. I am not sure but I think there might be a mechanism to advise the office globally.

Senator FAULKNER: If you would not mind checking.

Senator Abetz: That is why I did not want to say that it was the only communication.

Senator FAULKNER: I appreciate that. Ms Croke, if you would not mind checking that and, if there is any other communication or communications, you might provide details to the committee. What you are able to provide in relation to that process is on notice. If possible, of course, I request content as well. I ask you take that on notice.

Ms Croke: I will take that on notice.

Senator FAULKNER: Thank you very much.

Answer:

Ms Croke informed the Prime Minister's office by email on 18 October 2013 of the proposed decision on the FOI request. A further email was sent on 29 October 2013 advising of the imminent release of the decision.

The email contained advice in the nature of legal advice and therefore is not provided.

The Department provides the Office of the Prime Minister a regular update on FOI applications directed to PM&C and the Office of the Prime Minister; the FOI request would have been mentioned in such an update.