

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS  
ATTORNEY-GENERAL'S DEPARTMENT

**Group 3**

**Question No. 46**

**Senator Ludwig asked the following question at the hearing on 24 February 2014:**

Senator LUDWIG: I understand that evidence, and I understand that Mr Govey has indicated that he has made AGD aware of the documents that have been handed over. Is that correct, Mr Govey?

Mr Govey: I could not tell you whether we made them aware or whether they were aware separately from the Department of the Prime Minister and Cabinet. But I think it is clear that they were aware.

Senator LUDWIG: And how are the documents described? Is there a file? I am not asking for the number—but if you have the number that would be helpful. But are they in lever-arch folders?

Mr Govey: I think they might be in boxes, but I do not have the detail of that. I do not know whether the Attorney-General's Department does. We would need to take that on notice.

Senator LUDWIG: Yes, please, if you would not mind. And were the cabinet documents separated out into a separate bundle?

Mr Govey: That is my understanding.

Senator LUDWIG: And of course you indicated from 31 January, but I am happy for you to take that on notice—whether that was the cabinet documents that were handed over at that time or whether it was other documents and they were handed over subsequently to that. If you are not sure, then please take it on notice.

Mr Govey: I think it would be better to take that on notice.

**The answer to the honourable senator's question is as follows:**

Cabinet documents were produced by the Australian Government Solicitor (AGS) on behalf of the Commonwealth to the Royal Commission into the Home Insulation Program on the evening of 31 January 2014, subject to the terms of a letter from the Australian Government Solicitor bearing that date

The box of material, which included Cabinet documents, was hand delivered to the CEO of the Commission under cover of a letter from AGS. The box was clearly identified as containing protected Cabinet material.

Further Cabinet documents were produced by AGS on behalf of the Commonwealth to the Commission by hand on 11 February 2014 under cover of a letter from AGS of that same date. The documents were produced in an envelope which was clearly identified as containing protected Cabinet material. The additional documents were provided on the same terms as the documents provided on 31 January 2014, i.e. the terms set out in the letter from the Australian Government Solicitor bearing that date.