

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

Program: 1.9

Question No. AE16/045

Senator Collins asked the following question at the hearing on 9 February 2016:

Senator JACINTA COLLINS: This information was originally provided to us as the comments that Commissioner Haydon made in relation to confidentiality. I am asking Ms Innes-Brown: is she aware of whether this paragraph is exhaustive on that point?

Ms Innes-Brown: I understand that, as there was no direction made—as there was in the interim report—but as the commissioner did include this paragraph, basically stipulating that it is recommended that the volume not be published and be kept confidential. That is all I am aware of.

Senator JACINTA COLLINS: Okay, so you are not aware of whether there were any further conditions he commented on—

Ms Innes-Brown: That is correct.

Senator JACINTA COLLINS: Thank you, Ms Innes-Brown. Attorney, maybe you can assist us there. Are the specific limitations proposed by the government based on any recommendations by the commissioner? Or are they issues that the government has come to?

Senator Brandis: I will have to refresh my memory about that, Senator. The limitations did have a provenance, and I am just trying to recall what it was. So I will take that on notice.

Senator JACINTA COLLINS: Okay. Looking now at the issue of the presence of an officer of PM&C, was that a recommendation of the commissioner, to your recollection?

Senator Brandis: Look, just to be on the safe side, I will take that on notice.

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

The Non-Publication Direction that the Commissioner issued in relation to the Interim Report was amended by a Variation signed on 28 December 2015. This amendment, contained in a paragraph numbered '2(f)', varied the Non-Publication Direction to the extent necessary:

“to enable the Department of the Prime Minister and Cabinet to provide supervised access to the confidential volume, in circumstances where the person given access: may only inspect the volume in the presence of an officer of the Department; shall not take notes or copies of the material contained in the volume; and shall not further disclose the nature of the material in the volume.”

For consistency, access to the confidential volume of the Final Report would be provided on the same basis.