

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

**Group: 1**

**Program: General**

**Question No. BE15/008**

**Senator Collins asked the following question at the hearing on 27 and 28 May 2015:**

Senator JACINTA COLLINS: I will go back one step. From the committee's point of view, I think we are all agreed that we would prefer to receive answers to questions on notice in enough time for us to be able to review them before we are dealing with those portfolios in the committee in the next round of estimates. Is that a reasonable expectation?

CHAIR: Yes, we did discuss that in the committee.

Senator JACINTA COLLINS: That has not occurred on this occasion.

CHAIR: That is okay.

Senator JACINTA COLLINS: I would like to understand what has occurred, where the problems are and how we may be able to remedy that. We had a discussion about just the arts component earlier today, but I would like a better sense of what has occurred, if possible.

CHAIR: We can do that, but factually, I think Senator Brandis said that he had signed off on all of them, some of them quite recently. Over to Mr Moraitis on what happened from there.

Mr Moraitis: This morning we undertook to speak with the secretariat to verify the question and ascertain where the various questions on notice were and at what stages—not just the arts questions but, as you said, Senator Collins, the cross portfolio questions. I have asked Tony Sheehan, who is our COO, to explore that this morning. He has a series of clarifications for you which perhaps will explain some of the context and the situation.

Mr Sheehan: Just for a small amount of context: from the additional estimates hearing on Tuesday 24 February and then the spillover day that we had on 27 March the portfolio received 151 questions. Some came through the hearing, and then some were submitted in writing, as is the normal practice, up until Wednesday 1 April. We have calculated that of those 151 a total of 128 have been lodged and 23 are outstanding. Of those 23 that are outstanding, it is our understanding that none relate to the arts. So, Senator Brandis's statement about the arts accords with the records in the department that all the arts related questions have been lodged. We expect that those 23 QONs that are outstanding will be finalised in the coming days. There are a small number of them that are back with the department, where we are doing some more work on them.

Senator Collins asked what has occurred in terms of process. The department prepares the answers and in all cases will provide an opportunity for the Attorney or the minister to see those answers before they are lodged. And we do not lodge the answers until we have confirmed that that has occurred, which has been the practice of the department for the time that I have been here, over the past 4½ years or so. So, just to state it again: we have 23 questions on notice outstanding at this point. That is our understanding.

Senator JACINTA COLLINS: My advice from the secretariat was that the first attempt to send this last 71—the most recent batch—was made at 10.30 last night.

Mr Sheehan: That may be. My understanding from staff in the department is that they were sent as quickly as possible yesterday evening, so I could not state exact times. The secretariat presumably will be able to tell you what time particular answers were lodged.

Senator JACINTA COLLINS: I am dealing with this issue now across portfolio, because, despite the minister's assuring me that he had cleared all the arts ones that I had yet been able to see—

Senator Brandis: I have.

Senator JACINTA COLLINS: Well, I accept that, but, Minister, the concern is the 71 that arrived in batch at 10.30 at night—the night before estimates was due to occur. And you said in a relatively cute way that you had cleared them at some point in the past. Am I to understand that you had cleared them close to 10.30 at night, the night before estimates?

Senator Brandis: No. That is incorrect.

Senator JACINTA COLLINS: Well, when did you clear them?

Senator Brandis: The last batch of questions that I cleared, I cleared early on Sunday evening.

Senator JACINTA COLLINS: So, Mr Sheehan, can I get an understanding of why answers that were cleared on Sunday evening took until last night to hit the secretariat?

Mr Sheehan: I will have to take that on notice and find out whether there were further delays in the department. I do not have the details of what happened between when the Attorney cleared them and when they were provided to the secretariat. It is always our intent to make sure they are lodged as quickly as possible. More generally, I have asked that we look at the processes in the department from the time we are aware of what the questions are to see whether we can streamline those process any more. But as for what has happened specifically, I will need to take that on notice and check.

Senator JACINTA COLLINS: Yes, because that is two days in which we would have had an opportunity to review and address further questions in this session.

Senator Brandis: Well, in fairness to Mr Sheehan, I cleared the questions in my office, and I had finished doing that before 7.30 pm on Sunday, so they probably would not have gone to the department until Monday morning.

Senator JACINTA COLLINS: Sure; I understand that.

CHAIR: Do you have any more questions on this?

Senator JACINTA COLLINS: The minister wants to make his political statement about—

CHAIR: As chairman of the parliamentary committee, this is a problem we have had with governments in the past. I agree with Senator Brandis: it was infinitely worse under the previous government than it has been under this one so far but that does not excuse this here. There are occasions, I understand, when the departments simply do not have the resources to do it, in which case I would prefer the department to get back in touch with the committee and say,

'Look, sorry guys; know the problems; know the urgency, but we're just flat out', or whatever other reason. I say to committee members too, there are so many questions put on notice, many of which I suspect are never ever looked at again once the answers come, and I think the committee needs to target its questions on notice better as well.

My admonition is not only to governments past and present to try and respond to parliamentary questions but also to my colleagues to be more judicious about the number and extent of the questions they ask. There is an enormous drain on departments in answering questions that are very often for questions that appear to me to have little relevance. I am quite sure—and I know this—because people come and ask the same questions at the next estimates and they have not even read the answers that are given. I think all of us can improve. Perhaps, now, we would be better served by moving on to questions that we can try and get answers to so that we do not have to put questions on notice.

Senator Brandis: Can I just add something to my previous answer. The last questions that I cleared, which were within the Attorney-General's portfolio and not the ministry of the arts, I cleared at around half past two yesterday afternoon. There were either three or four of those, and they are the very last.

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

The department tables responses to questions on notice as soon as reasonably possible following the ordinary processes to determine and verify the accurate answers to these questions.