

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS

BUDGET ESTIMATES 2016 - 2017

Attorney General's Department

Program: 1.1 AGD Operating Expenses - Civil Justice and Legal Services

Question No. BE17-001

Senator Macdonald, asked the following question on 29 June 2017:

CHAIR: My question, when I stopped the clock on Senator Pratt's time, is a question on the role of parliament, the public service and the executive government. My understanding was always that the public service answers to the executive government and the executive government answers to parliament. Does anyone have a definitive treatise on that?

Senator Brandis: We do not need to look further than the Constitution. Nevertheless, the practice in this committee is that questions are asked directly of officers of the department and of agencies within the portfolio. Strictly speaking, all questions are to the minister, but the practice is that officers take those questions where appropriate.

CHAIR: Well, it is a practice that has evolved in the last 27 years, I guess.

Senator Brandis: Yes.

CHAIR: When I first came here, all questions were to the minister.

Senator Brandis: Yes, and, strictly speaking, that is true; that remains the case. But, nevertheless, the practice is as we have agreed. You may take it that all officers of departments are conscious of their obligations.

CHAIR: I appreciate that, and Mr Moraitis said the same thing. But I was really asking if someone could perhaps, as a question on notice, explain the constitutional role of public servants, the executive government and the parliament to me. I appreciate, as both Mr Moraitis and the Attorney have said, that you are conscious of that and, where possible, you try to do that. I am just wondering what the legal situation is.

Mr Moraitis: I will take that on notice, Senator. Ms Lowe would like to correct her answer to Senator Wong on that question.

CHAIR: You do that for me. We will now go back to Senator Wong and I will restart the clock.

The response to the honourable Senator's question is as follows:

No.