

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

Group: 2

Program: 1.8

Question No. SBE14/034

Senator Collins asked the following question at the hearing on 20 November 2014:

Senator JACINTA COLLINS: I cannot say I will be all that satisfied then.

I would like to move on to another matter related to the royal commission, which was the Attorney-General's Department's distribution of a questionnaire to Commonwealth agencies, seeking information about their engagement with trade unions. Who produced that questionnaire and for what purpose?

Mr Fredericks: The relevant context to this is the Attorney-General's Department has a responsibility within the whole of government to coordinate and essentially represent the Commonwealth in its appearances and its representation in royal commissions. That is a role that we, the Attorney-General's Department have traditionally played. Indeed, it is a role that we have played in the three most recent royal commissions. It is in that context and in preparing for the Commonwealth's potential representation at this royal commission that the Attorney-General's Department followed a process that it traditionally follows, which is to seek information from all Commonwealth agencies with a view to understanding what may be the potential exposure of the Commonwealth in royal commissions. This is something we did in this royal commission and it is something that we did in the child sex royal commission as well. I should point out that it is done by the department at an officers level and, as I say, we regard it as essential preparatory work to understand what the Commonwealth's position could potentially be in the royal commission.

Senator JACINTA COLLINS: Could I be provided with a copy of the similar questionnaires that were sent for those other purposes you mentioned?

Mr Fredericks: For the child abuse royal commission?

Mr Minogue: We did a similar scoping exercise for the child abuse royal commission, as Mr Fredericks says. Can I take that on notice? The only reason I pause is because we were seeking that information essentially for the purposes of representing the Commonwealth's interests before the royal commission, and to that extent it is in the context of legal professional privilege. In relation to the trade union one, there was a leak, as you know, so that is in public. I am not so sure that the child abuse one has been released, but I will take that on notice. I must confess there is probably no reason why we would not provide it, but I would just like to take that on notice if that is okay.

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

A copy of the scoping questionnaire for the Royal Commission into Institutional Responses to Child Sexual Abuse (the Royal Commission) is at **Attachment A**. The document contains redactions relating to the guidance material, which relate to the type of activities which may be relevant to the Royal Commission's Terms of Reference. As this material was guidance for the purposes of representing the Commonwealth in hearings before the Royal Commission, disclosure would involve significant prejudice to the Department's ability to provide legal advice on matters material to the Commonwealth's interests before the Royal Commission.