

Senate Finance and Public Administration Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Prime Minister and Cabinet Portfolio

Department of the Prime Minister and Cabinet

Additional Estimates Hearings 2004-2005, 14 February 2005

Question: PM30

Direct on Notice

Senator Ridgeway asked:

Part 1: How and when did you first become aware that the National Indigenous Times newspaper (NIT) was allegedly in possession of leaked federal government and/or cabinet documents?

Answer: It became apparent on 1 November 2004 that the National Indigenous Times (NIT) had possession of leaked cabinet documents, based on questions from journalists to the Minister for Immigration and Multicultural and Indigenous Affairs, and on a scanned copy of a document displayed on the NIT website.

Part 2: When did you, your office, your department or a person delegated by you first notify the Australian Federal Police about the National Indigenous Times allegedly being in possession of leaked federal government and/or cabinet documents?

Answer: The matter was referred for possible investigation by the Australian Federal Police (AFP) on 3 November 2004.

Part 3: After you, your office, or a person delegated by you notified the AFP about the alleged possession of illegal documents by NIT, what, if any, subsequent conversations and/or dealings did you, your office, or a person delegated by you have with the Australian Federal Police regarding the issue?

Answer: Officers in the Department of the Prime Minister and Cabinet (PM&C) assisted the AFP with their enquiries regarding the identification of the documents, which appeared to be in the possession of the NIT. This involved telephone conversations and meetings between PM&C and AFP personnel to discuss the relevant documents and who would have had access to them as well as the provision to the AFP of lists and copies of documents.

Part 4: Did you at any time ask, suggest to, or discuss the possibility with the Australian Federal Police of listening devices being activated on phone lines currently being used by the NIT? If so, what were the outcomes of these discussions?

Answer: No.

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Part 5: Are you aware of any listening devices currently activated on any phone lines currently being used by the NIT?

Answer: No.

Part 6: Are you aware when the AFP investigation into the alleged leaks to the NIT is likely to conclude? If so, when?

Answer: As at the date this answer was submitted, the AFP had not advised of an expected date of completion of their investigation. I expect the AFP, in line with their usual practice, to advise me of the outcomes of their investigation when it is complete.

Part 7: Have you at any stage requested that the AFP extend the investigation into the NIT? If so, why and for how long?

Answer: No such request has been made. The method and length of the investigation is a matter for the AFP.

Part 8: Has the AFP provided you with any interim reports or advice, written or otherwise, into alleged leaks to the NIT? If so, what is/are the nature of these report/s and/or advice?

Answer: There have been no interim reports provided by the AFP. Officers from PM&C have spoken to officers from the AFP as required to assist the AFP in their investigation and, incidental to those contacts, have informally received some general information about the progress of the investigation.

Part 9: On how many occasions have you or a person delegated by you had discussions with the AFP in relation to the raid on the NIT?

Answer: No discussions relevant to the search warrant occurred prior to it being executed. The AFP advised officers in PM&C after they had executed the search warrant and recovered the Cabinet documents in the possession of the NIT. After that advice, there was a small number of further brief exchanges, between PM&C and the AFP to keep PM&C informed of the AFP's intentions in regard to public comment on the warrant and its execution.

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Part 10: Since becoming Cabinet Secretary, on how many occasions have you referred to the Australian Federal Police incidences of alleged leaks of government information?

Answer: Since I became Secretary of PM&C in February 2003, I have sought AFP leak investigations in two cases – one involving papers related to policy development on work and family issues and the other involving the papers released to the National Indigenous Times.

Part 11: Since November 11, 2004, how many times have you reported or referred to the Australian Federal Police incidences of alleged leaks of government information?

Answer: I have not reported or referred any alleged leaks to the AFP since 11 November 2004.

Part 12: Since February 2003, are you aware of any alleged illegal disclosure of government information to persons not authorised to receive that information that has not been referred to the AFP? If so, what incidences are these and why have they not been referred to the AFP?

Answer: I am not aware of any leaks of information of concern to PM&C since February 2003 that have not been referred to the AFP. The Government's policy on the responsibility for information security, as set out in Part C of the *Commonwealth Protective Security Manual* is that it rests with portfolio ministers and their agencies. PM&C does not keep records of alleged illegal disclosures of information across the Australian Government Sector, nor do we monitor the extent to which such disclosures are investigated.

Part 13: Will you be requesting an AFP investigation or at least reporting to the AFP all future leaks of government information as you become aware of them? If not, what would be the defining characteristics of a leak which you will report to the AFP?

Answer: Yes, to the extent that they fall within my area of responsibility and to the extent that I consider a police investigation to be warranted in the circumstances.

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Part 14: Will you be reporting to the AFP the possible leak of government information to The Australian – referred to on the front page of Monday 14 February's Australian – of the government's plan to withdraw funding of CDEP places from Indigenous communities?

Answer: This subject matter of the possible leak is the responsibility of the Department of Employment and Workplace Relations (DEWR), and it would therefore fall to DEWR to take any necessary action.

Part 15: Do you recall telling the Select Committee into the Administration of Indigenous Affairs that the percentage of senior Indigenous people in the public service has actually risen in the last few years? Can you repeat that statistic please?

Answer: Yes. I said that:

- in 1996, four per cent of Indigenous staff were at the executive level, compared to 9.2 per cent in 2004; and
- the figure at the senior executive level was 0.4 per cent in 1996 compared to 0.8 per cent in 2004 (page 13 Hansard).

The Public Service Commissioner has informed me that the figures, which are from Australian Public Service Commission data, actually compare 1995 to 2004. I would also like to note that these data relate to the number of ongoing Indigenous employees as a proportion of all ongoing Indigenous employees within the Australian Public Service (APS).

Part 16: Can you please provide the actual numbers of Indigenous people in senior public service positions which constitute those percentages?

Answer:

For the executive level, the number increased by 103 per cent between 1995 and 2004 (from 128 to 260). For senior executives, the number increased by 85 per cent between 1995 and 2004 (from 13 to 24). By contrast, the number of APS1 and 2 level staff fell by 74 per cent (from 1122 to 291) – a fall which marked the decline in APS 1 and 2 numbers Service-wide.

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Part 17: Given that you said large numbers of APS 1 and 2 positions no longer exist, and it was those lower ranked positions which Indigenous people were mainly employed in, so that there now needs to be fewer Indigenous people in senior positions to make up a larger percentage of Indigenous APS employees that are in senior positions, do you agree that quoting the percentage increase is very misleading?

Answer: No. The figures are absolute and proportionate, which indicates that the proposition I put was entirely correct.

Part 18: Were you given any direction on how to answer questions relating to the shocking decline in Indigenous workers in the APS? If so, where did that direction come from?

Answer: No.

Part 19: What steps have you, as head of the public service, taken to institute across the board cultural change in the public service? That is, to both accommodate Indigenous employees within the mainstream public service, and to better deliver services to Indigenous citizens?

Answer: I strongly support the efforts of the Public Service Commissioner to improve the recruitment and career development of Indigenous public servants.

Improving service delivery to Indigenous people is the responsibility of all government agencies. As Chair of the Secretaries Group on Indigenous Affairs, I work closely with other Secretaries in:

- promoting coordination between Commonwealth Government agencies in addressing Indigenous issues;
- overseeing the development of linkages between Commonwealth and state and territory programs that improve service delivery to Indigenous communities; and
- fostering cross-portfolio partnerships to develop and deliver targeted initiatives to address Indigenous disadvantage.

Part 20: If there has been any cross-cultural training or the like for non-ATSIC/ATSIS public service employees, where has the funding for this training come from?

Answer: Individual agencies are responsible for the training and management of their staff. Questions regarding the provision of, and funding for cross-cultural training should be directed to those departments.

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Part 21: If you don't know, would you say it is appropriate that such cross-cultural training come out of the ATSIC/ATSIS money? Presumably this is training that should be done anyway, is it not?

Answer: See response to Part 20 (above)

Part 22: You have said in the Senate Select Committee into the Administration of Indigenous Affairs that performance targets in relation to service delivery for Indigenous Australians are already included in Department Secretaries' contracts to help ensure that the public service delivers outcomes for Indigenous people. Could you specify what the performance targets are? How long have these clauses been in Secretaries' contracts?

Answer: Secretaries' performance is assessed against a range of criteria. Members of the Secretaries' Group on Indigenous Affairs will need to show that they have worked in a collegiate fashion to deliver services to Indigenous communities in a coordinated and flexible manner. That performance criterion was added to areas for assessment in mid-2004.

Part 23: Have Secretaries re-signed contracts with such performance targets in them? Or are they only for recently appointed Secretaries?

Answer: Secretaries do not sign contracts, but are appointed for specified terms. All Secretaries are assessed annually against the areas for performance assessment that are relevant to them.

Part 24: What will happen to Secretaries who don't meet those performance measures?

Answer: That would be a matter for Prime Ministerial consideration.

Part 25: Will the performance in relation to these measures be published?

Answer: No.

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Part 26: What role did Indigenous organisations play in developing the performance measures for Secretaries?

Answer: None. Performance measures are a matter for the Prime Minister, individual Ministers and the Secretaries of their departments.

Part 27: How will evaluations of the Secretaries be conducted?

Answer: The Public Service Commissioner and the Secretary of the Department of the Prime Minister and Cabinet take account of Secretaries' self-assessments and speak to Ministers before preparing a submission to the Prime Minister on Secretarial performance.

Part 28: What role will Indigenous organisations have in evaluating the performance of the Secretaries?

Answer: None directly.

Part 29: What work does your department's Implementation Unit do? When did it start that work?

Answer: The Cabinet Implementation Unit was established in October 2003.

The Unit assists agencies to prepare implementation information for new policy proposals that are to be considered by Cabinet and advises agencies on the preparation of more detailed implementation plans on key initiatives adopted by the Government.

The Unit also provides a Quarterly Report on implementation to the Government, providing a regular snapshot of progress on key initiatives across government and reviews the implementation of some specific programmes and activities in greater depth as a basis for considering different approaches to implementation.

The Unit has, in addition, been given the task of identifying and supporting best practice in implementation. In this area of activity it distributes web-based guidance materials, including a detailed Guide to the Preparation of Implementation Plans and a risk management database, and seeks other opportunities to promote good implementation practices.

Part 30: At the moment, the government is using the existing Regional Councils to coordinate much of what is happening at the grass roots level and to communicate with community organisations and groups. What happens when the Regional Councils are gone – who will the government (whichever departments or the ICCs) talk to?

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Answer: Communication issues as well as the coordination of services to Indigenous people are the responsibility of the Office of Indigenous Policy Coordination (OIPC). This question should therefore be directed to the OIPC.

Part 31: How will the government know who is a legitimate representative and who is not?

Answer: The Minister for Immigration and Multicultural and Indigenous Affairs has portfolio responsibility for matters relating to indigenous representative structures. This question should therefore be referred to the OIPC.

Part 32: Will government be able to talk to whoever it wants and thereby pick and choose the Indigenous people who agree with government and want the least?

Answer: See answer to Part 31 (above).

Part 33: How are the changes being communicated to Indigenous communities, especially regional and remote communities?

Answer: See answer to Part 30 (above).

Part 34: Is the little booklet entitled 'New Arrangements in Indigenous Affairs' the only written explanation you have provided communities on the changes?

Answer: See answer to Part 30 (above).

Part 35: How many languages has the booklet been published in? What are those languages?

Answer: See answer to Part 30 (above).

Part 36: Can you explain how the flexible pool of Indigenous funding works?

Answer: The flexible funding pool consists of former ATSIC/ATSIS assets and appropriations which have been separately identified and quarantined for continued use on Indigenous-specific programmes. These funds may be reallocated within the pool on the basis of need or priority (that is, for use on other Indigenous-specific programmes). The Ministerial Taskforce on Indigenous Affairs will play a key role in determining how these allocations and reallocations are to be made. As the funds are quarantined, the size of the flexible funding pool may increase but cannot fall below its current level.

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Part 37: Are the funds quarantined for the various areas and programmes or can you shift them between departments, depriving one programme for the sake of another?

Answer: See answer to Part 36 (above).