

Senate Finance and Public Administration Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Additional Estimates 24-28 February 2014

Prime Minister and Cabinet Portfolio

Department/Agency: Department of the Prime Minister and Cabinet

Outcome/Program: 1.1 Prime Minister and Cabinet

Topic: Royal Commission – Cabinet documents

Senator: Senator the Hon Joe Ludwig

Question reference number: 6

Type of Question: FPA, Monday 24 February 2014, page 75

Date set by the committee for the return of answer: 11 April 2014

Number of pages: 2

Question:

LUDWIG: Is there a document which sets out the terms on which the documents have left your security? The commissioner has them—as I think your evidence agrees—and then there is a document which is communicated back to you, saying that the commissioner has agreed to only use it on those terms. What I am trying to establish is the process and which document you rely on. We will get to the next part of that, which is what the standing of that document is. At the point of you handing the documents over, you have no longer got control of the documents. You would agree with that—no physical control?

Ms Kelly: Yes, Senator. The documents were provided pursuant to a summons and subject to conditions that were clearly set out. There was an accompanying letter with the return to the summons from the Australian Government Solicitor which set the conditions out very clearly.

Senator LUDWIG: And is that available to the committee?

Ms Kelly: I will take that on notice. That would be a matter for the Attorney-General's Department and AGS.

Senator LUDWIG: Why do you include the Attorney-General's Department?

Ms Kelly: As the co-ordinating agency for—

Senator LUDWIG: But you said the cabinet documents were from PM&C to the Government Solicitor.

Ms Kelly: Perhaps that would be a matter for AGS. We would have to take that on notice to determine the status of that document.

Answer:

The conditions under which the Cabinet documents were produced to the Home Insulation Program Royal Commission are set out in the Australian Government Solicitor's letter to the Commission tabled by the Attorney-General on

Senate Finance and Public Administration Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Additional Estimates 24-28 February 2014

Prime Minister and Cabinet Portfolio

24 February 2014 at the Legal and Constitutional Affairs Legislation Committee estimates hearing.