

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

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Question:

Senator LUDWIG: What I was trying to establish briefly was what role PM&C played in ensuring the security of all cabinet documents, including those held within departments—the Department of the Environment, the Department of the Attorney-General, the Department of Industry, and PM&C. You have indicated how you dealt with those within PM&C. Have you communicated to the Attorney-General's Department and the Department of the Environment how they should likewise deal with those cabinet documents?

Ms Kelly: We have communicated with them both directly but also through the Australian Government Solicitor—the very clear conditions under which cabinet material is to be provided.

Senator LUDWIG: So you are not aware of how each separate department has then responded to AGS?

Ms Kelly: It is my understanding from AGS that each of those departments has produced their cabinet material to AGS and AGS has produced it to the royal commission pursuant to the same conditions as were agreed by the department at the Prime Minister's instructions.

Senator LUDWIG: Could you take that part on notice to confirm? You say you are aware of it. It is a qualification.

Ms Kelly: It is just that I cannot recall the exact document.

Senator LUDWIG: I accept that. I am not trying to be tricky here. You put a qualification there. Perhaps during the course of proceedings you can assure me whether or not that qualification can be removed.

Ms Kelly: I will certainly seek some advice about the mechanism used.

Senator LUDWIG: And whether or not those documents from the Attorney-General's Department, which are cabinet documents, have followed a similar course to the

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PM&C documents—that is, that they have gone to the Australian Government Solicitor and then to the royal commission.

Ms Kelly: Yes, Senator.

Answer:

Cabinet documents (including Cabinet submissions, minutes and other documents considered by the Cabinet) were provided by the Department of the Prime Minister and Cabinet to the Attorney-General's Department for the Australian Government Solicitor (AGS) to provide to the Home Insulation Program Royal Commission in accordance with the approach set out in the letter from AGS to the Commission dated 31 January 2014 (tabled at the Senate Legal and Constitutional Affairs Legislation Committee hearing of 24 February 2014).

The AGS and the Attorney-General's Department are responsible for the overall coordination of the Commonwealth's representation before the Commission (including the production of documents to the Commission in accordance with the approach set out in that letter).