

Senate Finance and Public Administration Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Prime Minister and Cabinet Portfolio

Department of the Prime Minister and Cabinet

Budget Estimates Hearings 2004-2005, 24 and 25 May 2004

Question: PM 42

Outcome 1, Output 2.1

Topic: HREOC report on children in detention

Hansard Page: F&PA 69

Senator Faulkner asked: If you can provide this information to the committee because there has been some public commentary, some media suggestion that certainly one department tried to have this report watered down. What I want to know is whether this report was made available to either the Department of the Prime Minister and Cabinet or the Prime Minister's office before it was handed down. If it was, to whom was it made available? If so, as a result of those events, did anyone from the department or the Prime Minister's office have any communication with Dr Ozdowski or any other HREOC staff involved in the inquiry? That is what I would like to know.

Ms Scott – I can give you a response to an earlier question. We did have a copy of the final report before it was released, and that was provided at the branch head level – SES Band 1.

Senator Faulkner – You might also provide, if you could, the dates that that occurred and the status of the report.

Ms Scott – I understand it was a final report. It was not a draft report.

Senator Faulkner – I have provided the questions I would like you to address. In part they are obviously addressed to the department but in part they more directly go to the Prime Minister's own office.

Answer: Patricia Scott provided supplementary information to the Committee in a letter dated 26 May 2004 (attached).

Education and Immigration Branch in PM&C received draft or final copies of the HREOC report for information on the following dates:

- June or July 2003 - draft full copy;
- September 2003 - executive summary;
- December 2003 - draft full copy; and
- 23 April 2004 - embargoed copy of the final report.

The report was also shown to the Legal and Culture Branch.

Neither PM&C, nor the Prime Minister's office provided comment on the draft or final report to Dr Ozdowski or any other HREOC staff.



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3-5 NATIONAL CIRCUIT
CANBERRA, A.C.T. 2600

Mr Alistair Sands
Secretary
Senate Finance and Public Administration Legislation Committee
Parliament House
CANBERRA ACT 2600

Dear Mr Sands

I would like to correct evidence I gave to the Senate Finance and Public Administration Legislation Committee on 25 May 2004 in relation to questions from Senator Faulkner about the HREOC report *A last resort?*.

Senator Faulkner asked (Senate Legislation Hansard F&PA 69): "Do we know whether HREOC's report *A last resort?* was available to the Department of the Prime Minister and Cabinet prior to its being handed down or made public?" It was established at the time that Senator Faulkner was asking whether we saw a draft or a final draft.

I said at the time: "We did have a copy of the final report before it was released, and that was provided at the branch head level – SES Band 1. ... I understand it was a final report. It was not a draft report."

Following consultation with relevant staff, I would now like to supplement my evidence. In addition to receiving a copy of the final HREOC report, under embargo, the department did in fact receive copies of draft versions of the HREOC report, in or about June or July 2003 and in December 2003. These copies were provided to PM&C by DIMIA, for information.

The department's answers to Senator Faulkner's questions relating to the report will be provided in due course, in the normal way.

Yours sincerely

A handwritten signature in cursive script that reads "Patricia Scott".

Patricia Scott
Deputy Secretary
26 May 2004