

Senate Finance and Public Administration Legislation Committee
ANSWERS TO QUESTIONS ON NOTICE
BUDGET ESTIMATES 2011-2012

Finance and Deregulation Portfolio

Department/Agency: Department of Finance and Deregulation

Outcome/Program: 1/1.1

Topic: Treasury's non-compliance with RIS requirements

Senator: Ryan

Question reference number: F11

Type of question: Hansard F&PA Page 88, 25 May 2011

Date set by the committee for the return of answer: Friday, 8 July 2011

Number of pages: 2

Question:

Senator RYAN: ... I would like to refer to the office's annual report where it outlines that Treasury did not comply with the Australian government's best practice regulation requirements in 2009-10 and lists the legislation for which RISs were not prepared at the decision making stage. Are all the reasons provided by Treasury available publicly on the website?

Mr McNamara: No... The agency may have a reason, but we do not publish that reason.

Senator Wong: It is open to you to put that to the relevant agency.

Senator RYAN: I can. Mr McNamara, can you provide to me on notice—and I will put some more in writing on this—of all the 15 proposals that came from Treasury for which RISs were not prepared, how many did they provide reasons for? You have said that on occasions they do not provide reasons, they just do not comply. I would be interested in knowing how seriously the Treasury takes this and whether or not they actually went to the trouble of explaining to you why they did not comply?

Mr McNamara: They will have formally responded. The process we have in putting the annual report together is that I write to each secretary and essentially say this is our findings for the financial year. I cannot recall if Dr Henry wrote back, but if it was not Dr Henry I think someone senior from Treasury wrote back outlining their views on the outcome for 2009-10, so we would be able to provide some answers out of that correspondence.

Senator RYAN: Again, presuming there is no other exemption applying under the public interest immunity claim, am I missing something here as to why those documents would not be publicly available or available if I asked for copies of those documents?

Senator Wong: Again, let us not do it in the abstract. If you want to put that on notice we will consider that.

Senator RYAN: The question I asked was not whether I could get them all. The question I asked was, again, have I missed something here?

Senator Wong: I am not going to prejudice any argument we may or may not make. I do not particularly have a view on that yet, but I am not going to get into having that argument in the abstract. If you put it on notice we will consider that. Obviously, if we assert a reason to not provide I am aware of the view that you are putting and the standing orders.

Answer:

Agencies are not asked or required to provide reasons for non-compliance.