



Australian Government



Senator Raff Ciccone
Chair of Foreign Affairs, Defence and Trade Legislation Committee
Parliament House
Canberra
ACT 2600

Tourism Australia Public Interest Immunity Claim

Dear Senator Ciccone

Claim of Public Interest Immunity

I am writing to you in relation to a claim of Public Interest Immunity (PII) made at a recent Senate Estimates hearing (the Hearing) on 4 June 2024.

During the Hearing I made a claim of PII in relation to questioning about a matter involving the breach of Tourism Australia's travel policy by three former employees in 2023 (the Matter). At the time of the Hearing, Tourism Australia was awaiting a response from the National Anti-Corruption Commission (NACC), having referred the Matter to them some months prior.

The rationale for seeking the PII claim was based on advice from the NACC recommending Tourism Australia not comment on the details of the Matter that was before them, so as not to prejudice future investigations.

On 29 May 2024 Tourism Australia received the following advice from the NACC in relation to external questioning.

The NACC suggested the following: Tourism Australia makes referrals to the NACC in accordance with its mandatory referral obligations under s33 of the NACC Act.

“Tourism Australia will not comment on the number, nature or details of these referrals to ensure the integrity of the investigation process.”

- 1. Tourism Australia's position is consistent with that of the NACC.*
- 2. The NACC has stated that it does not comment on whether or not specific matters have been referred to it or are under investigation, as to do so may compromise current or potential investigations, and prematurely impact the reputations of individuals in circumstances where the legislation enacted by Parliament intends to avoid that by requiring that investigations generally be conducted in private and that information concerning them not be disclosed.*
- 3. It would be inappropriate for the Tourism Australia to comment further on these matters.*

NACC Assessment Outcome and Withdrawal of PII Claim

On 5 June 2024, following the Senate Estimates hearing, the NACC Commissioner advised Tourism Australia that he had concluded his assessment and had decided not to take any further action in relation to the Matter. The Commissioner also requested Tourism Australia clarify that the essence of the NACC's advice was that of a recommendation and suggestion and not a direction. The NACC Commissioner noted in subsequent correspondence that he understood why TA had made a PII claim

in relation to the Matter and that it is the Commission's recommendation that a public interest immunity claim be made, in order to prevent pending investigations being compromised.

However now that the NACC has concluded its consideration of the Matter, I wish to withdraw the PII claim. Tourism Australia will respond to the relevant questions as part of the Questions on Notice process.

Subsequent referral to the AFP

After the NACC's decision of 5 June 2024, TA has referred the Matter to the AFP.

At the time of writing, Tourism Australia has not been advised whether any directions relating to non-disclosure apply. Should Tourism Australia receive any relevant advice in this regard and, should this impact Tourism Australia's intentions to respond to relevant Questions on Notice, I will inform the Committee in a timely manner.

Correction of the Parliamentary Record

I also seek to amend the record relating to evidence provided at the Hearing. In giving evidence at the Hearing, I noted that Tourism Australia's internal auditors conducted a thorough forensic audit stretching back to 2021. This was an inadvertent error, and I would like to correct the record. That audit stretched back further to 2020. I thank the Committee in advance for their assistance in correcting the record.

Yours faithfully,

Phillipa Harrison
Managing Director
Tourism Australia