

Reference: 2019/4719

22 October 2020

Committee Secretary
Senate Legal and Constitutional Affairs Committee
PO Box 6100
Parliament House
Canberra ACT 2600

Dear Chair

I refer to the Senate and Constitutional Affairs Legislation Committee Budget Estimates hearing today where the National Archives of Australia (National Archives) appeared.

The Committee asked if there were any concerns expressed by the Attorney General, in his role as Minister for National Archives, regarding the suitability of an event at the National Archives to mark the release of the “Palace Letters”.

My statement to the Committee highlighted a number of questions put to me by the Ministerial Office that I characterised as purely organisational matters; for example related to costs, COVIDsafe arrangements, and the need to deliver the documents to applicants fairly.

Before the conclusion of the appearance before the Committee I undertook to refresh my memory of the actual exchange between my office and the office of the Minister to ensure that my evidence to the Committee is complete. I have now done this, and I wish to add further to my statement in answer to the Committee’s question.

On the 9th July 2020 at 08:36, I received from the Attorney-General’s Chief of Staff an email that advised me that ‘the AG has considered your brief and has some concerns about the proposed event’.

In my response to the email, sent at 08:55 on the same day, I offered clarification as to the specific arrangements that would be in place for this event. At the conclusion of this email exchange, I was satisfied that the event should proceed. However, relevant to the Committee’s question, I did not seek or receive any further advice from the Minister’s office on the matter.

I have attached a copy of the email exchange for tabling with the Committee.

Kind regards,

David Fricker

From:
To: FW: Archives event [SEC=OFFICIAL]
Subject: Thursday, October 22, 2020 4:24:00 PM
Date:
Attachments:

OFFICIAL

From: David Fricker

Sent: Thursday, July 9, 2020 8:55 AM

To: 'Wellington, Tim' <>

Cc: [REDACTED]
[REDACTED]
[REDACTED] >

Subject: RE: Archives event [SEC=OFFICIAL]

OFFICIAL

Thanks Tim,

All points well noted and agreed:

- It will be a very low key event - no catering, no cost and strictly limited numbers observing COVID safe protocols
- All applicants will receive the full set of documents simultaneously, in digital form. And yes, this is a requirement of the Act once a record is made public. However I am offering Jenny first access to the original documents – she is particularly keen on this.
- We will be running it as an on-line event, as you rightly point out Prof Hocking is based in Melbourne and we will ensure that she is not disadvantaged because of travel restrictions.
- Note also that we have already re-opened our Research rooms here in Canberra, and we are re-opening our public galleries on the 15th July, again under strict COVID safe protocols. This small event will be similar in scale and tone to those that we've recently seen at the War Memorial, National Museum and National Gallery – these were well received and met public expectations.
- We're very mindful of the COVID situation here in Canberra and will modify these arrangements if the situation worsens.

Thanks again Tim, and I'll keep you posted if things change.

Regards,
David

David Fricker
Director-General
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National Archives of Australia
Murrulangalang
Kings Avenue, Parkes ACT 2600
PO Box 4924, Kingston ACT 2604
[| naa.gov.au](http://naa.gov.au)



We acknowledge and pay our respects to the traditional custodians of this land and celebrate their ongoing culture and contribution to society.

OFFICIAL
OFFICIAL

From: Wellington, Tim <>

Sent: Thursday, July 9, 2020 8:36 AM

To: David Fricker <>
[REDACTED]

Subject: [EXT] Archives event [SEC=UNCLASSIFIED]

UNCLASSIFIED

Hi David

Apologies I missed your return call last night, but I understand Chris Moraitis did speak to you.

The AG has considered your brief and has some concerns about the proposed event.

How much will the event cost? Can we please also confirm that the other applicants for the papers are entitled to receive them at the same time - i.e. given Professor Hocking was the first applicant, shouldn't she receive the papers before any others?

The AG also thinks in light of the issues with corona virus, having a large public event for the release of documents essentially because the Archives lost in the High Court, is not in line with community expectations. This is further reinforced by media reporting today that shows Canberra has new COVID cases.

If the Archives does have to release the documents to all applicants at the same time then it may be more appropriate and cost effective to do so by a webcast or other digital means. This would also not disadvantage Professor Hocking given she is in Melbourne.

Happy to pass on any response to these points you might have, but this is his view.

In light of that could you please let me know if you still intend to proceed with the public event.

Regards
Tim

Tim Wellington
Chief of Staff

UNCLASSIFIED

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