



Australian Government
Attorney-General's Department

Secretary

24 November 2022

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

Dear Committee Secretary,

Clarification of evidence – Budget Estimates hearing Monday 7 November 2022

I write to provide a clarification to evidence I gave to the Senate Standing Committee on Legal and Constitutional Affairs during the Budget Estimates Hearing on 7 November 2022.

Page 10 of the Hansard includes the following exchange:

CHAIR: I just want to go to those swearing-ins, as they are referred to. The book itself discloses that Mr Morrison swore himself into a number of portfolios including the health portfolio—well, beginning there. It actually raises an issue around the former Attorney-General, which is why I have some questions for you, Secretary. The book states 'Attorney-General Christian Porter advised that it could be done through an administrative instrument and didn't need appointment by the Governor-General with no constitutional barrier to having two ministers appointed to administer the same portfolio.' My question is: did the Attorney-General's Department ever provide Mr Porter with advice in connection with Mr Morrison's proposed swearing-in?

Ms Jones: I wasn't secretary of the department at the time, but, based on inquiries that I have taken, the department did not provide advice to the then Attorney-General on that issue.

Further to the evidence I gave at the hearing, the Attorney-General's Department is not aware of any advice given by the former Attorney-General, the Hon Christian Porter MP, to the former Prime Minister, the Hon Scott Morrison MP, in relation to Mr Morrison's appointments to administer various departments other than the Department of the Prime Minister and Cabinet. However, I wish to clarify that the department did provide some advice to Mr Porter's Office in connection with Mr Morrison's appointment to administer the Department of Health.

Please let me know if you require any further information.

Yours sincerely

Katherine Jones PSM