

# Appendix B

## Sources of advice

### Sources of authority

- The Constitution (ss 49 & 50)
- *Parliamentary Privileges Act 1987*
- *Public Service Act 1999*
  - APS Values
  - s 13 – Code of Conduct
  - s 15 – Sanctions
  - s 57(2) – ‘The Secretary of a Department must assist the Agency Minister to fulfil the Agency Minister’s accountability obligations to the Parliament to provide factual information, as required by the Parliament, in relation to the operation and administration of the Department.’

### Senate resolutions

- Senate Privilege Resolutions (especially resolutions 1 and 6; and resolution 2, in relation to the Privileges Committee)
- Standing orders and other resolutions and orders of the Senate, including:
  - witnesses – powers of the Senate (16 July 1975)
  - accountability of statutory authorities (9 December 1971, 23 October 1974, 18 September 1980 and 4 June 1984)
  - expenditure of public funds (25 June 1998)
  - accountability to Parliament -- study of principles by public servants (21 October 1993)
  - claims of commercial confidentiality (30 October 2003)
  - public interest immunity claims (13 May 2009)

### Senate committee reports

- Senate Procedure Committee, *Third Report of 1992*
  - (The report rejected the application of FOI exemptions to the provision of information to Parliament)

- Senate Committee of Privileges, *125th Report: Parliamentary privilege: precedents, procedures and practice in the Australian Senate 1966–2005*, December 2005

### **Guidance published by the Senate department**

- *Odgers' Australian Senate Practice*, 13th edition – chapter 17
- *Annotated Standing Orders of the Australian Senate* (entries relating to standing orders 176–183)
- Senate Committee Office publications
  - *How to make a submission to a Senate Committee inquiry*
  - *Notes for the guidance of witnesses appearing before Senate Committees*
  - *Procedures to be observed by Senate Committees for the protection of witnesses*

### **Government advice**

- *Government Guidelines for Official Witnesses before Parliamentary Committees and Related Matters*
- Advice from PM&C issued in February 2004 relating to the making of commercial-in-confidence claims
- Advice from PM&C issued in September 2009 relating to the process for making claims for public interest immunity
- *APS Values and Code of Conduct in Practice: a guide to official conduct for APS employees and agency heads*
- *Foundations of Governance, a document published by the APSC (in particular, the chapter on Accountability)*
- *APS Values and Code of Conduct in Practice: a guide to official conduct for APS employees and agency heads*
- *Supporting Ministers, Upholding the Values – in particular, Part 2.2.8: responding to questions on notice and appearing before parliamentary committees*