

## **Senate Standing Committee on Legal and Constitutional Affairs**

### **Handling of a letter sent by Mr Man Haron Monis to the Attorney-General**

#### **Responses to questions taken on notice at hearing on Friday 19 June**

- 1. Why was the press release issued by the Attorney-General on 28 May 2015 taken down from the Attorney-General's website on 29 May?*

The Attorney-General's Department's web publishing area published the media release on the Attorney-General's website on 28 May around 3pm shortly after it was issued by the Attorney-General.

The department subsequently removed the release from the Attorney-General's website on 29 May following an assessment by an officer in the department that placing the release on the website may not be consistent with the 'Guidelines for Ministerial and Agency Websites' issued by the Department of Finance. In deciding to remove the release, the officer had regard to the statement in the Guidelines that 'agency-funded websites should not contain material of a party political nature'. In making the decision to remove the media release the officer did not consult the Attorney-General's office.

- 2. Did the department provide a Question Time brief on 28 May 2015 and can a copy of the Question Time Brief be provided to the Committee?*

Yes.

As the Question Time Brief is considered advice to government, it would not be appropriate to provide a copy of the brief. However, the department can confirm the brief states that '[i]n response to a request for copies of correspondence between the Attorney General or the Department and Monis, AGD provided all correspondence to the Siege Review', which was the department's understanding at the time.

- 3. Can a copy of the index of correspondence be provided?*

Copies of tab one and tab two of the spreadsheet index of correspondence are attached. Tab one contains records in TRIM, the department's general record management system, and tab two contains records in ExecCorro, the department's ministerial correspondence system. Details of the subject of the correspondence and names of private individuals have been redacted to ensure there is no prejudice to the coronial inquiry or other proceedings or disclosure of personal information.

- 4. Can you provide details of contact the department had between 29 May and 4 June with the Department of the Prime Minister and Cabinet, the Attorney-General's Office, the Minister for Foreign Affairs or the Department of Foreign Affairs and Trade about the provision to the Review of the letter sent by Mr Man Haron Monis to the Attorney-General?*

At the hearing on 19 June, Mr Sheehan indicated that he had information 'that on Monday 1 June at 9:30, PM&C advised that they did not have the letter in question'. This is not correct. As set out below, the first advice that PM&C gave to the department about the letter in question was at 12:15pm on 1 June. That advice stated that PM&C had 'checked the index of AGD documents for the Martin Place Review very carefully. The letter is not there.'

Set out below are details of the department's contact with the Department of the Prime Minister and Cabinet and with the Attorney-General's Office regarding the issue of the department's provision to the Siege Review of a letter from Mr Monis to the Attorney-General dated 7 October 2014 and the

department's reply. The department had no contact with the Prime Minister's Office, the office of the Minister for Foreign Affairs or Department of Foreign Affairs and Trade on the letter in question.

<b>Communication with Department of the Prime Minister and Cabinet</b>	
<b>Date</b>	<b>Contact</b>
29 May	AGD officer met with PM&C officer, discussed evidence given to Estimates Committee
1 June, 8:55am	Phone call PM&C officer to AGD officer asking what AGD is thinking about the letter. AGD officer advised that she is starting to think that the letter may not have been sent to the review.
1 June, around 11am	Phone call AGD officer to PM&C officer to ask whether the Monis correspondence had been provided to the Review team
1 June, 11:21 am	Phone call PM&C officer to AGD officer asking for information about the letter.
1 June, 12:15pm	Email PM&C officer to AGD officers to advise that PM&C had checked the index of AGD documents provided to the review and the letter is not there.
1 June, 1:57pm	Email AGD officer to PM&C officer providing copy of email to AGO of 1 June 1.54pm describing handling of correspondence.
1 June, 2 pm	Phone call PM&C officer to AGD officer advising PM&C agreed with the description in AGD email.
1 June, around 5:30pm	Phone call PM&C officer to AGD officer to ask whether AGD would correct evidence given at Estimates.
1 June, 5:30pm	Email PM&C officer to AGD officers to indicate Minister Bishop had referred to provision of the letter in Parliament and to ask about correcting the record.
1 June, 7.37pm	Email AGD officer to PM&C officer to arrange a meeting on 2 June. PM&C confirmed availability for meeting at 9.39pm.
2 June, 10:15am	Meeting AGD officers with PM&C officer to provide copies of five documents AGD appeared erroneously not to have provided to the Review and ask if they would have made a difference to the Review.
2 June, 11:15am	Phone call PM&C officer to AGD officer advising PM&C will provide the documents to NSW.
2 June, 12:07pm	Email PM&C officer to AGD officers to advise that four of five letters were in PM&C's possession.
2 June, 12:40pm	Phone call AGD officer to PM&C officer to advise that AGD QTB now included reference to the documents having been provided to PM&C that morning.
3 June, 2:10pm	Phone call PM&C to AGD officer to advise that PM&C officer had spoken to NSW.
4 June, 1:05pm	Phone call AGD officer to PM&C officer advising of draft letter to the Attorney-General
4 June, 1:08pm and 1:22pm	Emails AGD officer to PM&C officer and reply from PM&C officer to AGD officer regarding draft of Secretary's advice to the Attorney-General about what had occurred.
4 June, around 2pm	Phone call AGD officer to PM&C officer seeking a copy of the letter seeking legal advice that was considered by the

	Review and recalled by Ms Jones.
4 June, 3:05pm	Email PM&C officer to AGD officer providing copy of letter seeking legal advice that was considered by the Review.
4 June, 5.45 pm	Email PM&C officer to AGD officer attaching copy of PM&C Secretary signed letter to PM.

<b>Communication with the Attorney-General's Office</b>	
<b>Date</b>	<b>Contact</b>
1 June, 1:54pm	Email AGD officer to AGO describing the handling of the Monis correspondence
1 June, 2:30pm	Phone call between AGD and AGO at which the Attorney-General, through the AGO, requested a meeting with the AGD Secretary
1 June, 4:45pm	AGD Secretary and officers meet with the Attorney-General, who asks that the Secretary AGD conduct an urgent internal review to establish the facts surrounding Monis correspondence given inconsistencies.
2 June, 12:45pm	Phone call AGD officers to AGO to advise about taking five documents to PM&C and asking PM&C if they would have made a difference to the Review.
4 June, around 8:45am	Phone call AGD officer to AGO to advise that it was anticipated the Secretary's internal review would be likely completed later that day and that Ms Jones would correct her evidence immediately after the completion of the internal review. The Secretary undertook to confirm the outcome of the internal review in writing.
4 June, around 12pm	Phone call AGO to AGD officer seeking update on timing of Secretary's advice and Ms Jones' correction.
4 June, around 1pm	Phone call AGD officer to AGO to confirm that the Secretary's letter to the Attorney would be provided that afternoon and that Ms Jones would also correct her evidence.
4 June, 1:09pm	Email AGD officer to AGO providing draft copy of the Secretary's letter to the Attorney-General.
4 June, around 1:30pm	Phone call AGO to AGD Secretary to discuss the draft letter to the Attorney.
4 June, 2:43pm	Email AGD officer to AGO providing signed copy of the Secretary's letter to the Attorney-General.
4 June, 2:57pm	Email AGD officer to AGO providing a copy of Ms Jones' letter to the Senate Committee Chair correcting her evidence.