

**HOME AFFAIRS PORTFOLIO  
DEPARTMENT OF HOME AFFAIRS**

**PARLIAMENTARY INQUIRY SPOKEN QUESTION ON NOTICE**

Joint Intelligence and Security

**14 March 2024**

**QoN Number: 1**

**Subject: The Decision for the Corner Report not being disclosed to the Committee**

**Asked by:** Josh Wilson

**Question:**

Mr WILSON: But obviously I'm focused more on the fact that it wasn't disclosed to this committee, so you're acknowledging that the fact that it wasn't—that the existence of it—wasn't disclosed and a copy of it wasn't provided to this committee, that was wrong and shouldn't have occurred?

Mr Smyth: Absolutely.

Mr WILSON: Yep, so when you talk about the steps or the measures that have been put in place to ensure that we're not kept in the dark about something like that in the future, what are we talking about?

My Smyth: We've made it very clear—well I've made it very clear—to my staff that anything that relates to the application of assessment tools, the HRTO Regime, has to be made available to this Committee.

Mr WILSON: Okay, and how was it that wasn't understood previously? In understanding how that mistake was made, it seems to be that what you've just said is a statement of the bleeding obvious, why wasn't that understood previously?

Mr Smyth: My understanding is that there was conflicting advice, internal advice to government, as to whether or not the report should be made available and was exculpatory; and a decision was made in the Department at the time, that was clearly wrong now in hindsight, that the report not be provided or didn't need to be provided to this Committee or to various legal proceedings.

Mr WILSON: So there was conflicting advice about whether it should be provided to this Committee specifically?

Mr Smyth: I'd have to take that on notice and check to be honest. That would have occurred following the receipt of the report in around, as I said, May 2020; and I'd have to go back over records to determine what decisions were actually made at that point in time and whether or not it was discussed as to whether or not it should come to this Committee or not.

**Answer:**

Mr Smyth's response referencing advice on the availability of the Corner Report was in relation to the provision for court proceedings. Following review of departmental records, no advice exists in relation to providing the report to the PJCIS.