

**Senate Finance and Public Administration Legislation Committee**  
**ANSWERS TO QUESTIONS ON NOTICE**  
Additional Estimates 2015 - 2016

Prime Minister and Cabinet Portfolio

**Department/Agency:** Department of the Prime Minister and Cabinet

**Outcome/Program:** Outcome 1: Prime Minister and Cabinet

**Topic:** Marriage equality plebiscite

**Senator:** Wong, Penny

**Question reference number:** 227

**Type of question:** FPA Monday 22 February 2016, Pages 16, 17

**Date set by the committee for the return of answer:** 1 April 2016

**Number of pages:** 1

**Question:**

Senator WONG: Thank you. Has the department briefed the Prime Minister in relation to marriage equality?

Ms E Kelly: Yes, advice was provided to the Prime Minister in relation to marriage equality.

Senator WONG: Can you give me the dates on which that was provided?

Ms E Kelly: I can get the dates. It was quite soon after he became Prime Minister in September last year. I do not have the exact date, but it was quite soon after the time he became Prime Minister.

Senator WONG: Has there been subsequent advice?

Ms E Kelly: No.

Senator WONG: The cost figure which has been bandied about, how was that generated? I do not think it is in MYEFO.

Ms E Kelly: That would be a question to address to the Attorney-General's Department, who are working on the detail of the costing.

Senator WONG: Sure, but that is not a cost figure that you had input into?

Ms E Kelly: My staff would have been aware of some of the workings of that at one point. I do not know more recently.

Senator WONG: Was legal advice sought in the context of providing advice to the Prime Minister in September?

Ms E Kelly: Yes, I believe was. I will confirm that, but I believe was.

Senator WONG: Internal or external? I should be clear: Crown Solicitor, Solicitor-General or external?

Ms E Kelly: It was external advice. I believe it was AGS.

**Answer:**

The Department of the Prime Minister and Cabinet sent a brief to the Prime Minister, the Hon Malcolm Turnbull MP, on 1 October 2015.

On the legal advice question - yes.