

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
ATTORNEY-GENERAL'S DEPARTMENT

Group 2

Program 1.8

Question No. 154

Senator Singh asked the following question at the hearing on 24 February 2014:

Royal Commission into the Home Insulation Program

- 1) In what sense is the AGD an 'agent' as regards the compliance of government departments with summonses or subpoenas other orders for production of evidence (subsequently 'summonses') issued by the Royal Commission?
- 2) How does the AGD 'co-ordinate' compliance of government departments with summonses issued by the Royal Commission? Who in the Department is responsible for this?
- 3) Is the AGD merely a 'post-box' which receives documents provided under summonses and passes them on to the Australian Government Solicitor and/or the Royal Commission? What is the value of this process?
- 4) Does the AGD have any role in inspecting or assessing the documents, or their compliance with the relevant summonses?
- 5) Does the AGD provide advice to other departments in relation to compliance with summonses?
- 6) When was the AGD first aware that any government department had been issued with summonses by the Royal Commission? Who was made aware? How?
- 7) When was the Attorney-General's Office first aware that any government department had been issued with summonses by the Royal Commission?

The answer to the honourable senator's question is as follows:

- 1) The Attorney-General's Department coordinates responses from government departments to summonses issued by the Royal Commission and the production of documents by departments to the Royal Commission through the Australian Government Solicitor.
- 2) The summonses served on the Commonwealth by the Royal Commission have been addressed to 'The Proper Officer of the Commonwealth of Australia C/ Australian Government Solicitor'. The Attorney-General's Department coordinates compliance with summonses by liaising with relevant agencies, reviewing documents provided by agencies, and producing relevant material to the Commission. The coordination function exists to maximise the compliance, consistency and timeliness of Commonwealth responses to summonses issued. The coordination role played by the Attorney-General's Department is performed by the Commonwealth Representation (Royal Commission) Branch of the Department's Civil Law Division.
- 3) See answer to question 2.
- 4) Yes.

- 5) The Department does not provide legal advice to the other departments. The Department does assist other departments to understand the scope of summonses, logistical arrangements and processes.
- 6) 22 January 2014. The Commonwealth Representation (Royal Commission) Branch was first made aware of the summons served on the Commonwealth on 22 January 2014 upon receipt by the Department of an email from the Australian Government Solicitor attaching a copy of the summons.
- 7) The Attorney-General's Department submitted a brief to the Attorney-General's Office on 29 January 2014 with advice that the Royal Commission had issued a summons to the Commonwealth.