



AUSTRALIAN SENATE

CLERK OF THE SENATE

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13 February 2006

Senator C Evans
The Senate
Parliament House
CANBERRA ACT 2600

Dear Senator Evans

**Estimates Hearings
Answers by Witnesses – Direction by Minister**

You asked whether there were any precedents for the government direction referred to by the Minister for Finance and Administration, Senator Minchin, at the opening of the hearing by the Finance and Public Administration Legislation Committee of the Department of Prime Minister and Cabinet this morning. That direction was to the effect that officers must not answer any questions on matters before the commission of inquiry known as the Cole Commission.

Relying on both recollection and search, my colleagues and I have been unable to find any precedents for this direction. There have been occasions when ministers, officers and statutory office-holders have expressed some reluctance to answer questions about matters before commissions of inquiry, but no case of a general instruction by government of the kind referred to by Senator Minchin.

Reference was made in the House of Representatives to an instruction by the then government in 1989 that officers should not answer questions about the Coronation Hill uranium mine. The basis of that direction, however, as was made clear by the responsible minister in the Senate, Senator Richardson, was that Cabinet was deliberating on the question of Coronation Hill at the time of the estimates hearings, not that a commission was inquiring into the matter. (The need to protect the confidentiality of deliberations of Cabinet is one of the known grounds for a claim of public interest immunity.) That occasion was therefore not a precedent.

On various occasions, questions have been asked and answered in estimates hearings about the conduct of commissions of inquiry, for example, the HIH royal commission in 2003 and the building industry royal commission in 2002.

Please let me know if I can be of any further assistance.

Yours sincerely


(Harry Evans)

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