

Senate Finance and Public Administration Legislation Committee
Additional Estimates Hearing – May 2012
ANSWER TO QUESTIONS ON NOTICE

Prime Minister and Cabinet portfolio

Department/Agency: Office of the Official Secretary to the Governor-General

Program 1: Support for the Governor-General and Official Activities

Outcome 1: The performance of the Governor-General's role is facilitated through the organisation and management of official duties, management and maintenance of the official household and property and administration of the Australian Honours and Awards system.

Topic: Senator Carr – Swearing in date

Senator: Kroger and Ryan

Question reference number: PM71

Type of Question: Written

Date set by the committee for the return of answer: 6 July 2012

Number of Pages: 1

Mr Brady: That is perhaps best asked of PM&C. But my understanding is that the legal instrument once signed by the minister during the swearing in is the only instrument that matters.

Senator KROGER: So when was Senator Carr sworn in?

Mr Brady: I would have to take that on notice.

Senator KROGER: I know when he was sworn in here in parliament –

Mr Brady: It was the same day.

Senator KROGER: You might want to clarify that.

Mr Brady: We just checked. I am pretty sure it was the same day.

Senator KROGER: Thank you.

Senator RYAN: Is the gazettal process done on the initiative of your office as its responsibility, or is it done on advice of the department, as in the timing of the gazettal?

Answer:

In relation to the appointment of Senator the Honourable Bob Carr as Minister for Foreign Affairs, the swearing in took place on 13 April 2012.

The Office does not seek advice from PM&C regarding gazettal notices.

Advice from the Australian Government Solicitor indicates there is no legal requirement for appointments to the Ministry, and their revocation, to be published in the Gazette. The legal effectiveness of such appointments and revocations does not depend on their publication.