

Senate Finance and Public Administration Legislation Committee
Budget Estimates Hearing – October 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: Public Interest Immunity

Senator: Polley/Ronaldson

Question reference number: PM51

Type of Question: FPA, p.61, 15 October 2012

Date set by the committee for the return of answer: 30 November 2012

Number of Pages: 1

CHAIR: Mr Brady, Senator Ronaldson asked you a question which you previously had taken on notice. I now ask whether you are taking that question and your response is one of public interest immunity. Is that what you are putting to the committee? Is that the position you have?

Mr Brady: Madam Chair, it is the chancellor of the order who is charged with the administration of the honours system. What we have been discussing this afternoon seems to me to raise a significant issue of separation of powers. There is a constitutional dilemma which, my assumption is, will be resolved by the Federal Court at the hearing on 23 November. My view is that there may be a public interest immunity but I need to seek advice whether I can exercise that as an official or indeed only the Governor-General advising me that I could do it. I feel I am in a quandary and need to seek advice. So I ask that I take it on notice.

CHAIR: In relation to your comments to the committee, we have said 30 November 2012 as the date for the return of answers to questions taken on notice. So I have to say that some members of the committee have not been satisfied with the answers provided thus far. I remind you that we will be seeking an adequate response by 30 November 2012.

Mr Brady: Thank you, Madam Chair.

Answer:

No claim of public interest immunity is being sought at this time. The Committee is referred to correspondence from Senator Chris Evans to the Chair, Senate Finance and Public Administration Committee, regarding Senate Standing Order 165 concerning the royal prerogative.