

Senate References Committee on
Foreign Affairs, Defence and Trade

**Inquiry into matters relating to events on
*HMAS Success***

**Report on Parliamentary Privilege – possible
interference in the work of the committee**

GOVERNMENT RESPONSE

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Recommendation 1

In light of the committee's experience and its concerns with sections of the Guidelines dealing with witnesses appearing in their private capacity, the committee recommends that the Senate refer this matter, as it relates to the Guidelines, to the Standing Committee of Privileges for its consideration.

Response:

Agreed.

The Senate referred the *Government Guidelines for Official Witnesses before Parliamentary Committees and Related Matters* to the Senate Standing Committee of Privileges for inquiry on 21 March 2011. The Government is willing to engage with the Privileges Committee in this activity.

Recommendation 2

All legal officers in Defence Legal and senior officers in the Ministerial and Executive Support Branch undertake a study of the principles governing the operations of Parliament and of the accountability of government departments and agencies to Parliament. Further, that in future such a course of study be mandatory for newcomers to these branches.

Response:

Agreed in principle.

The Government respects the basis for this recommendation and agrees that officers in Defence's Ministerial and Executive Support Branch and legal officers in the Defence Legal Division who support the department's involvement with the parliament should have a very sound grasp of the operations and responsibility of the parliament.

Indeed, the committee may be interested to note that for a number of years Defence has allocated significant resources to develop and conduct a range of tailored in-house training courses for personnel. A number of these courses are focused on educating staff on the specific issues raised in this recommendation. There is consistently high demand for these courses and 1,677 Defence personnel in 2009 received the benefit of this training.

Additionally, in 2007 Defence introduced the mandatory *Working with Government* course for all Senior Executive Service officers and military equivalents which comprehensively educates the organisation's senior leadership group on their responsibilities in working with Government, as well as their public accountability obligations.

However, the Government does not consider mandating officials from the two specific areas of Defence highlighted in this recommendation to attend such courses to be necessary. Since only a relatively small proportion of officials in these areas are engaged directly in supporting the organisation's interaction with the parliament, mandating such training for all staff would not be an appropriate allocation of resources. But, opportunities will be examined to enhance the training and awareness on parliamentary processes and accountability, and the mechanisms to achieve this across all levels in these areas (both for public servants and military personnel).

The Government recognises that there is also a range of externally provided courses that address the issues identified in this recommendation, including the Senate's own comprehensive education and training program. The Government encourages departments and agencies to consider these types of courses and provide opportunities for staff to attend if they meet their training needs.