rm.sub.17390

Committee of Privileges

Inquiry into the adequacy of advice contained in the *Government Guidelines for Official Witnesses before Parliamentary Committees and related matters* for officials considering participating in a parliamentary committee whether in a personal capacity or otherwise

Submission by the Clerk of the Senate

The *Government Guidelines for Official Witnesses before Parliamentary Committees and related matters* is a document produced by the executive government and has no parliamentary status. Nevertheless, the document has been very useful over the years in providing guidance to public servants who appear as witnesses.

Procedures governing the protection and conduct of witnesses

The Senate's own view of what is expected of witnesses, including those witnesses who are public servants (or "officers" as they are called in the standing and other orders) is reflected in a series of orders and resolutions. On several occasions, the Senate has passed resolutions providing either guidance or direction to public servants appearing before Senate committees. The best known of these are the Privilege Resolutions, particularly Resolution 1 concerning procedures to be observed by Senate committees for the protection of witnesses. These procedures are binding on Senate committees.

Paragraph 16 of Privilege Resolution 1 provides as follows:

> (16) An officer of a department of the Commonwealth or of a state shall not be asked to give opinions on matters of policy, and shall be given reasonable opportunity to refer questions asked of the officer to superior officers or to a minister.

Other resolutions or orders of this nature include the following:

- witnesses – powers of the Senate (16 July 1975)
- accountability of statutory authorities (9 December 1971, 23 October 1974, 18 September 1980 and 4 June 1984)
- expenditure of public funds (25 June 1998)
- accountability to Parliament -- study of principles by public servants (21 October 1993)
- claims of commercial confidentiality (30 October 2003)
- public interest immunity claims (13 May 2009).

All of these are reproduced in the volume of *Standing Orders and other orders of the Senate* (June 2009).

Origins and evolution of the Government Guidelines

— the first version: 1978

The Government Guidelines had their origin in the work of the Royal Commission on Australian Government Administration which reported in 1976. When presenting the first guidelines to the House of Representatives on 28 September 1978, the Minister Assisting the Prime Minister, Mr Viner, also referred to earlier principles and procedures suggested by Prime Minister Menzies and former Solicitor-General, Sir Kenneth Bailey, in relation to inquiries by the Joint Committee on Public Accounts and the Senate Standing Committee on Regulations and Ordinances, respectively. The report of the royal commission made several suggestions for matters which could be included in guidelines (paragraphs 5.1.27 to 5.1.39 of the report). The royal commission also suggested that a joint select committee be established to consider and report on the desirability of dealing with these matters by statute.

Other contributing factors were a detailed proposal on the protection of witnesses appearing before parliamentary committees submitted to then Prime Minister Fraser by the Council of Australian Government Employee Organisations in 1977 and a report of the Privileges Committee of the House of Representatives in 1978 which proposed a review of parliamentary privilege.

One area where there had been little progress was in relation to Crown Privilege (now known as public interest immunity) which was the subject of the Senate Privileges Committee's second report tabled on 7 October 1975. This report considered directions given by various ministers to public servants ordered to appear at the bar of the Senate in 1975 in relation to the so-called loans affair. It was in relation to this episode that the Senate agreed to a resolution on 16 July 1975 asserting its power over witnesses and the right to determine any claims of privilege:

> (1) The Senate affirms that it possesses the powers and privileges of the House of Commons as conferred by section 49 of the Constitution and has the power to summon persons to answer questions and produce documents, files and papers.
>
> (2) Subject to the determination of all just and proper claims of privilege which may be made by persons summoned, it is the obligation of all such persons to answer questions and produce documents.
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> (3) The fact that a person summoned is an officer of the Public Service, or that a question related to his departmental duties, or that a file is a departmental one does not, of itself, excuse or preclude an officer from answering the question or from producing the file or part of a file.
>
> (4) Upon a claim of privilege based on an established ground being made to any question or to the production of any documents, the Senate shall consider and determine each such claim (*Journals of the Senate*, p.831).

The Senate has never modified its position on these matters. It has not conceded that there is such a thing as executive privilege and has maintained the right to determine any matters of privilege, including claims of public interest immunity.

The first version of the guidelines was an attempt to address the issues with four considerations in mind:

- the importance of promoting the free flow of information through parliamentary committees to the public "consistent with the protection, in the national interest, of the necessary confidences of government and the privacy of individual citizens";
- the achievement of a proper balance between the needs of government to preserve some confidences and the needs of parliamentary committees to conduct inquiries;
- confirmation of the line of responsibility between the executive and Parliament with ministers having a central role in dealings between the executive and parliamentary committees; and
- maintenance of the traditional impartiality of public servants (*House of Representatives Debates*, 28 September 1978, p. 1505).

In concluding his statement to the House, Mr Viner said that "[c]laims of privilege would not, of course, be made by Ministers without substantial cause". It could be inferred, however, that the guidelines were weighted in favour of executive secrecy as opposed to responsiveness to Parliament. In particular, having listed possible grounds for claims of public interest immunity, the guidelines were then silent on any mechanism to resolve any disputed claims of public interest immunity, implying that such claims were conclusive. This inference is strengthened by the lack of any reference in the guidelines to the powers of the Houses under section 49 of the Constitution, or to the Senate's resolution of 16 July 1975, or otherwise to the Senate's often-stated position.

— the second version: 1984

On 29 April 1982, the Senate agreed to a resolution transmitted by the House of Representatives for the establishment of a joint select committee on parliamentary privilege. The committee was re-established after the change of government in 1983 (with the same chair and deputy chair). An exposure report was presented in June 1984 and the final report in October that year. The second version of the guidelines was tabled in both Houses on 23 August 1984 in response to the exposure report of the joint select committee. It was also stated to be guided by the principles of the *Freedom of Information Act 1982*, the new regime for giving the public a right of access to government documents, subject to exemptions for sensitive material. Again, the guidelines appeared in bad company with a regime that, in practice, limited access to all but innocuous information. (Incidentally, the application of FOI exemptions to the provision of information to Parliament was explicitly rejected by the Senate on 6 May 1993 with the adoption of the Procedure Committee's *Second report of 1992*.)

— the third version: 1989

Partly as a response to the report of the joint select committee but given added urgency by the judgments of Justices Hunt and Cantor in proceedings against Justice Murphy in the NSW Supreme Court, the Parliamentary Privileges Bill was passed in 1987 to declare the scope of proceedings in parliament and so prevent the future use of proceedings of the kind that had occurred in the case of *R v Murphy*. In February 1988, the Senate agreed to the Privilege Resolutions which gave effect to numerous recommendations of the joint select committee that did not require statutory expression but went to matters of practice and procedure.

The third (and current) version of the guidelines was tabled in the Senate on 30 November 1989 and took account of the enactment of the Parliamentary Privileges Act and the adoption by the Senate of the Privilege Resolutions. By this time, the Senate Committee system was approaching its 20th anniversary and many public servants had appeared before estimates committees as well as providing evidence to other committee inquiries. This version of the guidelines also noted that the report of the House of Representatives Procedure Committee on committee procedures had not yet been dealt with.

Developments since 1989

Since these guidelines were tabled have been several important developments affecting committees:

- the systematic referral of bills to Senate committees since 1990 has led to an explosion in committee work and much greater numbers of public servants appearing before Senate committees to provide routine explanations of policies and their proposed implementation through legislation;
- the adoption of supplementary estimates hearings in 1993 had led to three rounds of estimates each year and a correspondingly increased exposure of public servants to the estimates process;
- there has also been a steady growth in the number of statutory committees with oversight functions in relation to particular organisations, including the Australian Crime Commission (formerly the National Crime Authority), various intelligence agencies, the Australian Commission for Law Enforcement Integrity, and various financial services regulatory authorities;
- both Houses have agreed to new procedures that affect the operations of their committees.

At the very least, the guidelines require updating to acknowledge these developments and their impact. For example, it is now very common for committees to seek the attendance of public service witnesses directly to the department rather than through the minister's office and there can be little dispute that this expedites consideration of routine matters, including bills and estimates.

When the referral of bills process began in the early 1990s, it was quite common for ministers to appear at hearings into bills. House of Representatives ministers also appeared before

Senate committees on the odd occasion in this context (see attached list). Ministers have not attended bills inquiries since 2000 (and not regularly since the mid-1990s) and some recent experiences of Senate committees suggest that ministers are reluctant to appear (see, for example, the report of the Environment, Communications and the Arts References Committee on the *Energy Efficient Homes Package (ceiling insulation)*, July 2010 which includes a report pursuant to standing order 177(2) in respect of a Senate minister). The absence of a minister can leave officials in an invidious position, particularly when the matter being inquired into is controversial.

Problems with the guidelines

Recent Senate committee inquiries have exposed problems with the guidelines in several respects.

> *— Inadequate distinction between general inquiries into matters of policy or administration and inquiries into individual conduct*

The guidelines set out clearance procedures for submissions that generally involve clearance through the minister's office. It is accepted that this will be appropriate in cases involving inquiries into matters of policy and administration. Paragraph 2.5 of the guidelines refers to committees dealing with individual conduct and provides that there may be circumstances where it is not appropriate for the usual clearance procedures to be followed. There is then a reference to the capacity for witnesses to be accompanied by counsel and a reference to Privilege Resolution 1, paragraphs (14) and (15). It is not particularly clear what the paragraph is referring to but its reference to inquiries into the personal actions of a minister or official suggests that it includes contempt inquiries by committees of privilege, for example. There are other examples of inquiries that involve individual conduct in which committees strive to establish the facts of the matter and to draw conclusions from a chain of events. Inquiries of this nature include:

- allegations concerning a judge and conduct of a judge (Senate select committees, 1984, 1985)
- sexual harassment in the Australian Defence Force (Senate Foreign Affairs, Defence and Trade Committee, 1994);
- pay television tendering processes (Senate select committees, 1992-93);
- a certain maritime incident and the Scrafton evidence (Senate select committees, 2002, 2004)
- equity and diversity health checks in the Royal Australian Navy (Senate Foreign Affairs, Defence and Trade References Committee, current).

All of these inquiries involved committees seeking accounts of events from individuals about particular conduct. In such circumstances it is important that accounts not be subject to supervision or influence. Anything other than an individual's own account has the potential to mislead the committee and may therefore constitute a possible improper interference with the committee's ability to carry out its functions and, therefore, a potential matter of privilege.

This was an issue recently when the Committee of Privileges sought evidence from the Secretary and named officers from within the Treasury Department about any action they had taken following the appearance of former Treasury official, Mr Godwin Grech, before the Economics Legislation Committee on 19 June 2009 (142nd report). The Secretary provided his submission to the offices of the Treasurer and Prime Minister at the same time as it was provided to the committee. Fortunately, copies sent to ministers' offices were identified by staff of those offices and returned to the Secretary. Any damage was therefore contained. However, the Secretary later provided the committee with a copy of legal advice that had been sought to justify his actions. The legal advice addressed the Secretary's actions only in terms of the Westminster doctrine of ministerial responsibility which provides that a minister is responsible to Parliament for the conduct by his or her department of the government's business. Under this doctrine, the Secretary was obliged to respond to the committee through his minister (although the advice did not explain why it was necessary for the Secretary to include the Prime Minister as well, other than that the submission mentioned staff in the Prime Minister's office). The legal advice failed to refer to the only paragraph in the guidelines relevant to the particular circumstances, namely, paragraph 2.5. This was an incomprehensible omission when the committee was inquiring into what actions individuals may have taken as a consequence of Mr Grech giving evidence to the Economics Legislation Committee.

It is important to note that inquiries into matters of privilege may initially be very general. There are no "suspects" as such. Until the committee establishes the chain of events it may not be possible to identify any potential suspects or, indeed, the actual nature of the possible offence or offences that may have been committed. In this case, the committee also sought accounts from staff of the same ministers' offices to which the Secretary had copied the Treasury submission. There was a risk of collusion from such action and therefore a risk of prejudice to the committee's inquiry. When the committee raised the matter with the Secretary it acknowledged that the guidelines were not particularly clear on this crucial distinction between inquiries into matters of policy and administration and inquiries into individual conduct. However, it noted that the guidelines were the government's guidelines, not the Senate's.

The same issue arose in relation to a defence instruction (called a DEFGRAM) issued about the time that the Foreign Affairs, Defence and Trade References Committee received a reference on events that are alleged to have occurred on the HMAS Success. I refer the committee to advice I gave to that committee and which it published in its report, *Parliamentary privilege — possible interference in the work of the committee (Inquiry into matters relating to events on HMAS Success)*. The instruction was withdrawn at the direction of the Minister for Defence and was replaced with a more accommodating document that attempted to clarify the right of any person to participate in an inquiry in a personal capacity. The Foreign Affairs Defence and Trade References Committee remained concerned that the replacement instruction (which was actually the third in the series) continue to exert a subtle pressure on defence personnel that could well have the effect of deterring them from participating in any inquiry. The source of the pressure was the distinction made in the

guidelines about participating in an inquiry in a personal capacity as opposed to participating in an official capacity (see paragraph 2.50 of the guidelines).

The committee reported that it was:

> … particularly concerned that the current *Government Guidelines for Official Witnesses before Parliamentary Committees and Related Matters* (the Guidelines) fail to make clear the meaning of 'private capacity'. This is especially so in the context of committee inquiries into incidents in the workplace where public servants may wish to provide evidence on their own behalf but of necessity cannot divorce themselves from their professional role. In drafting the three DEFGRAMS cited in this report, Defence relied on sections of the Guidelines to provide unsound advice to its personnel. The committee is strongly of the view that the Guidelines may need to be reviewed by the Department of Prime Minister and Cabinet (paragraph 1.39).

The committee has identified what is a very difficult area. On the one hand, public servants and defence personnel operate in a structured and hierarchical environment and are required to comply with particular standards of conduct and to embody particular values in their work practices. The courts have recognised that public sector employment has a unique nature, distinct from other kinds of employment, in that it accommodates the recognition and pursuit of the public interest. For example, in the case of *Commissioner of Taxation v Day* (2008) 236 CLR 163, the High Court said:

> The public service legislation in Australia has served and serves public and constitutional purposes as well as those of employment, as Finn J observed in *McManus v Scott-Charlton*. Such legislation facilitates government carrying into effect its constitutional obligations to act in the public interest. For reasons of that interest and of government the legislation contains a number of strictures and limitations which go beyond the implied contractual duty that would be owed to an employer by many employees. In securing values proper to a public service, those of integrity and the maintenance of public confidence in that integrity, the legislation provides for the regulation and enforcement of the private conduct of public servants.

As a disciplined service, the defence forces are even more subject to constraints on the conduct of their members.

On the other hand, however, parliamentary privilege is absolute. The Houses of Parliament have the power to protect persons who participate in proceedings in Parliament through the use of the contempt power. For example, under Privilege Resolution 6, the following actions may be dealt with as contempts:

> **Interference with witnesses**
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> (10) A person shall not, by fraud, intimidation, force or threat of any kind, by the offer or promise of any inducement or benefit of any kind, or by other improper means, influence another person in respect of any evidence given or to be given before the Senate or a committee, or induce another person to refrain from giving such evidence.

Molestation of witnesses

(11) A person shall not inflict any penalty or injury upon, or deprive of any benefit, another person on account of any evidence given or to be given before the Senate or a committee.

The contempt jurisdiction does not distinguish between a witness participating in an official capacity or in a personal capacity. From the Parliament's point of view, a witness is a witness and any action taken to a witness's detriment may be treated as a contempt regardless of what capacity a witness may claim to be appearing in.

The committee will recall that in its 141st report it examined the case of an employee of the Aboriginal Legal Service of Western Australia Inc (ALSWA) who was issued with a formal warning for serious misconduct for having made a submission to the Legal and Constitutional Affairs References Committee's inquiry into access to justice. It had come to the Committee of Privileges because the Legal and Constitutional Affairs References Committee was not persuaded that the ALSWA accepted its employee's right to make a submission ***in any capacity***. In its report, the Privileges Committee set out the arguments as follows:

> **1.19** It is quite clear on the facts available to the committee that the ALSWA issued a warning letter to Ms Puertollano as a direct consequence of her submission to the references committee. This action by the ALSWA was wrong in all the circumstances. As noted by the references committee in its report, it is irrelevant whether Ms Puertollano's submission was made in a private or official capacity. The references committee went on to conclude:
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> > When giving evidence to a Senate committee, an individual's employment conditions, policies and guidelines, including confidentiality agreements however described are of no effect and the witness must be able to assist the committee in complete freedom, and without suffering any disadvantage as a consequence, regardless of whether the evidence was given in an official or a private capacity. The committee felt that this essential principle has not been understood by the ALSWA and its universal application needs to be restated.
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> **1.20** This committee concurs. Under the law of parliamentary privilege, proceedings in parliament ought not be questioned or impeached in any place outside parliament. These are the terms of Article 9 of the Bill of Rights 1689, incorporated into Commonwealth law by section 49 of the Constitution and further declared by section 16 of the *Parliamentary Privileges Act 1987*.
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> **1.21** A person who makes a submission to a committee is participating in proceedings in parliament and that participation therefore attracts all the protections conferred by Article 9 of the Bill of Rights and section 16 of the Parliamentary Privileges Act. Senate Privilege Resolution 6, made pursuant to section 50 of the Constitution, articulates conduct which may offend that protection by being intended to amount, or amounting or likely to amount, to an improper interference with the free exercise by a House or committee of its authority or functions. Such conduct includes interference with witnesses or molestation of witnesses.

> **1.22** Time and again, this committee has declared that it regards the protection of witnesses as constituting the single most important duty of the Senate (and therefore of the committee as its delegate) in determining possible contempts.
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> **1.23** Unfortunately, this is not an isolated case and the committee agrees that it would be useful to set out clear guidance for any person who seeks to take action of any kind against another person as a consequence of their evidence to a Senate committee. **The committee's advice is that such action should not be taken in any circumstances.** If it is taken, such action may constitute a contempt of the Senate. A person's right to communicate with the parliament and its committees is an untrammelled right, overriding all other considerations.
>
> **1.24** There is a very simple remedy available to any employer or professional organisation or any other body whose staff or members may make submissions to a parliamentary committee that do not accord with the official policy or practices of the organisation. The remedy is for that body to make its own submission to the committee in question, dissociating itself from the submission of the individual and indicating that the views expressed by the individual are not the official views of the organisation. Under no circumstances is it acceptable, as occurred in this case, for the organisation to take the matter up with the individual directly and threaten disciplinary action as a result of the individual's communication with the committee. [*footnotes not included in this extract*]

A problem with the existing government guidelines, therefore, is that they make a distinction between giving evidence in an official capacity and giving evidence in a personal capacity, a distinction which has no meaning in parliamentary terms. Moreover, such a distinction is potentially harmful because it invites public service managers to exert pressure on potential witnesses in respect of their evidence and therefore to influence that evidence or the giving of it.

It is not difficult to imagine a conversation between an officer and his or her supervisor about particular information that the officer may wish to put forward to an inquiry. The supervisor could well advise the officer that this line of information or argument would not be compatible with the agency's overall position and that it would be preferable, if the officer persisted in wishing to put the information before the committee, for the officer to make it clear that they were making a submission in a personal capacity. Fear of reprisal could influence the information the officer put to the committee or, indeed, whether they put it to the committee at all.

As the committee knows, this is not a theoretical problem. Its 125th report contains an account of the committee's experience of such cases on pages 46 to 56. The case covered in the 42nd report led directly to the Senate's requirement for senior public servants to undertake training and study in the principles governing the operation of Parliament and the accountability of executive agencies to Parliament, a call reiterated by the Foreign Affairs, Defence and Trade References Committee in its recommendation that officers of Defence Legal and the Ministerial and Executive Support Branch be required to undertake such study.

While the theory may be pure, the reality is far more problematic. Certain qualities and experience are needed to become a senior officer in a Commonwealth agency. Adherence to

the public service values and code of conduct is a fundamental requirement of employment in this sector. There is a potential tension between this required adherence and an individual's desire to present a committee with his or her version of the "truth" or the "facts". It is the same dilemma that surrounds whistleblowing. How is it defensible to continue to take the king's shilling while blowing the whistle on practices within the king's court? The reality is that many senior officers would consider giving evidence to a committee in a personal capacity to be self-indulgent and not compatible with their duties as public service employees or with the public service values. Those who persist in doing so may be regarded by their peers and supervisors as having demonstrated a lack of judgement which may subtly influence future employment decisions about them.

No guidelines can accommodate these fine distinctions of judgement and they should not attempt to do so. The principles should be stated clearly and the remedy noted (as described by the committee in paragraph 1.24 of its 141st report, quoted above).

— *Secrecy provisions*

A second area where the guidelines fall short is in relation to secrecy provisions. Paragraph 2.33 of the guidelines provides that the existence of secrecy provisions may affect a decision whether to make information or documents available to a committee. As the committee knows from its recent inquiry into the Tax Laws Amendment (Confidentiality of Taxpayer Information) Bill 2009, a lot of water has flowed under the bridge since 1989 in relation to secrecy provisions.

In my submission to the committee on that bill, I outlined the history of the Senate's concerns about the use of secrecy provisions to limit the provision of information to Parliament. Matters came to a head in the early 1990s because of a conflict between the head of the National Crime Authority and the Parliamentary Joint Committee on the NCA. The NCA chairman insisted that the secrecy provision in the NCA legislation prevented the provision of information to the committee (notwithstanding that the committee had been established by the same legislation to monitor the operations of the Authority). It was finally conceded that only an express statutory declaration could limit the powers and immunities of the Parliament under section 49 of the Constitution, although the Solicitor-General maintained that such a limitation could also be supported by necessary implication. The Senate has never accepted the latter view.

The guidelines are quite inadequate on the issue of secrecy provisions. The only advice they give is for the Attorney General's Department to be consulted when such questions arise. As my earlier submission demonstrated, however, the Attorney General's Department has been a source of conflicting and confusing advice in the past and has therefore not proved to be a reliable source of advice on this critical issue.

Recent episodes in estimates also demonstrate that there continues to be a lack of understanding and acceptance of the fundamental principles involved, principles which are well articulated in the committee's 144th report. During the recent round of Budget estimates hearings, for example, officers of Austrade refused to answer questions about the company

Securency on the ground that they were protected by a secrecy provision in the Australian Trade Commission Act. The provision was in general terms and contained no express limitation of any parliamentary powers and immunities granted under section 49 of the Constitution. It therefore had no application to the operations of the committee. The officers were encouraged to inform themselves about the matter and to take the questions on notice (Foreign Affairs, Defence and Trade Legislation Committee, Budget estimates hearings, 3 June 2010, transcript FAD&T 58).

— Public interest immunity

Thirdly, the treatment of public interest immunity in the guidelines could usefully be revised to accommodate developments that have occurred since 1989. In particular, the Senate resolution of 13 May 2009 sets out procedures for dealing with claims of public interest immunity but, as the Procedure Committee has reported, these new procedures have not been well understood or incorporated into standard practices. Too many public servants are still not providing proper reasons for declining to answer questions and several very senior public servants seem to think that there exists an independent discretion to withhold information from the Parliament and its committees independently of public interest immunity (for example, responses by the Treasury Secretary to a hearing of the Senate Select Committee on Fuel and Energy, 13 July 2010, FUEL ENE 58; by the Secretary of the Department of Education, Employment and Workplace Relation at a supplementary budget estimates hearing, 21 October 2009, EEWR 158; by the Treasury Secretary at a budget estimates hearing, 3 June 2009, E 88-89). The guidelines would have more practical value if they explained how to raise a public interest immunity claim and what the next steps are.

Conclusion

In the end, these are the government's guidelines, not the Senate's, and while they do have shortcomings, the deficiencies are not such as would necessitate a complete rewriting of them. The old adage about sticking with the devil you know has some appeal. In any case, the more significant rights and obligations of witnesses are those enumerated in the Senate's own resolutions and orders.

On the other hand, there is considerable scope for improvement of the guidelines. An alternative approach to the guidelines might be the development of a "better practice guide" for public servants appearing before parliamentary committees (dropping the references to "official witnesses" and appearances in a personal capacity). Any such better practice guide should take into account the standards that have been set and reiterated time and again by the Houses and their committees, and should avoid being a rehash of Westminster conventions that only partially reflect constitutional arrangements in Australia.

(Rosemary Laing)

Clerk of the Senate

EXAMPLES OF FEDERAL MINISTERS WHO GAVE EVIDENCE AT COMMITTEE HEARINGS

31/08/2010 10:14 AM

Committee		Type	Date	Inquiry	Name	Status
1.	Education and the Arts	Standing	01/04/1987	The Proposed Amalgamation of the ABC and the SBS	Michael Duffy	Minister
2.	Legal and Constitutional Affairs	Standing	8 & 15/3/1991 9/4/1991	Crimes (Investigation of Commonwealth Offences) Amendment Bill 1990	Michael Tate	Minister for Justice and Consumer Affairs
3.	Employment, Education and Training	Standing	06/03/1992	The John Curtin School of Medical Research	Peter Baldwin	Minister/Parliamentary Secretary
4.	Superannuation	Select	06/05/1992	Super Guarantee Legislation	Bob McMullan	Minister/Parliamentary Secretary
5.	Industry, Science and Technology	Standing	25/05/1992	Australian Nuclear Science and Technology Organisation Amendment Bill 1992	Ross Free	Minister/Parliamentary Secretary
6.	Rural and Regional Affairs	Standing	09/12/1992	DPIE Appropriations	Peter Cook	Minister/Parliamentary Secretary
7.	Pay Television	Select	6 & 20/8/1993	Pay Television Tendering	Bob Collins	Minister for Transport and Communications
8.	Superannuation	Select	24/09/1993	Superannuation industry supervision bills	Nick Sherry	Minister/Parliamentary Secretary
9.	Legal and Constitutional Affairs	Standing	06/12/1993	Native Title Bill	Gareth Evans	Minister/Parliamentary Secretary
10.	Privileges	Standing	18/08/1994	Parliamentary Privileges Amendment (Enforcement of Lawful Orders) Bill 1994	Gareth Evans	Minister/Parliamentary Secretary
11.	Legal and Constitutional	References	19/09/1995	Payment of a minister's legal costs	Gareth Evans	Minister/Parliamentary Secretary

EXAMPLES OF FEDERAL MINISTERS WHO GAVE EVIDENCE AT COMMITTEE HEARINGS

Committee		Type	Date	Inquiry	Name	Status
12.	Legal and Constitutional Committee	Legislation	29/11/1996	Hindmarsh Island Bridge Bill 1996	John Herron	Minister for Aboriginal Affairs
13.	Economics	Legislation	30/08/1999	Superannuation Contributions and Termination Payments Taxes Legislation Amendment Bill 1999	Rod Kemp	Assistant Treasurer
14.	Superannuation and Financial Services	Select	26/06/2000	New Business Tax System (Miscellaneous) Bill (No.2) 2000	Rod Kemp	Assistant Treasurer
15.	Legal and Constitutional	References	18/08/2000	Stolen Generation	John Herron	Minister for Aboriginal and Torres Strait Islander Affairs
16.	Rural and Regional Affairs and Transport	References	29/09/2001	Ansett Australia	Ian Macdonald	Minister for Regional Services, Territories and Local Government
17.	Finance and Public Administration References	Standing	19/08/05	Government advertising and accountability	Eric Abetz	Special Minister of State
18.	Finance and Public Administration References	Standing	07/10/05	Government advertising and accountability	Eric Abetz	Special Minister of State