

Answer to question in writing:

HOUSE OF REPRESENTATIVES STANDING COMMITTEE ON ECONOMICS

REVIEW OF THE ASIC ANNUAL REPORT (SECOND REPORT) 2019

ASIC44QW:

On 14 September 2020, an article in the Sydney Morning Herald 'Former Tennis chief Healy says ASIC tried to turn him against Harold Mitchell', reported that Mr Healy revealed details of a settlement offer he had received from ASIC.

(a) Were the settlement discussions ASIC held with Mr Healy, which are referred to in the article, confidential?

(b) If so, does ASIC intend to take any action against Mr Healy for publicly disclosing privileged discussions about settlement? If not, why not?

Answer:

ASIC does not accept that the article accurately represents the content of discussions held with Mr Healy. Nevertheless:

(a) All settlement discussions conducted by ASIC in relation to the proceedings were on a confidential basis.

(b) ASIC does not intend to take any action. In circumstances where a defendant does not seek to use confidential discussions for a forensic advantage at trial (and for which an injunction might be sought), any remedy otherwise available would be limited to damages, which would be difficult to quantify and not in the public interest for ASIC to pursue.