

Mr Ben Davies

Pursuant to Resolution 5(7)(b) of the Senate of 25 February 1988

Reply to comments in the 2019-20 Budget Estimates hearings of the Senate Legislation Committee on Education and Employment (5 April 2019)

1. On 5 April 2019 in the 2019-20 Budget Estimates hearings of the Senate Legislation Committee on Education and Employment, I was mentioned adversely by name in the course of the Committee's public deliberations.
2. During this hearing, Senator Watt made the following statements in which I was mentioned by name:

Senator WATT: Just remind me: did Mr Davies resign because he was involved in this leak as well?

...

Senator WATT: So, even though we've got evidence in court from two of your former staff that they conspired with another minister's office to leak confidential police information about a raid

3. It is not the case that I 'resigned' from my previous employment as the chief of staff to Senator Michaelia Cash. In fact, my employment terminated by virtue of the operation of section 16(3) of the *Members of Parliament (Staff) Act 1984*, which relevantly provides that the employment of any ministerial staff member terminates upon their Minister ceasing to hold a particular portfolio, as occurred in this case. My employment terminated by virtue of this provision on 14 February 2018.
4. These facts were previously provided to the Committee by Senator Cash during an Additional Estimates hearing on 20 February 2019, at which Senator Watt was present, in following terms:

Senator Cash: Again, there is so much in that statement that is just political rhetoric by Senator Cameron. I think my evidence was very clear back in October 2017. My former media adviser provided his resignation to me that night. My former chief of staff actually left as a result of me getting a new portfolio which encompassed two departments, not one, those being the jobs portfolio and the innovation, industry and science portfolio, which was Senator Sinodinos' former portfolio. So there was a change in responsibilities.
5. Any suggestion that I 'resigned', let alone for the reasons Senator Watt asserted, is false, and demonstrably false.
6. The assertion by Senator Watt that I was 'involved in this leak' is also false. I have not engaged in any such leak, whether authorised or otherwise, to any member of the media. The assertion that I have is completely false, defamatory and without foundation.

7. Furthermore, I have never ‘*conspired with another minister’s office to leak confidential police information*’, let alone given evidence in court that I had done so. Other than the allegation by Senator Watt under cover of privilege, I am not aware of any suggestion by any other person that I have done so.
8. Later on during the course of this hearing, the following exchange also took place in which Senator Watt made further false statements relating to me:

Senator WATT: *But how can you be confident that any of your current staff comply with the law, given that you’ve got a track record of employing people who are willing to break the law for political gain?*

Senator Cash: *Well, there was no finding in relation to the breaking of the law—*

CHAIR: *Senator Watt, that is a statement that is completely without justification.*

Senator Cash: *In fact, there was no finding in relation to this case.*

Senator WATT: *They’ve admitted it. Mr De Garis admitted it to you when he resigned. They both admitted it in court.*

...

Senator PATERSON: *Perhaps I could make an observation. This is a pattern of behaviour from Labor senators of accusing people, under privilege, of breaking the law.*

Senator WATT: *Well, they’ve admitted it in court.*

9. The suggestion that I have broken the law, or am ‘willing to break the law’ is completely false, defamatory and without foundation. I completely repudiate that I have broken any laws as asserted by Senator Watt.
10. Furthermore, the assertion that I have ‘admitted in court’ to either breaking the law or being willing to do so is not only completely false but demonstrably false. I have never made any such statement, either in a court or anywhere else.
11. It is an extremely serious matter to break criminal laws. It is equally serious to falsely allege that a person has done so, to falsely assert that they are willing to do so, or to falsely assert that they have admitted to doing so. I am not aware of such allegations having been made by anyone other than by Senator Watt under the cover of privilege.
12. Given that the comments made in the Senate Legislation Committee on Education and Employment on 5 April under cover of privilege by Senator Watt directly led to injury to my reputation, were highly defamatory and demonstrably false, I seek this opportunity to provide the ascertainable facts and correct the Senate record.