

Senate Community Affairs Legislation Committee

ADDITIONAL ESTIMATES – 2 MARCH 2017 ANSWER TO QUESTION ON NOTICE

Department of Human Services

Topic: Correcting the public record - guidelines

Question reference number: 9 (HS 9)

Senator: Siewert

Type of question: Hansard page 21

Date set by the committee for the return of answer: 21 April 2017

Number of pages: 1

Question:

Senator SIEWERT: Can I go back to the issue of maintaining integrity and confidence in the system for the purposes of the law. Do you have guidelines about what is seen as undermining the integrity and the confidence in the system for the purposes of the law, or do you have guidelines for interpreting that?

Ms Musolino: We have legal advice that gives us guidance on what those words mean.

Senator SIEWERT: Are you able to table that legal advice?

Ms Musolino: I will take it on notice.

Senator SIEWERT: Do you have it available?

Ms Musolino: I have, but I will take the question on notice so—

Senator SIEWERT: Can you take it on notice today and give it to us today?

Senator Ryan: I am not that familiar with this committee, but legal advice is one of those issues that is given much greater deliberation to and does have some protection. The official has taken it on notice; I think it is fair to allow that deliberation to occur—so no guarantees on time.

Senator SIEWERT: It could be next year.

Senator Ryan: We will try to fulfil all our obligations to answer questions on time; I am just saying that there are no guarantees about getting it today.

Answer:

The Department obtained legal advice from the Australian Government Solicitor in February 2005 about the disclosure of information protected by secrecy provisions in the social security law, the family assistance law and the child support legislation. The provisions authorising disclosure for the purposes of the social security law and the family assistance law have not changed since the advice was provided in 2005. The legal advice provided to the Department is subject to legal professional privilege. Disclosure of the requested legal advice would be contrary to the public interest, on the ground that the confidentiality of legal advice obtained by the Government (including the legal advice which has been requested) is critical to the effective administration of Commonwealth laws.