

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
ATTORNEY-GENERAL'S PORTFOLIO

Program: 1.9

Question No. SBE15/023

Senator Macdonald asked the following question at the hearing on 20 October 2015:

Senator Brandis: Were compensation issues checked?

Mr Minogue: Indeed, through that process.

Senator Brandis: To add to what Mr Minogue has told you, Mr Chairman, probably the most tangible outcome in terms of the victims was that there was a structure set up to negotiate compensation. Where that is at the moment I am not in a position to tell. I can take in on notice if you like, but it seems to me that there were two really important outcomes, above all others, from that. One was to shine a light on what happened, which was itself very important to the families of the four young men who were killed; and secondly, as I said a moment ago, to create a structure for the negotiation of compensation.

Senator Brandis: I do not think I am at liberty to say the Commonwealth accepts liability. The

Commonwealth has indicated a willingness to be generous to those who suffered without admission of liability.

CHAIR: I understand the 'without admission of liability', but clearly this whole program resulted from a decision—a very poorly thought through decision—of a federal government.

Senator Brandis: I think the whole program was a catastrophe, and I do not think anybody who is sensible disputes that these days, including the minister who was lumped with the blame for it, Mr Garrett—although the more we learn about its genesis, the more it seems to me that Mr Garrett was perhaps the scapegoat of decisions made by more senior ministers in that government.

CHAIR: But I would assume the laws of the states would apply. What is the Commonwealth's connection in a compensatory way?

Senator Brandis: That is something that, because it involves certain legal judgements, I really do think I should take on notice. But of course, as you know, this program was a Commonwealth-established and Commonwealth-administered program, and no doubt those who are dealing with compensation aspects will be addressing the issue of the causality between the program as established by the Commonwealth and the circumvention or failure to observe various state laws—in particular, workplace health and safety practices.

The answer to the honourable senator's question is as follows:

Questions about payments for home insulation businesses should be directed to the Department of Industry, Innovation and Science. Questions about payments to the families of victims should be directed to the Department of Finance.