

Senate Standing Committee on Economics

ANSWERS TO QUESTIONS ON NOTICE

Treasury Portfolio

Supplementary Budget Estimates

20 – 21 October 2010

Question: SBT 214

Topic: Request to produce instructions to AGS

Senator Brandis asked:

CHAIR—Mr Parker, you are taking that request on notice, are you?

Mr Parker—Yes, I am taking it on notice and I am simply not conceding the point that it waives legal professional privilege.

Senator BRANDIS—I am not going to debate the legal principle with you, but you are taking the question on notice. That is fine. So you are taking on notice what? My request for the production of the instructions for the Australian Government Solicitor?

Mr Parker—Yes, that is right. I would need to consult with the Australian Government Solicitor in advising the government on that matter.

Senator BRANDIS—Mr Parker, who was the author of the instructions to the Australian Government Solicitor?

Mr Parker—I believe that it was Andrew England, but I am not certain. So again, I can take that precise question on notice.

Answer:

The Government declines to provide instructions as this is an internal working document within Government. The legal advice was requested by Paul McCullough, General Manager of Business Tax Division.

Updated response to Question SBT 214

The legal advice was requested by Paul McCullough, General Manager of Business Tax Division. Disclosure of either the advice or the request for advice may prejudice the Commonwealth's legal position and would therefore not be in the public interest. On that basis, the Government does not propose to disclose the relevant instructions to the Australian Government Solicitor.