

Senate Standing Committee on Economics

ANSWERS TO QUESTIONS ON NOTICE

Treasury Portfolio

Supplementary Budget Estimates

20 – 21 October 2010

Question: SBT 215

Topic: Author of instructions to AGS

Senator Brandis asked:

Senator BRANDIS—All right. The advice received from the Australian Government Solicitor on 27 April in the form produced in response to the FOI request has been redacted in certain respects by the omission of a number of paragraphs. I ask for the production of the complete advice please and I assert, as I repeat my proposition to you, that perhaps inadvertently you have waived the privilege in relation to the whole of the advice by producing a substantial portion of it.

Mr Parker—As I replied to your previous question, Senator, it is not my position before the committee to concede that point. I would just note that the redaction that you see has not been prepared so far as I understand it for the purpose of responding to the FOI request. The material that you see fitted within the FOI request because it had been provided by means of advice to the Treasurer.

Senator BRANDIS—You are taking on notice, are you, Mr Parker, my requirement that Treasury produce the whole of the advice?

Mr Parker—I will take that on notice.question on notice.

Answer:

The Government is seeking legal advice as to whether legal professional privilege has been waived.

Updated response to Question SBT 215

Releasing the remaining extracts from the Australian Government Solicitor's legal advice to Treasury of the 27 April 2010 may prejudice the Commonwealth's legal position and would therefore not be in the public interest. Accordingly, the Government does not propose to disclose the remaining extracts.