

**Senate Standing Committee on Education Employment and Workplace
Relations**

**QUESTIONS ON NOTICE
Additional Estimates 2010-2011**

Outcome 2 - Schools

DEEWR Question No.EW0855_11

Senator Back provided in writing.

Question

ORDER FOR PRODUCTION OF LEGAL ADVICE – P21

A Ministerial statement was tabled in response to a return to order by the EEWRC Committee which is conducting an inquiry into Building Education Revolution funding Thursday 10 March 2010.

The Minister has claimed ‘public interest immunity’ grounds for not producing the document citing that the reason for the harm as having ‘the potential to prejudice the Commonwealth’s position in future dealings with State and Territory Government’s, including in relation to recovery action’.

This reason is briefly cited as ‘having the potential to prejudice the Commonwealth’s position in future dealings with State and Territory Governments in relation to recovery action’ – what is the prejudice for public harm?

Answer

The harm to the public interest is the potential prejudice to the Commonwealth’s position in future dealings with state and territory governments.