

Senate Finance and Public Administration Legislation Committee
ANSWERS TO QUESTIONS ON NOTICE
BUDGET ESTIMATES 2011-2012

Prime Minister and Cabinet portfolio

Department/Agency: Australian Public Service Commission

Outcome/Program:

Topic: Termination of employment of Ms Wolfe

Senator: Ronaldson

Question reference number: 101

Type of question: Hansard, F&PA, p 29, 24 May

Date set by the committee for the return of answer: 8 July 2011

Number of pages: 1

Question: Did the DMO and you have separate legal advice? Were you separately represented?

Answer:

The Australian Public Service Commission (the Commission) and the Defence Materiel Organisation (DMO) did not receive separate legal advice and were not separately represented.

The Australian Government Solicitor (AGS) acted for all three respondents: Dr Stephen Gumley, the delegate of the Secretary of the Department of Defence, who decided to terminate the employment of Ms Wolfe; Ms Lynelle Briggs, the then Public Service Commissioner who decided to issue a certificate under s 38 of the *Public Service Act 1999* in relation to the termination of Ms Wolfe's employment proposed by Dr Gumley; and the Commonwealth of Australia, the employer of Ms Wolfe.

The Commonwealth was responsible for and had control of the defence of the proceedings on behalf of the three respondents. The DMO was responsible for the Commonwealth's conduct of the defence of the proceedings on behalf of Dr Gumley and the Commonwealth. The Commission was responsible for the Commonwealth's defence of the proceedings on behalf of Ms Briggs. It was agreed that DMO would have the lead role in carriage of the proceedings.