

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: 104

Type of question: Hansard, F&PA, p 30, 24 May

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

Number of pages: 2

Question: How often were you briefed? What dates were you briefed? Were you separately briefed to Mr Gumley, do you know, or were you jointly briefed on these matters?

Answer:

The three respondents to the proceedings were: 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 Australian Government Solicitor (AGS) represented all the respondents in the proceedings. AGS's legal services were provided jointly to the Defence Materiel Organisation (DMO) and the Australian Public Service Commission (the Commission) as the elements of the Commonwealth responsible for the respondents' conduct of the proceedings.

Throughout the defence of the proceedings, AGS regularly sought instructions from the Commonwealth and provided advice to the Commonwealth.

The Commission jointly received or was copied in on a significant volume of communications which included legal advice to the Commonwealth.

In addition to the legal advice which was jointly received by DMO and the Commission, the Commission did on occasion seek legal services from AGS which were not otherwise required by DMO.

The Commission regularly had written communications and oral discussions with AGS, by telephone and in meetings, on occasion jointly with DMO.

Commission files indicate that on 14 January 2010 the current Public Service Commissioner met with AGS to discuss the matter. On 20 January 2010, 25 January 2010 and 15 February 2010, the Public Service Commissioner met with Dr Gumley, AGS and others to discuss the matter.