

Centrelink's compliance program – Interim report

Government Senators' dissenting comments

Government Senators do not support the Senate Community Affairs References Committee Interim Report into Centrelink's compliance program as presented by the Australian Labor Party and the Australian Greens Senators.

The claim of public interest immunity in regard to legal advice provided with respect to the Income Compliance Programme made by the Hon Stuart Robert MP, the Minister for the National Disability Insurance Scheme and Minister for Government Services (Minister), is valid.

As originally stated by the Minister, in the Public Interest Immunity Claim '*It has been the long-standing practice of successive Australian Governments not to disclose legal advice*'.

It is the view of the Government Senators of the committee that it is not in the public interest to depart from this established long-standing practice and believe it is integral that legal advice provided to the Commonwealth remains confidential.

Government Senators consider that the correspondence outlining the Minister's claim is sufficient to justify that provision of this information to the committee would cause harm to the public interest.

This is further justified due to the fact there is currently active legal proceedings before the Federal Court in relation to the Department of Human Services' (Services Australia) Income Compliance Programme. The disclosure of privileged legal advice may compromise the Commonwealth's legal position and prejudices the adjudication of matters under active consideration by the judiciary.

Government Senators do not support the recommendation that the Senate adopt any resolution requiring the production of documents relating to legal advice and Centrelink's compliance program.

Senator Wendy Askew
Deputy Chair

Senator Hollie Hughes