



MB21-000053

Chief Executive Officer
Ms Rebecca Skinner

Senator Rachel Siewert
Committee Chair
Community Affairs References Committee
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Dear Senator Siewert

Inquiry into Centrelink's Income Compliance Program – Public Interest Immunity claim

Thank you for your letter dated 5 August 2021, concerning Services Australia's (the Agency) response to resubmitted questions on notice from the Senator for New South Wales, Senator Deborah O'Neill.

You note that a significant portion of the answers provided by the Agency on 14 July 2021 continue to rely on a Public Interest Immunity claim, previously made by the then Minister for Government Services, the Hon Stuart Robert MP.

The Agency maintains that it is appropriate to continue to rely on the Public Interest Immunity claim made by Minister Robert, on 29 July 2020 for the following reasons:

- The possible prejudice to the Commonwealth in relation to its conduct of litigation relating to the Income Compliance Program (ICP). Although the ICP class action has been settled, it cannot be said that all potential claims arising out of the ICP have been resolved through the class action. A large number of class members opted out of the class action and those members may choose to bring their own claims against the Commonwealth.
- It is consistent with the established and appropriate practice of claiming privilege over legal advice (and associated documents) obtained in the course of normal decision making processes of government, to ensure that frank legal advice is available to government decision makers without the risk that such advice may be disclosed.

I anticipate that the Minister for Government Services, Senator the Hon Linda Reynolds CSC, will be writing to you further in connection with the Australian Government's claim for public interest immunity relating to the ICP.

The Agency's records of the resubmitted Questions on Notice indicate that IQ20-000102 was not included in the list of resubmitted Questions on Notice. I will arrange for an Agency response to be prepared and resubmitted as a priority.

Yours sincerely

Rebecca Skinner
Chief Executive Officer
Services Australia

9 August 21