



SENATOR THE HON RICHARD COLBECK

Minister for Aged Care and Senior Australians

Minister for Youth and Sport

Committee Secretary
Department of the Senate
PO Box 6100
Parliament House
Canberra ACT 2600

16 JUL 2020

Dear Secretary

I write in relation to an answer provided by the Chair of the Australian Sports Commission on February 27 2020, with respect to providing the Select Committee on Administration of Sports Grants with legal advice obtained by the Commission.

On behalf of the Government I am claiming public interest immunity in relation to this legal advice, as the release of this advice could prejudice pending legal proceedings.

In addition, it has been the long standing practice of Australian Governments over many decades, on both sides of politics not to disclose the fact or content of privileged legal advice. This practice has previously been outlined by the Hon Gareth Evans QC:

*...[n]or is it the practice or has it been the practice over the years for any government to make available legal advice from its legal advisers made in the course of the normal decision making process of government, for good practical reasons associated with good government and also as a matter of fundamental principle...
(Senate Hansard, 28 August 1995, page 446);*

The Government maintains that it is not in the public interest to depart from this established position. It is integral that privileged legal advice provided to the Commonwealth remains confidential. Access by Government to such confidential advice is, in practical terms, critical to the development of sound Commonwealth policy and robust law-making.

Yours sincerely

Richard Colbeck

cc. John Wylie AM, Chair Australian Sports Commission