

Interim Dissenting Report from Government Senators

1.1 The farcical nature of this inquiry is no better demonstrated than by the process of the tabling of the Interim Report. The Labor Party and Greens Political Party majority of the committee are submitting a 24-page Chair's "Interim" Report when the usual practice is for interim committee reports to the Senate to consist of a one-page advice seeking an extension of time. The Chair scheduled a meeting to adopt this report 90 minutes after it was supplied to government Senators. It is not humanly possible for Senators to read a 24-page interim report, analyse its content and formulate a cogent response at the same time as Senators are otherwise engaged in ordinary activities for a regular day in the Senate.

1.2 Government Senators have serious concerns about most elements of this Inquiry's conduct, but to name just a few of these concerns:

- The conduct of the inquiry has been based entirely on confected allegations of misconduct that have been comprehensively refuted by the entirety of the evidence received by the Inquiry to date;
- The inquiry has heard testimony from 11 high-ranking public officials from the Attorney-General's Department, the office of Australian Government Solicitor, the Australian Taxation Office and the Department of Treasury which have generated hundreds of pages of Hansard and have not adduced any evidence that supports the false and politically-motivated allegations upon which the Inquiry is based;
- On the contrary, the assertion in the Chair's Interim Report that there was a deal between the Western Australian and Commonwealth governments has been comprehensively disproved by evidence from the Australian Taxation Office;
- The conduct of this inquiry has diverted the personnel and resources of ministerial offices, parliamentary offices, and senior public officials, away from their core business of serving the Australian taxpayer, demonstrating once again the willingness of the Labor Party and the Greens Political Party to divert the resources of the Parliament, and the Australian taxpayer, into pointless inquiries designed to generate fake news headlines that further their own, and the unions', electoral objectives; and
- Hearings of this farcical inquiry have been scheduled at times when government Senators have advised they are not available, denying witnesses the procedural fairness implicit in the conduct of a reputable parliamentary inquiry.

1.3 The Chair's Interim Report makes repeated references to, and allusions about, whether a direction was drafted that would have prevented the Commissioner of Taxation from intervening in the Bell Act matter. Evidence to the inquiry has amply demonstrated that no such direction was ever issued. Additionally, as the Chair's Interim Report itself quoted (at 2.40):

Neither the commissioner nor I, or any other decision-maker in the ATO, were lent on by a minister or their office or directed to do anything other than what we did.¹

1.4 It is clear from the evidence that the Attorney-General has at all times acted with the utmost propriety, in accordance with advice and established legal processes, and has defended the Commonwealth's interests in a manner that would satisfy the most diligent scrutiny. The evidence shows that the Attorney-General's account of his involvement in matters relating to the Bell Act is absolutely truthful and unchallengeable.

Senator the Hon Ian Macdonald
Deputy Chair

Senator David Fawcett

¹ Mr Mills, ATO, *Committee Hansard*, 7 December 2016, p. 2.