

Senate Standing Committee on Education and Employment

QUESTIONS ON NOTICE Additional Estimates 2014 - 2015

Agency - Fair Work Building and Construction

Department of Employment Question No. EMSQ15-000013

Senator Cameron asked on 26 February 2015 on proof Hansard page 120

Relates to previous Department of Employment Question No EM1521_15 and EM1555_15

Question

FWBC - Standing Order 10, public immunity claims

Senator CAMERON: So, Mr Hadgkiss, in relation to EM1521_15 and EM1555_15—that is in relation to this correspondence with Mr Ashton—are you claiming that you do not need to answer that question?

Mr Hadgkiss: Yes.

Senator CAMERON: On what basis?

Mr Hadgkiss: Public interest immunity—and the fact that—

Senator CAMERON: What is the public interest immunity—

Mr Hadgkiss: Twofold: it was destroying our relationship with Victoria Police—a very cordial relationship with a free exchange of information and, moreover, it could jeopardise an ongoing investigation, were we to divulge what we have provided to Mr Ashton.

CHAIR: How long has this been going on? Doug, there are other senators with questions.

Senator CAMERON: What you have to do are two things: you have to provide a statement on the grounds of nondisclosure and you have to specify the harm to the public interest that disclosure may cause.

Senator Abetz: All right, we will take that on notice.

Answer

In accordance with Senate Standing Order 10, it is not in the public interest to disclose the requested documents to the committee on the grounds of potential harm to ongoing working relationships and information sharing arrangements with law enforcement agencies.

Disclosure would not be in the public interest as it would:

- disclose lawful methods or procedures for preventing, detecting, investigating, or dealing with matters arising out of breaches or evasions of the law, the disclosure of which would, or would be reasonably likely to, prejudice the effectiveness of those methods or procedures
- prejudice the maintenance or enforcement of lawful methods for the protection of public safety
- damage relations between the Commonwealth and the States

The public interest in disclosure is outweighed by the public interest in the confidential handling of sensitive allegations to ensure their effective investigation and the avoidance of prejudice to potential legal proceedings that might flow from such.