

Senate Standing Committee on Education and Employment

QUESTIONS ON NOTICE Budget Estimates 2015 - 2016

Agency - Fair Work Building and Construction

Department of Employment Question No. EMSQ15-000154

Senator Cameron asked on 09 June 2015 on proof Hansard page 117

Relates to previous Department of Employment Question No EM1555_15

Question

FWBC - Copies of correspondence/public interest immunity claims

Senator CAMERON: I want to move to question EM1555_15. This is the correspondence with Mr Ashton of the Victoria Police. I had asked for copies of correspondence in relation to this issue. Mr Hadgkiss responded that, in accordance with Senate standing order 10—which is the public interest immunity claim—the disclosure would not be in the public interest. He then lays out three avenues under which he seeks public interest immunity. The first one—and maybe I can get some clarity from Mr Hadgkiss on this claim—is that by providing the information, 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 be reasonably likely to prejudice the effectiveness of those methods or procedures. I am totally unclear, Mr Hadgkiss, how you could argue this point, given that the Victoria Police are an organisation that deals with criminal matters, while your is an organisation that has no jurisdiction at all over criminal matters. How then does this stand in terms of procedural order of continuing effect No. 10? What aspect of the procedural order do you seek to bring to play on this issue?

Mr Hadgkiss: I think I have said quite explicitly why it would not be in the public interest.

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Senator CAMERON: Mr Hadgkiss, you have indicated that you are going to take this issue on notice yet again, but you do agree that this answer was basically a public interest immunity claim? Is that what you were seeking to do there?

Mr Hadgkiss: I am. I think I said that what you are asking me about is matters of some legal complexity, and I am seeking leave to answer.

Senator CAMERON: You are seeking to take it on notice?

Mr Hadgkiss: To take it on notice, sorry.

Senator CAMERON: Can I ask you then, when you do take this on notice, to go to each of the areas where you have argued public interest immunity and provide in your response the reasons why these meet procedural order No. 10 on public interest immunity claims.

Mr Hadgkiss: Yes.

Senator CAMERON: On that basis, we will wait and see what the response is.

Answer

The agency is in the process of obtaining legal advice on this matter.