

**Senate Committee: Education and Employment**

**QUESTION ON NOTICE**

**Supplementary Budget Estimates 2016 - 2017**

**Outcome: Cross Portfolio**

**Department of Education and Training Question No. SQ16-000851**

Senator O'Neill, Deborah asked on 20 October 2016, Proof Hansard page 21

***Material reviewed by ANAO***

**Question**

Senator JACINTA COLLINS: Dr Bruniges, were you aware of the material the ANAO looked at in reaching its conclusions? Did they go back to Ms Paul's certification and the material that was before her at that time?

Dr Bruniges: Again, I am not sure what material. The ANAO had—

Senator JACINTA COLLINS: It is the legal advice that they are obviously referring to.

Dr Bruniges: That is correct. The department, in any audit, would provide documentation to the ANAO, or sometimes ANAO staff work within the department and extract files and advice. But I am really not across the nature of how many and what they had.

Senator JACINTA COLLINS: So you can take that on notice in the way we discussed?

Dr Bruniges: Yes. I would have to check with the ANAO if they are happy to release whatever documentation they have got, or whatever they did.

Senator O'NEILL: I am particularly interested in the legal advice. I just signal that.

Dr Bruniges: Can I take that on notice.

**Answer**

The department is unable to disclose the legal advice (beyond what was disclosed in the Australian National Audit Office report) on the grounds of legal professional privilege. In particular, the legal advice should not be further disclosed to ensure that the department is able to receive full and considered legal advice in the future and to ensure that the Commonwealth's position in legal matters generally is not unduly compromised.