SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
ATTORNEY-GENERAL'S DEPARTMENT

Group 3

Question No. 48

Senator Ludwig asked the following question at the hearing on 24 February 2014:

Senator Brandis: I have provided no advice to the Department of the Prime Minister and Cabinet on the issue of public interest immunity in relation to this matter. I have had discussions with the Prime Minister but I provided no advice to the department. As to others at the table, they can answer for themselves.

Senator LUDWIG: I only wanted to pause you there, Senator Brandis, because the advice from PM&C this afternoon suggests there is such advice. So if it was not from you—although they did identify the Attorney-General—I wanted to make sure everyone had an opportunity to correct that record. Was it from you, Mr Govey?

Mr Govey: It was advice provided from the Australian Government Solicitor.

Senator LUDWIG: Senator Brandis, were you aware of that advice?

Senator Brandis: No.

Senator LUDWIG: And that advice has gone straight to the Prime Minister and Cabinet?

Mr Govey: I cannot recall whether it went straight to the Prime Minister and Cabinet or whether it went to the Attorney-General's Department first.

Mr Wilkins: I am not sure why you are looking at us.

Senator LUDWIG: Mr Wilkins, I hazard to ask you this question: were you aware of any advice? I thought I had already asked that but, as Senator Brandis clearly said, he was not and I think Mr Govey has confirmed that.

Mr Wilkins: Yes, I was aware that the AGS had given advice.

Senator LUDWIG: On what date?

Mr Wilkins: I do not know.

Senator LUDWIG: Would you like to take it on notice?

Mr Wilkins: We can take it on notice, yes.

The answer to the honourable senator's question is as follows:

The AGS provided advice to the Department of Prime Minister and Cabinet on the issue of public interest immunity in the Royal Commission into the Home Insulation Program on 23 December 2013. This advice was copied to the Attorney-General's Department at the time it was provided.