

## QUESTION TAKEN ON NOTICE

### BUDGET ESTIMATES HEARING : 22 May 2017

#### IMMIGRATION AND BORDER PROTECTION PORTFOLIO

#### **(BE17/025) - Settlement offer in regard to Victorian Supreme Court - Programme 1.5: IMA Offshore Management**

Senator McKim, Nick (L&CA 81-82) asked:

Senator McKIM: My question is: has the Australian government made an offer of settlement in regard to the Victorian Supreme Court?

Mr Pezzullo: And my previous answer was I was not going to canvass—

Senator McKIM: Well, it is not actually up to you, Mr Pezzullo. If the minister wants to make a public interest immunity claim, he can, but you cannot make that claim.

Mr Pezzullo: I refer the matter to the minister. The immunity claim would be in relation to it being a live litigation. It is on foot, and I would—

Senator McKIM: Before the minister responds, I remind him that the Senate has previously agreed that legal professional privilege is not an acceptable ground for a public interest immunity claim. So, Minister, are you making a public interest immunity claim on that? If so, on what basis, and specifically what is the public interest?

Senator McGrath: I have nothing further to add.

Senator McKIM: Are you making a public interest immunity claim or not?

Senator McGrath: I have nothing further to add to the—

Senator McKIM: You have not said anything. How can you add anything to it?

Senator McGrath: I will take it on notice.

Senator McKIM: I beg your pardon?

Senator McGrath: I will take it on notice.

Senator McKIM: Mr Pezzullo, has the government made an offer of settlement in the Victorian Supreme Court case?

Senator McGrath: The secretary has referred it to me, and I am saying I am taking it on notice. I am taking your question on notice.

Senator McKIM: The question in regard to whether or not we have made a settlement offer, or the issue of whether or not you are making a public interest immunity claim?

CHAIR: [inaudible]

Senator McKIM: Maybe he does need riding instructions from you. I do not know.

CHAIR: [inaudible]

Senator McKIM: He is.

CHAIR: It is obvious from what he has said. Senator McKIM: Minister, which specific question are you taking on notice?

Senator McGrath: Because of the way you have worded it, they are both connected. So they have both been taken on notice.

Senator McKIM: They have both been taken on notice. All right. Could you also take on notice: what is the quantum of any settlement offer that may have been made by Australia?

Senator McGrath: Sure.

*Answer:*

On 14 June 2017, the Minister for Immigration and Border Protection confirmed that the Commonwealth and the other parties to the action have agreed to the settlement of the Victorian Supreme Court matter, subject to approval by the Court.