

Senate Standing Committee on Finance and Public Administration

ANSWERS TO QUESTIONS ON NOTICE

Prime Minister and Cabinet Portfolio

Department of the Prime Minister and Cabinet

Budget Estimates Hearing 26 May - 27 May 2008



Question: PM72

Outcome 1, Output 5.2

Topic: Disclosure of documents

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Senator Murray asked: I wonder whether you would consider taking this question on notice: is the government of the view that the grounds that I outlined in general still apply in that the release of the documents at that time were likely to contaminate any discovery process and prejudice parties' legal rights or be subject to the sub judice convention?

Senator Faulkner-I am happy to take it on notice but I would mention a caveat here which, again, is a timing issue. Obviously, it may not be possible to respond to such a question within the normal time frame for the committee, depending, as you would appreciate, on the timing of the government decision. These things are not always reflected in tables of answers to questions on notice.

Answer: The government is not aware of any legal proceedings presently on foot in respect of the waterfront dispute, though further litigation in this regard cannot be ruled out.

It is noted that if release of the documents were to be sought now or at some future time, a range of considerations would need to be taken into account in determining whether to release the documents, potentially including the interests of the person requesting release, the interests of third parties whose legal positions might be affected by release and other aspects of the public interest.