

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

Program 1.3

Question No. 36

Senator Brandis asked the following question at the hearing on 16 October 2012:

Senator BRANDIS: But, once the dispute has been resolved by a subsequent settlement, the history of earlier offers is of historical interest only; it cannot prejudice the party. So, Mr Wilkins, the first offer—the offer on 13 June—was not an offer for the payment of any money at all to Mr Ashby?

Mr Wilkins: I am not sure; I have not read it.

Senator BRANDIS: It seems to be right there. So, Madam Chair, if we can have another—

Mr Wilkins: That seems to be correct.

Senator BRANDIS: Correct; all right. Was the offer of 13 June an offer based on counsel's advice or advice from the AGS or from both?

Mr Wilkins: It was based on advice, yes.

Senator BRANDIS: From counsel, the AGS or both?

Mr Wilkins: I do not know, Senator.

Senator BRANDIS: Mr Damien O'Donovan, sitting behind you, I am sure would know. Perhaps you could ask him.

Mr Wilkins: I will have to take it on notice, Senator.

Senator BRANDIS: All right. The offer of 5 September was the \$15,000 offer. Was that based on counsel's advice?

Mr Wilkins: We will take it on notice, Senator.

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

The offer of 13 June 2012 was based on the advice of both counsel and the Australian Government Solicitor (AGS).

The offer of 5 September 2012 was based on the advice of both counsel and AGS. The offer of 5 September did not include an offer of \$15,000. The offer of \$15,000 was made at a settlement conference on 21 September 2012. The offer of \$15,000 was based on the advice of both counsel and AGS.