



Special Minister of State

DPC 2015-16 FPO PH QoNs
Q. 17 response

04 MAR 2017

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Mr Danny Pearson MP
Chair
Public Accounts and Estimates Committee
Parliament House, Spring Street
EAST MELBOURNE VIC 3002

D17/37799

Dear Mr Pearson

I understand that, at the hearing of the Public Accounts and Estimates Committee on 16 February 2016, the Secretary of the Department of Premier and Cabinet took on notice a request from the Deputy Chair to:

- provide the Committee with the legal advice received on the merits of the matter referred to the Ombudsman by the Legislative Council on 25 November 2015; and
- if the Committee's request for that advice is refused, indicate the reasons why that decision was taken.

As Minister responsible for the *Ombudsman Act 1973*, I am responding to the Committee's request to the Secretary.

Consistent with the Attorney-General's letters to the Clerk of the Legislative Council dated 14 April 2015 and 29 April 2016, the Government has determined that the release of the requested legal advice would be prejudicial to the public interest. In particular, disclosure of the requested advice would have one or more of the following effects:

- revealing confidential legal advice to the Executive Government;
- prejudicing legal proceedings; and
- revealing, directly or indirectly, the deliberative processes of Cabinet.

Accordingly, the Government claims executive privilege in relation to the requested legal advice. On that basis, I have informed the Secretary that he is not to produce the advice to the Committee in response to its request.

Gavin Jennings MLC
Special Minister of State

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

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Received