



SENATOR THE HON GEORGE BRANDIS QC

ATTORNEY-GENERAL LEADER OF THE GOVERNMENT IN THE SENATE

TRANSCRIPT – DOORSTOP, PARLIAMENT HOUSE, CANBERRA

28 November 2016

Topics: Bell Litigation; overreach and recklessness of Mark Dreyfus and Bill Shorten.

E&OE.....

Well ladies and gentlemen, Mr Dreyfus and Mr Shorten have in the last several days been saying some extraordinarily reckless and foolish things in relation to the Bell Litigation. The things they've said have no basis whatever, in fact. No basis whatever. But I'm sorry to say that we live in an era so far as the Labor Party and the Greens are concerned, what has lately become known as post-truth politics. It is absolutely of no concern to Mr Dreyfus that he will lie through his teeth, that Mr Dreyfus is prepared to lie and lie again to make things up, to fantasise, to make the most reckless and offensive allegations with no facts to support him whatsoever.

As I explained in the detailed and very full statement that I have just given the Senate, at all times Commonwealth Ministers, including me, acted to protect the interests of the Commonwealth, we acted upon Solicitor-General's advice, the interests of the Commonwealth were protected, the Commonwealth's position, the position that the Commonwealth took in relation to the Income Tax Assessment Act, which was the principle issue before the High Court, was resolved on terms favourable to the Commonwealth.

It's time for Mr Shorten and Mr Dreyfus to stop playing the politics of smear, to stop engaging in serial lying, to stop indulging themselves in post-truth politics, and to start focussing on real issues that matter to Australian families.

JOURNALIST: Senator what do you say about the administration of the Abbott and then the Turnbull Governments, that a treasurer can appear to enter into a deal, which is not communicated to any other Minister or documented?

ATTORNEY-GENERAL: Well I can only say what I know and what I know, what I learnt in March of this year, is that there was an exchange of correspondence between the then federal Treasurer and the Treasurer of Western Australia. I tabled that correspondence. In my view that correspondence, as I said in my statement, does not constitute or evidence a deal.

JOURNALIST: Does this call into question Ambassador Hockey's credibility and should he be recalled?

ATTORNEY-GENERAL: No, it doesn't at all, not slightly. As I said in response to your colleague, the evidence we have of the discussion or discussions between Mr Hockey and Dr Nahan, is that contained in the exchange of letters of April 2015, which do not evidence, let alone constitute, an agreement.

JOURNALIST: You said you showed your statement to Kelly O'Dwyer and Christian Porter and that they had approved it. Did you show the statement to Joe Hockey or have you spoken to...

ATTORNEY-GENERAL: I'm not going to go into what discussions I may or may not have had. I was very eager today to give a thorough, factual account of these events because so much dishonesty, so much misinformation has been maliciously propagated by Mr Dreyfus and Mr Shorten. So now that the facts are on the table, the sequence of events is on the table, who said what to whom and when the relevant events occurred, has been dealt with methodically in the statement I made, I hope that now the public will see through Mr Dreyfus and Mr Shorten.

JOURNALIST: One of the main allegations last week was that you effectively told Justin Gleeson to run dead in the High Court.

ATTORNEY-GENERAL: That is not the truth and he did not.

JOURNALIST: Senator, you didn't outline, did you, the instructions that you gave to Mr Gleeson, or did I miss that?

ATTORNEY-GENERAL: Mr Gleeson was instructed to appear, he was already appearing on behalf of the Australian Tax Office. That was the main issue in the case, an issue about whether the Western Australian act was consistent with federal tax law, and the argument that he ran, and which succeeded, was that it wasn't, and the Western Australian Act was struck down on that basis. Mr Gleeson also is of the view, which I accepted, that there should be, that the Commonwealth of Australia should intervene in the proceedings, in case it became necessary to argue a different legal point, a point about the Corporations Act. Ultimately, the basis upon which the case was decided by the High Court is entirely about the first point, that is, whether there was an inconsistency between the Western Australian state Act and Commonwealth revenue law. The second point, the point concerning which Mr Gleeson, out of, in a sense, out of abundant caution, wanted the Commonwealth to intervene and which I instructed him to intervene having considered his advice, was not considered by the Court in its reasons for decision.

JOURNALIST: Are you saying that in your involvement in these events, there was no negative impact on your relationship with Solicitor-General Gleeson? It was not affected by these events, or was it?

ATTORNEY-GENERAL: No, I don't think so. Mr Gleeson had some views about whether the Commonwealth should intervene in its own right to argue a point about the Corporations Act. I thought that the case would be decided upon the main point, that is the Income Tax Assessment Act point. That is in fact what ultimately happened. But nevertheless, Mr Gleeson put to me a view and having considered what he said to me, I accepted his view and that's what we did. Thank you.

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