

## Select Committee Production of Documents Clerk of the Victorian Legislative Council submission

I am pleased to make a submission to the Tasmanian Legislative Council Select Committee on the Production of Documents.

This submission outlines the Council's history with disputes over production of documents by the House and its Committees with the Government since 2007. Most significantly, in 2016, the Leader of the Government in the Council was suspended for six months for non-compliance with Council orders. This was despite a Standing Order that allowed for the appointment of an independent legal arbiter to evaluate disputed documents. That Standing Order remains but has never been activated.

### Background

Following changes to the Victorian Constitution in 2003, a proportional representation voting system was introduced to the Legislative Council for the 2006 state election. This led to a non-government controlled Upper House in the 56<sup>th</sup> Parliament.

On 14 March 2007, a process for Production of Documents was agreed to by the Council via Sessional Orders. The Member moving the Sessional Order at the time argued that the:

- power already exists under the Constitution
- Sessional Order was formalising a mechanism to regulate this existing power
- power already exists in Standing Orders in relation to Committees (in that "a select committee may send for persons, documents and other things").

This was the first formalisation of rules underpinning the production of documents in the Council. This remained in place for the remainder of that Parliament (the 56<sup>th</sup> Parliament). In the next Parliament, no Sessional or Standing Orders for production of documents were adopted. Nevertheless, the Council agreed to 38 orders for documents during the 57<sup>th</sup> Parliament, based on the inherent right of the House that they had that authority (under section 19 of the *Constitution Act 1975*).<sup>1</sup>

At the end of the 57<sup>th</sup> Parliament, the Leader of the Government moved for the introduction of a new Chapter in the Standing Orders for Production of Documents, which was agreed to and is still in the current Standing Orders (see Attachment A). These Standing Orders were modelled on the New South Wales Legislative Council rules.

### Process for the order for the production of documents

1. The House agrees to a motion. The order must contain a date for the provision of the documents. Documents must actually exist at the time of the request.
2. The Clerk advises the Secretary of the Department of Premier and Cabinet of the terms of the resolution.
3. A preliminary reply without documents is a common response (for instance, the Government indicating that they require additional time to assess the terms of the request).

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<sup>1</sup> Section 19(1) of the *Constitution Act 1975*:

#### **'19 Privileges powers etc. of Council and Assembly**

(1) The Council and the Assembly respectively and the committees and members thereof respectively shall hold enjoy and exercise such and the like privileges immunities and powers as at the 21st day of July, 1855 were held enjoyed and exercised by the House of Commons of Great Britain and Ireland and by the committees and members thereof, so far as the same are not inconsistent with any Act of the Parliament of Victoria, whether such privileges immunities or powers were so held possessed or enjoyed by custom statute or otherwise.'

4. Documents may or may not be received by the Clerk. All return to orders are tabled in the House (a return to order includes any correspondence relating to the order).
5. All returns must include an indexed list of all the documents tabled, showing the date of creation of the document, a description of the document and the author of the document (Standing Order 11.02(3)).

### Claims of Executive privilege, appointment of legal arbiter

Standing Order 11.03 outlines the process for claims of Executive privilege. It outlines that where Executive privilege is claimed, the documents should be delivered to the Clerk and they will be available for examination by the mover of the motion only. They may not be published or copied without an order of the Council. The mover may dispute the claim in writing and the Clerk may release documents to an independent legal arbiter to assess the claim of privilege within one week.

Standing Orders 11.04 and 11.05 discuss the role of an independent legal arbiter in the process. The arbiter is appointed by the President and must be a Queen's Counsel, a Senior Counsel or a retired Supreme Court Judge. The arbiter's report must be lodged with the Clerk and made available only to members of the Council.

**In Victoria, no Government has complied with standing orders to enable the use of the legal arbiter process.** Governments have adopted the practice of claiming Executive privilege and withholding the material subject to their claim, rather than following the process set out in Standing Orders. Given this procedure has not been utilised in Victoria, how it would transpire in practice is unknown.

The current Government provided detailed advice setting out its view of how Executive privilege claims should be made and the grounds that may constitute such claims (see letter in Attachment B). This advice was conveyed to the House as correspondence and formed part of a return to a specific order. The Government has continually referred to this letter when making subsequent Executive privilege claims.

I do not agree with the Attorney-General's assertion in the attached letter that the Council's powers are trumped by a Government's claim of Executive privilege. While there are legitimate reasons to withhold certain documents from publication, the powers and privileges of the Council mean that it is for the House to decide this on a case-by-case basis, aided by an independent arbiter.

This practice, of claiming Executive privilege and withholding documents, is problematic as there is no independent assessment as contemplated by the House, meaning the Government regards itself as the sole arbiter of its own claim.

### Statistics

The following Table shows the number of orders for production of documents made by the House in each Parliament and the total number of documents produced in relation to these orders.

Parliament	Original orders	Documents produced in full and/or in part
56 <sup>th</sup>	39	1382
57 <sup>th</sup>	38	467
58 <sup>th</sup>	35	1586
59 <sup>th</sup> (2018 - )	5	133

## Resolving disputes arising from the non-production of documents

**The House has no agreed upon process to resolve disputes that arise from production of documents requests.** Some common practices have emerged in both the House and in Committees, however, there has been no formalised agreement of these.

**For document requests in the House,** motions that escalate the matter have been common. Following an initial documents request which has not been complied with, further motions have been moved and debated in the House that have:

- reasserted the power of the House to request documents
- required the documents by a new date
- censured the Leader of the Government and/or found them guilty of contempt
- suspended the Leader of the Government for a set period of time.

**For document requests by Parliamentary Committees,** where the Government has refused initial requests and attempts to reach a negotiated solution have failed, practice has usually involved the Committee issuing a summons for the documents. Where this action fails, the Committee's strongest avenue is to report back to the House and/or utilise a House procedure to progress the process.

Instances of these practices occurring in the Council and its Committees are outlined below.

### Council Select Committee – Gaming Licensing and 22 November 2007 suspension of the Leader of the Government

In February 2007, a Select Committee was established to inquire into Gaming Licensing. The Committee issued a number of summonses to Government Departments relating to the issuing of gaming licences. Following non-compliance with this call for documents, the Committee tabled an interim report in the House, noting that the Attorney-General unilaterally intervened to discourage the production of key documents sought by the Committee. The Government made broad claims of Executive privilege, statutory confidentiality, and commercial-in-confidence.

The Committee sought direction from the House and a legal opinion was obtained from Mr Brett Walker SC, which essentially dismissed the bulk of the Government's claims and confirmed the Council and Committee powers to order the production of documents. A copy of this legal opinion can be accessed [here](#).

The Government rejected Mr Walker's opinion on the powers of the Council and committees to call for documents, and as such the Committee was unable to take any further action with respect to non-compliance with summonses. In a further report to the House, the Committee concluded that:

*'Significant disagreement exists between the Legislative Council and the Government regarding the power of the Legislative Council and its committees to compel the production of documents and papers. It is likely these matters will only be resolved by judicial determination.'*

During the Select Committee's inquiry, the Opposition concurrently sought documents (on 19 September 2007) relating to public lotteries licensing through the House. On 10 October 2007, following the tabling of the Select Committee's Second Interim Report that day (which included the legal opinion described above), the House concurrently debated and agreed to three motions:

1. a follow up motion relating to the House's original documents motion of 19 September 2007
2. a motion to take note of the Attorney-General's letter relating to the production of those documents
3. a motion to take note of the Select Committee's Second Interim Report on Gaming Licensing.

On 31 October 2007, the Leader of the Opposition, Mr Philip Davis, moved a motion that was agreed to, **noting the refusal** of the Leader of the Government, Mr John Lenders, and the Government to comply with the Council's original resolution to table certain documents relating to public lotteries licensing. The motion **also censured Mr Lenders for this failure to comply with the resolution**.

On 21 November 2007, the House agreed to a motion concerning the refusal of the Government and the Leader of the Government to comply with resolutions of the Council to provide certain documents. This motion set out a number of components including:

- a statement of the House's belief that the Government's **non-compliance amounted to 'a serious attack against the powers, privileges and immunities of the Council'**;
- **an assertion that appropriate sanctions should be imposed** for such obstructions to the performance of the Council and that, therefore, it **'adjudges the Leader of the Government guilty of contempt of the Council'** for his failure to comply with Council resolutions; and
- **an order** that the Leader of the Government, on behalf of the Government, **lodge the specified documents** with the Clerk by 4.00 p.m. on the following day, and advised that if the specified documents were not received by that time, the **Leader of the Government would be suspended from the Chamber for the remainder of that sitting day**.

The motion also stated that in the event the documents were not received, further sanctions would be imposed upon the Leader of the Government 'for his persistent obstruction of the business of the Council.'

On the following sitting day, at 4.00 p.m., **the President, bound by the Council's resolution, suspended the Leader of the Government, Mr John Lenders, for the rest of the day**, as the specified documents had not been lodged.

#### [Leader of the Government suspensions](#)

Mr John Lenders was the Leader of the Government in the 56<sup>th</sup> Parliament and Mr Gavin Jennings was the Leader of the Government in the 58<sup>th</sup> Parliament. Their suspensions are outlined below. In each instance, the Government refused to comply with the Standing/Sessional Orders and the Leader of the Government served the full term of the suspension set out by the House.

#### [John Lenders suspensions](#)

During the 56<sup>th</sup> Parliament, the Leader of the Government, Mr John Lenders was suspended from the House on three occasions for the Government's failure to comply with documents orders. The first of these suspensions is described above, related to gaming licence documents requested by the House as a result of a Select Committee Inquiry. The second suspension related to tender documents requested from the Department of Transport (outlined below). The third suspension occurred in the final sitting week of the Parliament and related to the non-production of documents in relation to multiple orders that had occurred over the Parliament (outlined below).

#### [Rail and tram franchise tender documents – suspension on 11 June 2009](#)

The following timeline of events outlines the second suspension of the Leader of the Government in relation to a different documents order:

- 10 September 2008 – Mr Barber (Greens party) moved motion for the production of Department of Transport tender documents for rail and tram franchises – to be provided by 7 October
- 15 October 2008 – the Department did not comply with the Council's resolution. Mr Barber moved that the Leader of the Government table the required documents by 28 October 2008
- 28 October 2008 – Letter from Attorney-General tabled noting that the Government was still considering the request "in line with the principles governing the release of Government documents to a House of Parliament and any potential claim of Executive privilege"

- 11 November 2008 – The Government provided a limited number of the documents and claimed Executive privilege in relation to others
- 4 February 2009 – Mr Barber moved a motion **rejecting the claim of Executive privilege**, asserting the Council's right to scrutinise the Government and **censuring the Leader of the Government** and demanding the documents by 24 February
- 1 April 2009 – The House agreed to a further motion, which adjudged that the Leader of the Government was **guilty of contempt of the Council for his failure to fully comply with the order to produce the documents**
- 10 June 2009 – The documents had still not been produced and a further motion from Mr Barber was agreed to giving the Government until 12 noon the following day or Mr Lenders would be suspended from 2.00 pm for the remainder of the day
- 11 June 2009 – The Government did not comply with the order and Mr Lenders was **suspended**.

#### *Overall documents orders – suspension on 5 October 2010*

On 5 May 2010, the House agreed to a motion that demanded the Leader of the Government lodge with the Clerk by 25 May 2010 all outstanding documents referred to for examination by an independent legal arbiter.

On 15 September 2010, the House **resolved to suspend the Leader of the Government** from the service of the Council if he failed to comply fully with the documents orders by 4.00pm on 22 September 2010. The documents were not produced and the **Leader of the Government was suspended** from 2.00pm on 5 October 2010 until 12 noon the following day (this was the final sitting week of the 56<sup>th</sup> Parliament).

#### *Gavin Jennings suspension*

During 2015 and early 2016, 14 orders for the production of documents were made in the Council, with the Government providing some documents requested in full and claiming Executive privilege over others. Some documents were providing in part (with redactions) and others were not provided at all.

On 25 May 2016, the Council agreed to a motion:

1. noting the continuing failure of the Leader of the Government to comply with production of documents orders
2. noting the failure of the Government to comply with the further resolution of the Council reaffirming the requirement for the Leader of the Government to table the documents
3. reaffirming the privileges, immunities and powers conferred on the House by section 19 of the *Constitution Act 1975*, which includes the right to require the production of documents, and the power to make Standing Orders under section 43 of that Act
4. finding the Leader of the Government **guilty of a contempt** of the Council for his failure, on behalf of the Government, to comply, to the satisfaction of the Council, with the resolutions of the Council
5. **suspending the Leader of the Government** from the service of the Council from 12 noon on the next Tuesday the Council sits following the adoption of the resolution **for six months**
6. **requiring a further resolution of the House to 'lift the suspension'** should the specified documents be subsequently lodged with the Clerk.

The Leader of the Government, Mr Gavin Jennings was **suspended from the House** from the following sitting week, Tuesday, 7 June 2016, **for six months**, returning to the Chamber on Thursday, 8 December 2016 (the last sitting day of 2016).

This suspension was far longer than the 'remainder of the sitting day' suspensions that the House imposed during the 56<sup>th</sup> Parliament. It is worth noting that the motion included the requirement that

the suspension may only be lifted by a further resolution in the event that the relevant documents were lodged. This mechanism was included with the express intention of vesting the judgement as to what constitutes compliance with a production of documents order with the House, rather than the Clerk as would have been the case with an automatic cessation upon lodgement.

During the suspension, the major parties discussed mechanisms for appointing a legal arbiter, however, agreement was not reached.

#### [Joint Investigatory Committee – Inquiry into the CFA Training College at Fiskville](#)

On the first sitting day of the 58<sup>th</sup> Parliament, the Government referred an inquiry relating to the CFA Training College at Fiskville to a Joint Investigatory Committee. Part of the terms of reference required a “historical study” of what happened at the College including “a study of the role of past and present executive management at Fiskville”. To achieve this, the Committee sought access to 40 years’ worth of documents.

In November 2015, the Committee tabled a [Special report on production of documents](#). The purpose of the report was to notify the Parliament that the Committee was experiencing obstacles in its Inquiry relating to the non-disclosure of documents requested from the CFA by summons under the *Parliamentary Committees Act 2003*. The documents requested involved CFA Board papers which were deemed essential in assessing the executive management at Fiskville.

A summary of the actions taken by the Committee to request and resolve the non-production of documents dispute are outlined below. Further details can be found in the [reports tabled by the Committee](#).

The Committee:

- Requested documents, summonsed documents, affirmed the right of the Committee to call for documents and advised that it was for the Committee to assess the claims of Executive privilege over documents
- Took a variety of other actions, including —
  - writing to the Premier
  - reporting publicly to Parliament (via the special report described above)
  - questioning the CFA about production of documents at public hearings
  - detailing the CFAs production of documents process in the final report (see pages 39 to 57 of the [Committee’s final report](#))
  - recommending changes to the Government’s guidelines to agencies for cooperating with committee inquiries
- Negotiated other solutions regarding documents, for example, the Committee undertook not to disclose documents or their contents that were unrelated to Fiskville and not to refer to any content in documents at public hearings or in any report that could prejudice court proceedings.

#### [Standing Committee on Legal and Social Issues – Inquiry into Youth Justice Centres in Victoria](#)

The Legal and Social Issues Standing Committee (Council Committee) received an inquiry from the Legislative Council in November 2016 to examine youth justice centres in Victoria.

As part of their Inquiry, the Committee requested specific documents from the Department of Health and Human Services (DHHS). The following timeline outlines the documents process that occurred in relation to this request:

- 7 February and 3 May 2017 - Committee sent two letters to DHHS requesting the (‘Muir’) reports



- 2 June 2017 - The Committee received correspondence from Minister Mikakos referring to the Attorney-General correspondence to the House (see Attachment B) 'which notes the limits on the Parliament's power to call for documents' and claiming Executive privilege
- 8 June 2017 - The Committee issued a summons to DHHS
- 16 June 2017 – The Secretary of DHHS responded stating that 'the Attorney-General has directed me to abide by the claim of Executive Privilege'
- 22 June 2017 - The Committee wrote to Minister Mikakos stating that Executive privilege had not been properly claimed and that the reports should be provided, explaining that to claim Executive privilege they would need to provide the reports and give reasons for the claim
- 23 August 2017 - Ms Fitzherbert, the Committee's Chair, moved the following motion in the House requesting the documents, which was agreed to by the House on the same day:

Ms Fitzherbert moved, That this House —

(1) notes that —

- (a) the Legal and Social Issues Committee requested a copy of the Muir Reports from the Minister for Families and Children in writing in February and this was refused on the grounds of executive privilege;
  - (b) the Community and Public Sector Union gave evidence to the Committee on 30 May 2017 that it was provided with a copy of the Muir Report by the Department of Health and Human Services;
  - (c) on 8 June 2017 the Committee served a summons on the Secretary of the Department of Health and Human Services, requiring her to provide a copy of the reports to the Committee by Friday, 16 June 2017;
  - (d) the Secretary has advised she was directed by the Attorney-General not to comply with the summons, in a letter dated 16 June 2017;
  - (e) the Muir Reports are integral to the current inquiry into youth justice that is being undertaken by the Committee; and
- (2) in accordance with Standing Order 11.01, requires the Minister for Families and Children to table in the Council by 12 noon on Thursday, 7 September 2017 copies of the two security reviews of critical incidents in the youth justice system in October 2015 and Muir reports), and any responses should conform with Standing Orders 11.02(3) and 11.03(1)(a).

- 7 September 2017 - the redacted reports were provided to and tabled by the Clerk in the House.

### Concluding remarks

In Victoria, a parliamentary committee has the unequivocal power to summons both persons and documents.

However, if the Executive or any other person refuses to comply with a summons, the ultimate place for the dispute to be resolved is in the House. The House itself has a significant practice, developed over the past thirteen years, of ordering documents and reasserting its power to adjudicate any claims of Executive privilege. The House, through Chapter Eleven of its Standing Orders has chosen to use an independent arbiter for this purpose. The defiance of this Standing Order by successive governments has led to a clear and consistent view of the House that this is a contempt of the House, made evident by its actions to suspend Leaders of the Government.

If the Council in Tasmania chose to explore the option of an arbiter, I would emphasise that the Standing Orders of the Legislative Councils in Victoria and New South Wales differ in relation to what process takes place for Members to decide whether to dispute a claim of Executive privilege.

My understanding is that in New South Wales, any Member of the Council is entitled to view the document(s) submitted by the Executive and the claim of privilege. Any Member may then dispute such claim, activating the arbiter process.

The Victorian Standing Orders (see particularly Standing Order 11.03) permit only the mover of the documents motion to inspect the documents and to dispute a claim of Executive privilege.

There may be a view that the Victorian model ensures a lesser risk of breach of confidentiality. On the other hand, I am concerned that the Victorian model, if the arbiter process were ever activated, may not be as effective as New South Wales. In both Houses, it remains the case that the Arbiter reports to the House and it remains for the House to decide if it agrees with the Arbiter and to proceed or not at its own discretion. If an Arbiter's report is cautious in how much detail it provides because it could be published, the Members of the House, other than the mover of the motion, may not be well informed in deciding to accept or vary from the Arbiter's view.

There remains one obvious, but highly contentious option and that is to prescribe in Standing Orders that the Arbiter's decision is binding. This would raise many questions about the rightful place of the House as the ultimate arbiter of the exercise of its powers.

**Andrew Young**

Clerk of the Victorian Legislative Council

Clerk of the Parliaments



## **CHAPTER 11 - PRODUCTION OF DOCUMENTS**

### **11.01 Order for the production of documents**

- (1) The Council may order documents to be tabled in the Council.
- (2) The Clerk is to communicate to the Secretary, Department of Premier and Cabinet, all orders for documents made by the Council.
- (3) An order for the production of documents must specify the date by when the documents must be provided.

### **11.02 Tabling of documents provided in accordance with an order for the production of documents**

- (1) Documents provided in response to an order under Standing Order 11.01 will be delivered to the Clerk of the Council.
- (2) Upon receipt, such documents will be laid on the Table by the Clerk at the earliest opportunity.
- (3) A return under this Standing Order is to include an indexed list of all documents tabled, showing the date of creation of the document, a description of the document and the author of the document.
- (4) If the Council is not sitting on the date specified in the resolution of the Council under Standing Order 11.01(3), the documents may be lodged with the Clerk, and unless Executive privilege is claimed, are deemed to have been presented to the Council and published by authority of the Council.
- (5) Documents lodged under Standing Order 11.02(4) must be laid on the Table by the Clerk on the next sitting day of the Council.

### **11.03 Documents claiming Executive privilege**

- (1) Where a document is claimed to be covered by Executive privilege —
  - (a) a return is to be prepared showing the date of creation of the document, a description of the document, the author of the document and reasons for the claim of Executive privilege; and
  - (b) the documents are to be delivered to the Clerk by the date and time required in the resolution of the Council and —
    - (i) made available only to the mover of the motion for the order; and
    - (ii) must not be published or copied without an order of the Council.
- (2) The mover of the motion for the order may notify the Clerk, in writing, disputing the validity of the claim of Executive privilege in relation to a particular document or documents. On receipt of such notification, the Clerk is authorised to release the disputed document or documents to an independent legal arbiter, for evaluation and report within seven calendar days as to the validity of the claim.

### **11.04 Appointment of independent legal arbiter**

An independent legal arbiter required in accordance with Standing Order 11.03(2) is to be appointed by the President and must be a Queen's Counsel, a Senior Counsel or a retired Supreme Court Judge.

### **11.05 Report of independent legal arbiter**

A report from an independent legal arbiter appointed under Standing Order 11.04 is to be lodged with the Clerk and —

- (a) made available only to members of the Council; and
- (b) must not be published or copied without an order of the Council.

### **11.06 Clerk to maintain register**

The Clerk will maintain a register showing the name of any person examining documents tabled under this Standing Order.



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Dear Mr Young

**Production of documents – Cranbourne Pakenham Rail Corridor Project**

I refer to the Legislative Council's resolution of 25 February 2015 seeking the production of certain documents in relation to the Cranbourne Pakenham Rail Corridor Project.

There are long-established principles governing the release of Government documents to a House of Parliament. Similar principles apply in Victoria, the Commonwealth and other jurisdictions whose powers are based on historical transfer from the United Kingdom. Central to these principles is the protection of the public interest.

Pursuant to section 19(1) of the *Constitution Act 1975*, the powers of the Legislative Council to call for the production of documents are determined by reference to those powers held by the United Kingdom House of Commons in 1855 (subject to any inconsistent Act).

In 1855, the House of Commons' power to call for the production of documents was subject to clearly established exceptions. One of those exceptions was Crown privilege (now known as executive privilege). If the Government asserted that documents were the subject of executive privilege, this was a sufficient reason for refusing production to the House of Commons.

Accordingly, section 19(1) of the *Constitution Act 1975* provides that this exception represents a limit on the Legislative Council's power to call for the production of documents and that it is for the Executive Government to determine the application of the privilege to documents subject to a call for production.

In considering a claim of executive privilege, the Government must assess whether release of the information in question would be prejudicial to the public interest. In doing so, the Government considers whether disclosure would:

- reveal, directly or indirectly, the deliberative processes of Cabinet;



- reveal high-level confidential deliberative processes of the Executive Government, or otherwise genuinely jeopardise the necessary relationship of trust and confidence between a Minister and public officials;
- reveal information obtained by the Executive Government on the basis that it would be kept confidential, including because the documents are subject to statutory confidentiality provisions that apply to Parliament;
- reveal confidential legal advice to the Executive Government;
- otherwise jeopardise the public interest on an established basis, in particular where disclosure would:
  - prejudice national security or public safety;
  - prejudice law enforcement investigations;
  - materially damage the State's financial or commercial interests (such as ongoing tender processes, or changes in taxation policy);
  - prejudice intergovernmental and diplomatic relations; or
  - prejudice legal proceedings.

These principles are consistent with the obligations imposed on the public sector under the *Code of Conduct for Victorian Public Sector Employees* (which is binding under the *Public Administration Act 2004*).

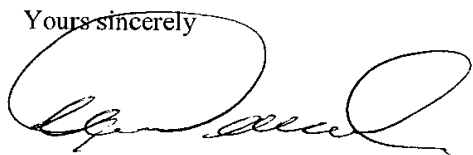
These principles exist to protect the Westminster system, including the confidentiality of the Cabinet process and the proper functioning of the public service, as well as to protect the interests of the State more broadly, including the integrity of its dealings with the private sector. They are not an unfettered power granted to the Executive Government – they are recognised, appropriate and limited exceptions to Parliament's ability to obtain documents.

The Executive Government has now assessed the documents sought by the Council against the factors listed above. The Government has determined that the release of one of the documents would be prejudicial to the public interest, as it would reveal the deliberative processes of Cabinet. Accordingly, the Government, on behalf of the Crown, makes a claim of executive privilege in relation to the document described, and on the ground set out, in the attached schedule.

The remaining documents sought by the Council's resolution have been produced by the Government. One of the documents contains the names of individuals, which have been excluded in the interests of personal privacy.

I have informed the Secretary of the Department of Premier and Cabinet of the Government's position in relation to executive privilege.

Yours sincerely



**THE HON MARTIN PAKULA MP**  
**Attorney-General**

cc: Gavin Jemings MLC, Special Minister of State, Leader of the Government in the Legislative Council  
Mr Chris Eccles, Secretary to the Department of Premier and Cabinet